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IN THE CIRCUIT COURT FOR BALTIMORE CITY, MARYLAND

STATE OF MARYLAND

COPY

VERSUS INDICTMENT NOS. 199103042, 43, 45, 46

ADNAN SYED

/ FEBRUARY 17, 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

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PROCEEDINGS

THE COURT: I want to say good morning to counsel. I also want to say I appreciate you all being here promptly and as soon as Mr. Syed gets up here we'll get under way.

MS. GUTIERREZ: We were all here a little early, can we get some extra credit to save up?

THE COURT: Extra brownie points, yes.

MS. GUTIERREZ: We might need them later.

THE COURT: You never know, you never know, if not this trial.

MS. GUTIERREZ: I was here at quarter after nine. Mr. Urick was already here.

THE COURT: All right. Well, if not on this trial, there will be another one. Very good. Counsel, please be seated. Deputy Church, if you could bring the jury in. Please be seated. I received information that Detective Ritz is back in town and is available, and also Ms. Benaroya has just confirmed that she's cleared her docket or whatever she had on her schedule for one o'clock on the 18th and she will be here, as well.

MS. GUTIERREZ: Thank you, Your Honor.

THE COURT: She calls in every morning at 9:30 just to reiterate and she did so this morning as

per our agreement.

(Whereupon, the jury entered the courtroom, after which the following proceedings ensued:)

THE COURT: I want to thank everyone for being here promptly so that we could resume this case. I also want to thank everyone for any extra effort. We've been able to resolve some matters in terms of my docket for today. So I'm happy with the fact that we can get under way. With that said, I need Ms. Warren, if you will kindly stand, raise your right hand, new day, new tape and we need to have you sworn in so the record reflects that you have taken the oath.

DEBORAH WARREN,

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

THE CLERK: You can have a seat. Please keep your voice up. State your name into the record.

THE WITNESS: Debbie Warren, 5708 Prince George's Street, Baltimore, Maryland 21207.

THE COURT: I believe we had resolved or completed the questioning by the State and at this point we have cross examination by Ms. Gutierrez.

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MS. GUTIERREZ: Thank you, Judge.

CROSS EXAMINATION

BY MS. GUTIERREZ

Q Ms. Warren, yesterday you spoke to us about that you had known for Hae for four years, right?

A Yes.

Q And you considered her to be a close friend, did you not?

A Yes.

Q And she confided in you, did you not -- did she not?

A Yes.

Q And you encouraged her to confide you in, did you not?

A Yes.

Q And she seemed to take your advice?

A Yes.

Q And she confided in you about intimate personal things, correct?

A Yes.

Q Including her own sexual relationships?

A Yes.

Q And you had known Adnan Syed for seven years, correct?

A Yes.

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Q Before high school?

A Yes.

Q And you also considered him a friend, did you not?

A Yes.

Q And he also confided in you, did he not?

A Yes.

Q And you also encouraged that confiding, did you not?

A Yes.

Q And he also seemed to take your advice?

A Yes.

Q Did he not? And throughout the time that you were friends with both of them, you sort of knew that they both liked each other, didn't you?

A Yes.

Q They both expressed that to you, right?

A Yes.

Q Hae expressed that she really liked Adnan?

A Yes.

Q And Adnan sort of expressed he liked Hae?

A Yes.

Q And that each were interested in the other as a member of the opposite sex?

A Yes.

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Q At some point Hae asked you, I think you used the word she asked you to ask him to ask her to the junior prom?

A Yes.

Q The junior prom was held on April 25th of 1998, was it not?

A Yes.

Q And the junior prom was a pretty big deal for juniors, wasn't it?

A Yes.

Q And who you went with to the prom was a pretty big deal?

A Yes.

Q And all of you, not just the three of you, but other juniors talked about who was going to go with whom, right?

A Yes.

Q And talking about relationships that any of you all had with members of the opposite sex was a constant source of information, was it not?

A For some people, yes.

Q For some people. And for a lot of the group that you hung out with?

A Yes.

Q And in that group people's relationships

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changed, did they not?

A Yes.

Q So and so would be with so and so and then they'd break up?

A Yes.

Q And then be with somebody else?

A Yes.

Q And lots of students at the school, or at least some students at the school dated each other, did they not?

A Yes.

Q And some dated people outside of school but lots of people dated other members of their class?

A Yes.

Q Or somebody older?

A Yes.

Q Or somebody younger?

A Yes.

Q But still within the Woodlawn community, isn't that correct?

A Yes.

Q But prior to Hae Min Lee asking you for you to ask Adnan for him to ask her, they never had a date?

A Correct.

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Q Correct? And they had never considered themselves an item?
A Correct.
Q And they really didn't have any kind of intimate personal relationship?
A No.
Q And nobody had asked the other out?
A Correct.
Q And although Hae had expressed her interest in Adnan to you, it was clear from what you knew that she had never expressed it to Adnan?
A Correct.
Q And although Adnan expressed his interest in her, it was clear to you that he had never expressed his interest in her to her?
A Yes.
Q Is that right?
A Yes.
Q And it's like they were both afraid to touch it, their interest in each other, was it not?
A Yes.
Q That was pretty clear to you, right?
A Yes.
Q They needed your help, didn't they?
A Yes.

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Q And when -- and it was Hae who was the initiating factor?
A Yes.
Q Okay. Because she was the one that asked you, her friend to whom she had confided her interest, to go ask the boy she liked to ask her out to the dance?
A Yes.
Q And you did that, didn't you?
A Yes.
Q Because she asked you, right?
A Yes.
Q Because you knew that really secretly he liked her?
A Yes.
Q And that he would want to invite her to the dance but he hadn't done so?
A Yes.
Q And that without a push he wouldn't do so?
A Yes.
Q Now, prior to that time and I guess he asked her out ahead of time, didn't he?
A Yes.
Q It was about a month ahead of time?
A About.

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Q In fact, in that time period and as soon as you suggested to him that he should invite Hae, he did so, didn't he?
A Yea.
Q And then they had a date, didn't they?
A Yes.
Q And then they really began to explore their interest in each other?
A Yes.
Q And they sort of quickly became an item, did they not?
A Yes.
Q And they're being an item was pretty obvious to all of you who observed them on a daily basis?
A Yes.
Q You shared a lot of classes with Hae, did you not?
A Yes.
Q And you shared a bunch of classes with Adnan, did you not?
A Yes.
Q Throughout all of the time you were all in Woodlawn in the Magna program, right?
A Yes.

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Q And so you would on school days see both of them everyday, would you not?
A Yes.
Q And during the school day there were lunch periods, were there not?
A Yes.
Q And you shared a lunch period I think with Adnan?
A Yes.
Q Yes. And during lunch you all didn't always go to the lunch room, did you?
A No.
Q In fact, your normal routine is, I think you've said that you went to the library?
A Yes.
Q And in the library others went also, did they not?
A Yes.
Q And lots of times Adnan would also be there?
A Yes.
Q And lots of times Hae would also be there, would she not?
A Yes.
Q And that's a place where a lot of these

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conversations took place?
A Yes.
Q And others in addition to you quickly noticed in the month of April before the junior prom that they were now open about being with each other?
A Yes.
Q That they would be with each other in school almost every occasion they could?
A Yes.
Q Not just lunchtime; is that right?
A Yes.
Q And they were open and physically affectionate with each other?
A Yes.
Q They held hands?
A Yes.
Q There was an occasion in which they kissed in class?
A Yes.
Q They were very obviously new young lovers, were they not?
A Yes.
Q And to your knowledge there were others in whom they confided?
A Yes.

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Q In addition to you?
A Yes.
Q And others in whom each of them confided their real deep personal feelings?
A Yes.
Q About each other?
A Yes.
Q Now, prior to April in the seven years that you had known Adnan, you knew that he was a practicing Muslim, did you not?
A Yes.
Q He never hid that fact from you, did he?
A No.
Q And you were aware that as a practicing -- and that he came from a family that practiced Islam?
A Yes.
Q Isn't that right?
A Yes.
Q And you were aware there were other Muslims in the class, were there not?
A Yes.
Q And there were others of every religion, were there not?
A Yes.
Q But you had became aware through your

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association and friendship with Adnan that Muslims had certain restrictions about their relationships?
A Yes.
Q Isn't that true?
A Yes.
Q And that Muslims, according to the tenets of Islam, were not allowed to have dating relationships with members of the opposite sex?
A Yes.
Q Prior to marriage?
A Yes.
Q Prior to an approved marriage?
A Yes.
Q Is that right?
A Yes.
Q That Muslims because of the tenets of their faith were not only not allowed, they were certainly not encouraged by their families or anyone in their Muslim communities to do what other teens do, which is to date each other to explore how they feel about other members of the opposite sex?
A Yes.
Q Or to test it out in any way?
A Yes.
Q And Adnan never made any secret about that

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aspect of the tenets of his faith, did he?
A Can you repeat the question?
Q Adnan never made any secret about the tenets of his faith in that regard, in regard to dating?
A No.
Q And you would agree would you not that Adnan was a popular young man?
A Yes.
Q In the school?
A Yes.
Q Among boys?
A Uh-huh.
Q And among girls?
A Yes.
Q And among Muslims at the school?
A Yes.
Q And the Hindus?
A Yes.
Q And the Protestants?
A Yes.
Q And the Catholics?
A Yes.
Q And he had lots of relationships with members of his class?

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A Yes.
Q And he was an athlete?
A Yes.
Q And he was a scholar?
A Yes.
Q Although sometimes he could be a little bit lazy?
A Yes.
Q And he also worked part time, did he not?
A Yes.
Q He worked as an EMT, did he not?
A Yes.
Q That's what you were talking about yesterday; is that right?
A Yes.
Q And that was in addition to his duties as an athlete?
A Yes.
Q And that was in addition to his duties as a student?
A Yes.
Q And Adnan was someone that you knew as being a very vocal person?
A Yes.
Q And he'd express opinions about anything

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and everything that came up in class, would he not?
A Yes.
Q And also outside of class?
A Yes.
Q And the differences among the group in the Magna Program were things that you all talked about a lot, did you not?
A Yes.
Q You talked about religion?
A Yes.
Q You talked about drugs?
A Yes.
Q You talked about sex?
A Yes.
Q You talked about relationships?
A Yes.
Q Both ones you all had and others; is that right?
A Yes.
Q And Adnan particularly in class was always vocal about his opinions?
A Yes.
Q About a wide variety of subjects; is that right?
A Yes.

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Q And Hae was similarly outspoken, was she not?
A Yes.
Q And she never hesitated to express her opinion on any subject, did she?
A No.
Q Whether it was in class or outside of class?
A Correct.
Q And because you were a very good friend of Hae's you saw her outside of class, didn't you?
A Yes.
Q And you saw Adnan outside of class, did you not?
A Yes.
Q Now, in April in the month before the April 25th prom date there was a process whereby there was a prince and princess selected for the prom, was there not?
A Yes.
Q And the prince and princess for the program had some duties at the prom, did they not?
A Yes.
Q Now, did you attend the prom?
A Yes.

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Q Okay. And among those duties were that they would sort of preside over the prom?
A Yes.
Q And the prince and princess, they weren't selected by the teachers, were they?
A No.
Q They were selected by the students, weren't they?
A Yes.
Q And it was an honor to be so selected, was it not?
A Yes.
Q And one of the reasons Adnan needed to go to the prom was because he was selected by all of you, his fellow students, to be the prince?
A Yes.
Q Is that right now?
A Yes.
Q Now, it wasn't required that the prince and princess be related, was it?
A No.
Q Or that they be dating?
A No.
Q And the princess was also chosen by the students, was she not?

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A Yes.
Q And the princess for the April 25th junior prom was Stephanie McPherson, was she not?
A Yes.
Q And you knew Stephanie McPherson as long as you had known Adnan, had you not?
A Yes.
Q And you all went to the same middle school together, didn't you?
A Yes.
Q And you considered her a friend, did you not?
A Yes.
Q And she was in many of your classes?
A Yes.
Q And she was also somebody with whom you socialized outside of class, was she not?
A Yes.
Q Yes. And Stephanie, you knew had a very special relationship with Adnan, did he not?
A Yes.
Q Now, back in middle school you were aware that Adnan was a Muslim, were you not?
A Yes.
Q And back in middle school was when young

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people your age should have started into the boy/girl stuff, was it not?
A Yes.
Q Expressing interest in each other?
A Yes.
Q And back then Stephanie and Adnan were very much tight, were they not?
A Yes.
Q They considered themselves best friends, did they not?
A Yes.
Q They were always together, were they not?
A Yes.
Q And even back in middle school Adnan was popular, was he not?
A Yes.
Q And he was popular among the boys?
A Yes.
Q And girls?
A Yes.
Q And he was the subject of a lot of conversations of the girls, was he not?
A Yes.
Q Because there were a lot of girls interested in him, were there not?

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A Yes.
Q And a lot of girls expressed some disappointment like, he's a Muslim, he won't date, he's not available, did they not?
A I don't recall that.
Q You don't recall that?
A No.
Q But you were aware the girls expressed interest in him?
A Yes.
Q And based on your knowledge of him that wasn't a surprise to you?
A No.
Q And before the day that you and -- did you ask him at school to ask Hae --
A Yes.
Q -- to the prom?
A Yes.
Q You were pretty direct about that, weren't you?
A Yes.
Q Because you're a pretty direct person, are you not?
A Yes.
Q And you just walked up to Adnan and said

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come on invite Hae out, did you not?
A Yes.
Q And you gave him encouragement that Hae would accept, did you not?
A Yes.
Q And that he wouldn't be hurt if he asked her out, right?
A Right.
Q And you walked up and you spoke to your friend Adnan and told him to invite Hae to this prom where you knew that he was going to be the prom prince?
A At that time I didn't know he was going to the prince.
Q But you knew that he hadn't dated anybody that you knew of?
A At that time, no.
Q No. And you knew then that his faith forbade dating?
A Yes.
Q And that from what you knew of him that he appeared at that time to have honored that tenent?
A Yes.
Q Is that right? Now, did you approve of that tenent that young Muslim people don't date?

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A Yes.
Q You did. And it was okay with you if he followed his own religious tenets?
A Yes.
Q And you had never before approached him and tried to hook him up with some other girl?
A No.
Q Either in or out of school?
A No.
Q And you had never before challenged him and suggested that he should date like the rest of you?
A No.
Q Or engaged in a discussion designed to encourage him to break his Muslim vows or tenets or beliefs?
A Correct.
Q And he was responsive to you when you suggested that he should invite Hae to the dance and that Hae would accept?
A Yes.
Q And in the month before the 25th, by the time the 25th rolled around it was pretty clear to everybody that Adnan and Hae were into each other?
A Yes.
Q And that they were into each other in a

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public way?
A Yes.
Q And that in addition to having expressing physical affection at school, it was clear that they were dating?
A Yes.
Q Having dates?
A Yes.
Q Both alone with each other?
A Yes.
Q And together with groups of other friends to do activities?
A Yes.
Q And that they were also physically affectionate on those occasions?
A Yes.
Q With each other?
A Yes.
Q Kissing?
A Yes.
Q Hugging?
A Yes.
Q Holding hands?
A Yes.
Q Touching each other?

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A Yes.
Q Clearly expressing to anybody who could see them that they were a couple?
A Yes.
Q And they quickly began to profess a confidence like you, how they felt about each other?
A Yes.
Q That they moved each other?
A Yes.
Q That they were in love with each other?
A Yes.
Q And that they wanted to be together?
A Yes.
Q That this was the most important thing in their lives?
A Yes.
Q That they were overwhelmed by what they felt about each other?
A Yes.
Q And what each other meant to them?
A Yes.
Q They each expressed that to you, didn't they?
A Yes.
Q And because -- and Hae who you said was an

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outspoken young lady, she was also an athlete and scholar, was she not?
A Yes.
Q And she was pretty popular, wasn't she?
A Yes.
Q And she was easy to get along with?
A Yes.
Q And she was pretty well liked?
A Yes.
Q And the topic of the two of them, these two popular students whom everybody seemed to like became the subject of a lot of conversation, did it not?
A Yes.
Q Among all of the students?
A Yes.
Q You observed that, didn't you?
A Yes.
Q And you participated in that, didn't you?
A Yes.
Q It was kind of touching to see how they felt about each other, wasn't it?
A Yes.
Q And during that time you did not become aware of anybody trying to interfere in their relationship, did you?

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A No.
Q No. And you never became aware of anyone going up to Hae, and this is just in this month period before the prom, going up to Hae and saying Hae, what are you doing, he's a Muslim, he's not supposed to date, did you?
A No.
Q And you never became aware of anybody running up to Adnan and chastising him for his relationship with Hae?
A No.
Q And you didn't do that, did you?
A No.
Q And you never suggested in any of your conversations at least in that month that hold it guys, all I did was suggest that you go to the prom together, you're not supposed to fall in love, did you?
A No.
Q Or you're not supposed to date, did you?
A No.
Q Nobody attempted to put a damper on it, did they?
A No.
Q It was kind of enjoyable for everybody to

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watch, wasn't it?
A Yes.
Q The two popular, the girl and the boy, hooking up with each other?
A Yes.
Q Now, you went to the prom, right?
A Yes.
Q Did you go -- and Stephanie went to the prom, did she not?
A Yes.
Q And you were aware of a person by the name of Jay Wilds, were you not?
A Yes.
Q And that was through Stephanie?
A Yes.
Q And also because he had been at your same middle school?
A I didn't know him in middle school.
Q Okay. But you knew him in high school?
A Yes.
Q But he was ahead --
A Yes.
Q -- of you, were ahead?
A Uh-huh.
Q And he wasn't in any of the magna programs,

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was he?
A No.
Q But you mostly knew him because he was Stephanie's boyfriend?
A Yes.
Q And that's mostly how Jay Wilds came into the group at all?
A Yes.
Q And you were aware that Stephanie went to the prom with her boyfriend Jay?
A Yes.
Q And after the prom did a group of you go anywhere?
A Yes.
Q And where you went was down to the Inner Harbor?
A Yes.
Q The Hard Rock Cafe?
A Yes.
Q And during the dance there's a place where the princess and the prince are expected to open up the dancing and dance together?
A Yes.
Q Yes, all alone?
A Yes.

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Q As the prince and the princess?
A Yes.
Q And at that time nobody else was supposed dance, correct?
A Yes.
Q And that began to happen, did it not?
A Yes.
Q And that involved Stephanie and Adnan dancing together?
A Yes.
Q And you knew then how very close Stephanie was to Adnan?
A Yes.
Q And you knew that before that day, Adnan had never been to a dance before, had he?
A No.
Q And he had never publicly danced with anyone?
A No.
Q Did he? And to your knowledge he had never dated anyone, had he?
A What do you mean by dating?
Q Dating? Had you known him to publicly date someone, a girl, go out on a date?
MS. MURPHY: Objection.

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THE COURT: Sustained. The witness is indicating that she does not understand the word dating.
Q All right, Ms. Warren, when -- had you ever talked to Stephanie about her feelings for Adnan?
A Yes.
Q And she cared very much for him, did she not?
A Yes.
Q And sometimes she speculated on what might have happened between her and Adnan if Adnan were available, didn't she?
A Yes.
Q Yes. And the times when she did that she did so with some regret, did she not, that he wasn't available?
A Yes.
Q That who knows what might have happened between her and her best friend Adnan?
A Yes.
Q As a boy and girl?
A Yes.
Q Separate as boyfriend and girlfriend, not as just best friends?
A Yes.

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Q And you were aware of that on April 25th, the day of the junior prom, were you not?
A Yes.
Q And do you remember that they did, in fact, dance?
A Yes.
Q And do you recall that they didn't dance very long?
A No.
Q Do you recall that shortly after the dance began, Adnan left Stephanie and went over to get Hae at the table?
A Yes.
Q And that he then danced with Hae who was not the prom princess?
A Yes.
Q For the first dance?
A Yes.
Q And did you happen to notice the look on Stephanie's face when that happened?
A No.
Q After the prom you all went down to the Hard Rock Cafe?
A Yes.
Q And Hae and Adnan were sort of physically

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wrapped up with each other?
A Yes.
Q And meaning they were sort of making out in the cafe?
A Yes.
Q And you all thought that was kind of cute, didn't you?
A Yes.
Q And you all teased them, did you not?
A Yes.
Q About their interest in each other?
A Yes.
Q And Stephanie and Jay didn't go down the Hard Rock Cafe?
A No.
Q No. And they weren't sort of part of your crowd, were they?
A No.
Q Even though Stephanie was a class mate?
A Yes.
Q And you liked her?
A Yes.
Q And you had an okay relationship with her?
A Yes.
Q But she and her boyfriend Jay were not

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usually along for most of the social occasions that you participated in?
A No.
Q Or that Adnan participated in?
A No.
Q Or that Hae participated in?
A No.
Q Now, after school ended for that year, your junior year I think on the 4th of June --
A I don't remember.
Q And you saw and continued to see Hae outside of school, didn't you?
A Yes.
Q And that included over the summer, didn't it?
A Yes.
Q And you continued to see Adnan, did you not?
A Yes.
Q Outside of school?
A Yes.
Q Over the summer?
A Yes.
Q And you became aware that their relationship continued?

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A Yes.
Q Is that right? And you became aware early on that Adnan's religion was an issue?
A Yes.
Q And you got that from both of them, did you not?
A Yes.
Q And they expressed their concerns in different ways, did they not?
A Yes.
Q Hae particularly expressed concern that she did not want to be the one to force Adnan to choose?
A Yes.
Q Between his religion, right?
A Yes.
Q And her?
A Yes.
Q Right? And she didn't want to be the agent of bringing that to a head?
A Correct.
Q Is that right?
A Yes.
Q But she continued to express her love for him?
A Yes.

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Q And to be joyful in the relationship?
A Yes.
Q The recesses that you spoke of that you sort of suggested to them was related to what you perceived to be the stress on both of them?
A Yes.
Q Of the relationship?
A Yes.
Q That was pretty obvious, wasn't it?
A Yes.
Q And Hae sort of took your suggestion, did she not?
A Yes.
Q And she imposed what she called sort of time out recess?
A Yes.
Q And to give her a break from Adnan?
A Yes.
Q And up until that point -- and this was in the early summer?
A I don't remember.
Q It was early on in the relationship, wasn't it?
A Yes.
Q Because it was clear that based on your

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discussions with both of them that this is something about which they had spoken?
A Yes.
Q At length?
A Yes.
Q With seriousness?
A Yes.
Q And that they both were really wrestling with this idea?
A Yes.
Q Even while they both expressed their love for each other?
A Yes.
Q And you suggested that Hae took the suggestion, declared a recess and then Hae immediately called it off, did she not?
A Yes.
Q It was her action that started it?
A Yes.
Q And when she did it Hae didn't make Adnan do it, did she?
A No.
Q But he honored her request, did he not?
A Yes.
Q To give her her space?

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A Yes.
Q And time out?
A Yes.
Q And to let her do what she wanted to do?
A Yes.
Q But it was Hae that called off the recess at the end of the first day, wasn't it?
A Yes.
Q Not Adnan?
A No.
Q Adnan hadn't thrown a fit, had he?
A No.
Q He hadn't gotten angry at her, had he?
A No.
Q He understood her concern, did he not?
A Yes.
Q And he understood the issue, did he not?
A Yes.
Q And he never wavered, if that's what she wanted, well, then I have to go along with it, did he?
A No.
Q And he never suggested that your advice was bad, did he?
A No.

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Q Not to Hae?
A No.
Q And not to you?
A No.
Q He respected your advice, did he not?
A Yes.
Q And he expressed that if that's what she thought she should do even though the idea came from you that it was all right with him?
A Yes.
Q But it hurt?
A Yes.
Q Because he didn't want to go break up with Hae?
A Correct.
Q He didn't want her to break up with him, right?
A Right.
Q But by his actions and by his words to you he never inteferred with her right to do that?
A No.
Q Even though it caused him pain?
A Yes.
Q Is that right? And he readily expressed his pain to you, did he not?

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A Yes.
Q And the pain that it caused him to have to wrestle with these issues?
A Yes.
Q About how he felt about his religion?
A Yes.
Q And how he felt about deceiving his family?
A Yes.
Q His mother particularly?
A Yes.
Q And hiding this relationship at home?
A Yes.
Q From his brother?
A Yes.
Q From his mother?
A Yes.
Q From his father?
A Yes.
Q And what it meant to him to engage in that kind of behavior?
A Yes.
Q Having always been very serious about his religion?
A Yes.
Q And he readily spoke to you about those

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things?
A Yes.
Q Even though you were a girl?
A Yes.
Q Even though you were a non-Muslim?
A Yes.
Q He didn't hide his feelings of hurt?
A No.
Q And through that first time that one day recess, even when Hae insisted on a recess, they clearly were still friends, were they not?
A Yes.
Q They still spoke of each other in loving gentle terms, did they not?
A Yes.
Q And they both continued to express their feelings of love for each other?
A Yes.
Q Now, when Hae broke off the recess and then resumed in the same day her relationship with Adnan, did you take any action?
A Repeat the question, please.
Q Did you say anything to Hae to say, wait a minute, you agreed to a recess and it's only been one day?

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A Yes.
Q Yes. And you suggested to her that she really wasn't following your advice for the purpose of which it had been given, right?
A No.
Q And you suggested to her that she should continue the recess?
A If she wanted to.
Q If she wanted to. Your purpose in giving that advice, as you expressed to her, was that she needed to get the perspective to assess the relationship and all of its pain away from Adnan?
A Yes.
Q So that her feelings about Adnan were not making her do something that was causing her so much pain?
A Correct.
Q And that she could only get a perspective if she removed herself from him?
A Yes.
Q For at least a little while?
A Yes.
Q And that then she would get it, right?
A Correct.
Q And although you expressed that to her she

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didn't take your advice, did she? She didn't go right back to the recess, did she?
A No.
Q She renewed in the same day her relationship with Adnan, did she not?
A Yes.
Q And then she continued it, did she not?
A Yes.
Q Throughout all of June?
A Yes.
Q Right? And throughout July?
A Yes.
Q And it was apparent to you that their relationship, they were an island unto themselves, were they not?
A Yes.
Q Hae wasn't dating anybody else, was she?
A No.
Q And she wasn't dating -- Adnan wasn't dating anybody else, was there?
A No.
Q There wasn't apparently, to anybody, any other girl or boy that each of them was involved with?
A No.

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Q They seemed exclusively related to each other, did they not?
A Yes.
Q And, in fact, they expressed hope that their relationship would survive their senior year and they would end up being together forever, did they not?
A Yes.
Q They spoke openly of marriage, did they not?
A Yes.
Q Yes. To each other?
A Yes.
Q And they weren't even seniors yet, were they?
A No.
Q You never during this period of time ever became aware that Adnan's family dropped their opposition to this relationship, did you?
A Not his entire family, no.
Q You became aware that there were issues that Hae and Adnan had resolved because of his family, did you not?
A Yes.
Q Talking on the phone was very difficult?

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A Yes.
Q Because at Adnan's house if his mother suspected something would pick up the phone and listen in?
A Yes.
Q And confront Adnan that she was suspicious he was being with a girl?
A Yes.
Q And Hae, of course, couldn't go over to his house?
A No.
Q And at that time in the summer Hae didn't drive yet, did she?
A No.
Q She got her license I think in late August?
A Yes.
Q And you also became aware that Adnan couldn't really go to Hae's mother's house?
A No.
Q And you were aware that Hae's father did not reside in Baltimore?
A Yes.
Q Is that right? And she lived with her mother and her grandparents?
A Yes.

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Q And you became aware, for instance, that they, her mother and her grandparents were concerned about Hae's being on the phone?
A Yes.
Q And that they didn't really know about the relationship with the boy that she was talking about marrying?
A No.
Q And that the relationship was also hidden from her family?
A Yes.
Q By her?
A Yes.
Q But that there were issues about control between her mother and her?
A Yes.
Q And her grandparents and her?
A Yes.
Q And that one of the actions that was taken is that they replaced the phone in the kitchen from a cordless phone to a corded phone so that she couldn't hide her phone conversations?
A I don't remember.
Q You don't remember. But you remember the trouble in her household as well as Adnan's about her

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relationship --
A Yes.
Q -- with Adnan?
A Yes.
Q And that they didn't approve?
A Yes.
Q And that situation and that pressure continued throughout the summer, did it not?
A Yes.
Q In fact, that situation, that pressure continued all of the way up to the end of their relationship?
A Yes.
Q Now, when you all started back to school in, I guess it was late August, the last week of August of '98 you were still friends with both of them, were you not?
A Yes.
Q And they were both -- well, you were their confidants?
A Yes.
Q Right?
A Yes.
Q They still shared all of these things with you?

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A Yes.
Q Is that right? And you essentially got the same story from each of them, right?
A Yes.
Q They were happy with each other but the world was against them and causing all of this trouble?
A Yes.
Q Right? One never told you something that contradicted with what the other told you, did they?
A No.
Q And both of them after school started continued to express their love for each other?
A Yes.
Q And it remained that way up until December of 1998, did it not?
A Can you repeat the question, please?
Q That they continued to express their love for each other?
A Yes.
Q There were a couple other short breaks in the relationship, were there not?
A Yes.
Q And you became aware of each and every one of them, did you not?

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A Yes.
Q And those breaks were of limited duration, were they not?
A Yes.
Q And much like the one day recess from earlier, right?
A Yes.
Q And the initiating party in the break ups was always Hae, was it not?
A Yes.
Q And the issue around the break ups was always the same thing she had previously expressed, not wanting to be the one that caused the boy she loved to choose between a girl and a religion?
A That was part of it, yes.
Q That was -- well, that was the constant part, was it not?
A Yes.
Q She talked about that all of the time, did she not?
A Yes.
Q And a lot of you students that were close to them, you also talked about it, did you not?
A Yes.
Q And, in fact, teachers became involved in

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it, did they not?
A Yes.
Q Teachers offered their opinions about it, did they not?
A Yes.
Q And there was at least one teacher who openly criticized Hae for pursuing the relationship?
A Yes.
Q Did they not?
A Yes.
Q Accused Hae of changing the Adnan that everybody had known?
A Yes.
Q Of making Adnan, who had previously been such a good Muslim, from abandoning his moral center?
A Yes.
Q Blaming Hae for that?
A Well, not blaming her.
Q But accusing her of changing Adnan?
A Yes.
Q Of being the occasion for change?
A Yes.
Q And that bothered Hae, did it not?
A Yes.
Q It bothered her particularly when teachers

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suggested, whether directly or implicitly, that she should leave the relationship and leave Adnan alone, did she not?
A Can you repeat the question?
Q That bothered her, didn't it?
A Yes.
Q And she expressed how much it bothered her, did it not?
A Yes.
Q And she struggled with whether she had enough love for Adnan to leave him, did she not?
A Yes.
Q And she confided all of that in you?
A Yes.
Q Her very good friend?
A Yes.
Q She never expressed to you that because of her conflict Adnan wanted to leave the relationship?
A No.
Q And all of the times that you spoke to Adnan it became clear to you that he was aware of how Hae perceived these issues?
A Yes.
Q And that she was pained by what that caused?

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A Yes.
Q And what other people thought of it?
A Yes.
Q And that she was deeply pained that she might be the cause?
A Yes.
Q Of making him make the choice?
A Yes.
Q That would include going against his family?
A Yes.
Q And against his religion?
A Yes.
Q And it was clear to you that Hae never hid those feelings?
A Correct.
Q Now, did you go to the homecoming dance?
A No.
Q No. And you were aware that they had broken up before then?
A Yes.
Q And that they also had another brief separation after then?
A Yes.
Q It became clear to you after then in

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November that the issue of what it meant for them to try to continue a relationship that they both had at least contemplated that maybe they couldn't make it?
A Yes.
Q But not that they didn't love each other?
A Correct.
Q And they always still continued to express that their love for each other would survive whether or not the relationship did?
A Yes.
Q And they always treated each other that way from what you could observe?
A Yes.
Q Even during the brief separations?
A Yes.
Q They were at that time each other's best friend?
A Yes.
Q Each other's closest friend?
A Yes.
Q And from their confidences to you it was apparent that they weren't hiding anything from each other?
A No.
Q And that they weren't afraid to express

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things to each other?
A Correct.
Q Not like they were afraid back in the very beginning when they were afraid to even tell each other that they liked each other?
A Correct.
Q You were aware when they finally broke up, were you not?
A Yes.
Q And that was before Christmas, was it not?
A Yes.
Q And they both spoke to you about those things, did they not?
A Yes.
Q And they spoke -- Hae spoke that finally she just couldn't stand it?
A Yes.
Q Although she still loved him?
A Yes.
Q And although she still considered him the love of her life?
A Yes.
Q And her best friend?
A Yes.
Q And she expressed to you that clearly

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Adnan, he wouldn't have done this, separate, end the relationship, right?
A Correct.
Q But that he, of course, accepted her decision?
A Yes.
Q However painful it was to him?
A Yes.
Q And that he had clearly expressed his pain to her?
A Yes.
Q And everybody became aware that, oh, this might be the real break up?
A Yes.
Q And that was the subject of much discussion, was it not?
A Yes.
Q As to whether or not they would really stay broken up?
A Yes.
Q But even after that event Christmas came and went, did it not?
A Yes.
Q And they exchanged Christmas gifts, did they not?

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A Yes.
Q Even though Adnan as a Muslim, didn't really celebrate Christmas?
A Yes.
Q Or any of the things that went with Christmas?
A Yes.
Q His religion didn't recognize Christmas?
A Correct.
Q But after that time and -- Hae gave Adnan a very expensive Christmas gift, did he not?
A Yes.
Q Even though she was now broken up with him?
A Yes.
Q And that was a jacket or a windbreaker of some kind?
A Yes.
Q I think it was a Nautica?
A Yes.
Q It was very expensive, was it not?
A Yes.
Q And they still saw each other everyday, did they not?
A Yes.
Q And they were still expressive of their

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love and concern for each other?
A Yes.
Q They still saw each other outside of school, didn't they?
A Yes.
Q And you were aware that they talked almost as often on the phone?
A Yes.
Q And you were aware from each of them that although they were pained about each other that they were both trying to sort of move forward?
A Yes.
Q And to be there for each other as each of them now separately went their ways?
A Yes.
Q And that separately going their ways included all of a sudden they were each thinking about other people?
A Yes.
Q Hae was thinking about other boys?
A Yes.
Q Other boys to whom she had really not paid attention before?
A No, there was one person in particular.
Q The person she worked with?

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A Yes.
Q Don?
A Yes.
Q Okay. And Adnan was paying attention to other girls, was he not?
A Not necessarily, no.
Q He didn't confide that in you?
A No.
Q But based on how he sounded, you wouldn't be surprised to know that he was, would you?
A Yes.
Q Well, Ms. Warren, you expressed once that although Adnan expressed his pain that there came a point when he said to you, okay, I'm over it now, I can accept it, did he not?
A He said that he would try to accept it and by attempting to try to accept that he would move on to other females.
Q Other girls?
A Yes.
Q To date?
A I don't know about that.
Q You saw them daily while you were in school?
A Yes.

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Q Right? And then there was the Christmas break?

A Yes.

Q And then right after New Year's you saw them again daily, did you not?

A Yes.

Q And you continued to be their confidant?

A Yes.

Q They talked about to you things other than each other, didn't they?

A Yes.

Q And that relationship continued, did it not?

A Yes.

Q And you became aware that on January 1st Hae had her first date with Don?

A Yes.

Q She confided in you, did she not?

A Yes.

Q And you were aware that after the breakup that Hae still wrestled with how much she loved Adnan, did she not?

A No.

Q You recall, of course, that when she began to think about Don she had struggled about how she

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felt about Adnan?

A As far as a friend, but not as far as a boyfriend.

Q That's what she told you?

A Yes.

Q Now, she never told you that in that interim period she was still wrestling with how much she loved the man that she had left -- the boy that she had left?

A No.

Q No. Prior to yesterday had you ever read her diary?

A No.

Q No. That's not something she shared with you, was it?

A No.

Q She didn't ask you to read any entry, did she?

A Not that I recall.

Q And she didn't ask you to review the entries before she wrote that?

A No.

Q Or to get your advice on what she expressed to her own diary?

A No.

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Q In her own handwriting?
A No.
Q Her own thoughts?
A No.
Q I'm going to ask you -- I'm showing, excuse me, you State's exhibit number 2 which is in evidence. It has a date on top of it but it's hard to read. It's 12 something, and direct your attention and ask you to read to yourself the entry for the next two sentences beginning after four by two?
A (Witness complied with request.)
Q Had you ever read that entry before?
A No.
Q It reads she's describing how dedicated Adnan is to track, does she not?
A Yes.
Q And how she still tingles as usual when he kisses her?
A Yes.
Q And sighs when she drives away from him?
A Yes.
Q And then she writes no more Don, does she not?
A Yes.

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Q And she writes I know as I always have that Adnan's warm smile is the one I can't live without, does she not?

A Yes.

Q And that you love the one you can't live without?

A Yes.

Q And that she couldn't imagine her life without his smile?

A Yes.

Q His touch?

A Yes.

Q And most importantly his love?

A Yes.

Q Further on in the diary there is a page opposite the entry on 12/22, is there not?

A Yes.

Q And in that entry she has written over and over and over again Adnan's name, has she not?

A Yes.

Q And Don's name, has she not?

A Yes.

Q And on one side the entry Adnan Syed?

A Yes.

Q And on the other side Don Klinedinst?

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A Yes.

Q And that's right opposite the entry that's marked 12/22, is it not?

A Yes.

Q And from what you've looked at the diary it appears that entries were made in a chronological order?

A Yes.

Q And on the opposite page of where she's written Don and Adnan, is an entry dated 12/15?

A Yes.

Q And that was during the time when they were broken up, was it not?

A I don't recall.

Q They broke up before Christmas, did they not?

A Yes.

Q Now, you talked about meeting the person you referred to as Donnie, did you not?

A Yes.

Q You read some entries from her diary, did you not?

A Yes.

Q About Donnie?

A Yes.

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Q She never called him Donnie, did she?
A Yes.
Q Not in her diary?
A I didn't see the whole thing. I don't know.
Q In any of the parts that you saw she never called him Donnie, did she?
A No.
Q But you now call him that?
A Yes.
Q You hadn't met him before her disappearance?
A No.
Q But you knew about him?
A Yes.
Q After Hae disappeared there were a lot of rumors flying around about where she might be?
A Yes.
Q And one of those rumors is that she was running away from her mother?
A Yes.
Q And that she might be out to California to seek her father?
A Yes.
Q And another rumor was that Donnie was

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hiding her out?

A Yes.

Q Because she wanted to get away from her family?

A Yes.

Q And her mother?

A Yes.

Q And whatever restrictions they were putting on her?

A Yes.

Q That she felt were unbearable?

A Yes.

Q And that she had complained about before?

A Yes.

Q And about which she felt a great deal of pain?

A Yes.

Q At some point before her body was found you were questioned about what you remembered about her?

A Yes.

Q And about her relationship with Donnie?

A Yes.

Q The person you now call Donnie?

A Yes.

Q And when you had last seen her?

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Note:

Pages 67 is missing.

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Note:

Pages 67 was missing from the files sent to /u/stop_saying_right, who filed for, and paid for the missing pages.

The reason why these same pages of testimony are missing from the UndisclosedWiki is that they get their documents from us, not from Undisclosed, or anyone on Adnan's defense team.

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Q And you took that inquiry seriously, did you not?
A Yes.
Q You tried hard to search your brain to recollect the best that you could, did you not?
A Yes.
Q About anything Hae might have said?
A Yes.
Q Or that you might have seen?
A Yes.
Q Is that right? And you were asked about if you had seen her, right?
A Yes.
Q And you recalled then and then was January 28th?
A I don't know.
Q If Detective O'Shea wrote up a report that said he spoke to you on January 28th, about three weeks, two and a half weeks after she disappeared, that would be about right, would it not?
A Probably.
Q Okay. And you did speak to him?
A Yes.
Q At school?
A Yes.

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Q You answered all of his questions?
A Yes.
Q You volunteered any information that you thought might be relevant?
A Yes.
Q And you saw him taking notes of that?
A Yes.
Q And you recall that you told him like you told us yesterday that you saw Hae at about three o'clock?
A Yes.
Q And that where you saw her she was by herself?
A Yes.
Q And she was near the gymn?
A Yes.
Q And you were asked what, if anything, did she say to you?
A Yes.
Q And at the time on January 28th you told Detective O'Shea that Hae told you that she was going to see Donald at the mall?
A Yes.
Q You wouldn't have told them -- him that unless it was true?

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A No.
Q You had no intention of sending Detective O'Shea on a wild goose chase, did you?
A No.
Q Back then when you were first asked to recollect the events of January 13th at a time two and a half weeks after January 13th, you gave Detective O'Shea the best that you could remember, did you not?
A Yes.
Q And what you remembered on that day was that Hae told you that she was going to see Donald?
A Yes.
Q At the mall?
A Yes.
Q You also recalled for him that Hae would fight with her mother?
A Yes.
Q But that you didn't think it was serious enough to make her run away?
A No.
Q Although Hae had previously expressed that to you, had she not?
A Can you repeat the question, please.
Q Hae had previously expressed that to you, had she not?

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A That what?
Q That she might run away?
A Yes.
Q That she wanted to go back to California?
A No.
Q That she wanted to get away from her mother?
A Yes.
Q And the restrictions?
A Yes.
Q And that Hae thought she was right and her mother was wrong?
A You could say that, yes.
Q And Hae didn't hesitate to express that, did she?
A No.
Q And that's one of the reasons that you told Detective O'Shea those things?
A Yes.
Q Now, you knew on the 28th of January that Hae had already spent the night with Donald?
A Yes.
Q You knew it from her, did you not?
A Yes.

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Q That she had spent the night at his house?
A Yes.
Q That's located up in Harford County?
A Yes.
Q Against her mother's wishes?
A Yes.
Q Against the rules of her mother?
A Yes.
Q But that she had done it anyway?
A Yes.
Q And you told Detective O'Shea that, did you not?
A Yes.
Q Back on the 28th of January?
A Yes.
Q Before her body was found?
A Yes.
Q And after that date you were then contacted by the Homicide detectives of Baltimore City, were you not?
A Yes.
Q And you went down to Headquarters?
A I'm sorry, can you speak up.
Q Did you go down to Headquarters?
A Yes.

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Q Down here at 601 Fayette Street?
A Yes.
Q At the Homicide offices?
A Yes.
Q In the Police Headquarters Building?
A Yes.
Q And that was planned, was it not?
A Yes.
Q When you agreed to do so, did you not?
A Yes.
Q And that was after her body was found, was it not?
A No.
Q You spoke with them on March 26th, 1999, did you not?
A I don't recall the date.
Q You only spoke to them one time?
A No.
Q You spoke to them more than one time?
A Yes.
Q So before her body was found you spoke to the Baltimore City police officers?
A I don't remember.
Q How many times did you speak to them?
A I went to the Headquarters twice, but they

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had come to the school prior to that and I had spoken to them.
Q The Baltimore City police detectives --
A I don't remember.
Q -- had come to the school?
A I don't know.
Q You recall Detective O'Shea coming to the school?
A Yes.
Q And you knew that Detective O'Shea was with the Baltimore County police officers?
A Yes.
Q Because that's where Woodlawn was?
A Yes.
Q And that was the last place Hae had been seen?
A Yes.
Q And that's where Hae lived?
A Yes.
Q You became aware that following the finding of her body that it became a Baltimore City matter, did you not?
A Yes.
Q Because her body was found inside Baltimore City?

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A Correct.
Q Is that right? And after that you didn't speak to Detective O'Shea again?
A I don't remember.
Q But your attitude to be helpful was still the same, was it not?
A Yes.
Q All right, now, on the two times that you went down to Headquarters, both times you gave a statement?
A Yes.
Q You were asked questions?
A Yes.
Q And both times they were recorded, were they not?
A I don't recall. I remember once it was but I'm not sure about the other time.
Q So the other one may or may not have been recorded?
A Correct.
Q And the recording, did that happen on the first time you went down or the second time?
A The second.
Q The second time. So you may have made another statement that could have been recorded or

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could have not been?
A Correct.
Q On the second time, the one that was recorded, Ms. Warren, that was with your consent, was it not?
A Yes.
Q And during the time that you were down there the whole purpose was to talk about Hae?
A Yes.
Q And on March 26th you were aware that Adnan had been arrested, were you not?
A Yes.
Q Everybody at Woodlawn knew that, did they not?
A Yes.
Q That was the subject of great discussion, was it not?
A Yes.
Q It was upsetting for a lot of people, was it not?
A Yes.
Q And some people were on Adnan's side, right?
A What do you mean by side?
Q Well, there were some people that were

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upset that he had been arrested, were there not?
A Everyone was upset that he had been arrested.
Q Well, there were some people that were glad that he was arrested, were there not?
A Not that I recall.
Q Because Adnan was still popular, was he not?
A Yes.
Q You were aware on March 26th when you went down that he was arrested and in jail?
A Yes.
Q Charged with the murder of Hae?
A Yes.
Q And when you went to speak to them, they asked you a lot of questions about Adnan's relationship with Hae?
A Yes.
Q From Adnan's point of view?
A Yes.
Q And from Hae's point of view?
A Yes.
Q And you, of course, explained to them the chronology as we've just gone through it?
A Yes.

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Q About they had broken up; is that right?
A Yes.
Q Close to a month before her disappearance?
A Correct.
Q Before Christmas?
A Yes.
Q And that you had seen them sometimes daily everyday in between?
A Yes.
Q And that they still would express their love for each other?
A Yes.
Q And that they were still affectionate with each other?
A Yes.
Q And that they were still concerned about each other's feelings?
A Yes.
Q And how they were handling the break up?
A Yes.
Q And that they had both moved on to be open to other relationships?
A Can you repeat that, please?
Q Well, that was a question that I asked you earlier. There came a point, did there not, before

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her disappearance that Hae was clearly open to another relationship?
A Yes.
Q Notwithstanding her love for Adnan?
A Correct.
Q And her belief that her love for Adnan, although she couldn't be with him, would survive?
A Yes.
Q And that Adnan clearly got to the point that he was also open to other girls?
A Correct.
Q In regard to that you expressed that to the detectives, did you not?
A Yes.
Q In their inquiry of you on March 26th they asked you such questions as were they sexually active?
A Yes.
Q With each other, right?
A Correct.
Q And you told them that they were?
A Yes.
Q And they asked you whether or not there were any pregnancy scares, did they not?
A Yes.

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Q And they asked you such details as where did they have intercourse, if you knew, did they not?
A Yes.
Q And you answered all of those questions, did you not?
A Yes.
Q Even though they were very private matters?
A Yes.
Q Is that correct?
A Correct.
Q And you told them the best of what you recollected about what either of them had told you about the most intimate details of their personal lives?
A Correct.
Q Including every detail you knew about where it was that they had had sexual intercourse with each other?
A Correct.
Q Is that right? And you told them about an afternoon in the park, did you not?
A Yes.
Q You talked about out in the parking lots?
A Correct.
Q You referred to school parking lot?

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A Yes.
Q You referred to at friends' houses?
A Correct.
Q In fact, you described an occasion where at a friend's house, another friend, another Woodlawn senior, found them?
A Correct.
Q And interrupted them having intercourse?
A Correct.
Q And you would describe them being at another friend's house?
A Correct.
Q And having intercourse?
A Correct.
Q And they asked you about any hotels, didn't they?
A I don't remember.
Q Do you recall that Detective MacGillivary asked you, okay, any hotels, and that you answered no, they never went to a hotel?
A I don't recall.
Q But this was the time that it was on tape, was it not?
A I don't know.
Q The time that it was on the tape, the tape

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ran the whole time, did it not?
A Yes.
Q Thank you. And that was with your permission?
A Yes.
Q And Detective MacGillivary was there?
A Correct.
Q And he was the one directing the questions?
A Correct.
Q And he asked you questions, you didn't just come in and talk, did you?
A No.
Q It wasn't a conscience raising session, was it?
A No.
Q It was a question and answer, was it not?
A Correct.
Q And Detective MacGillivary decided what the questions were, did he not?
A Yes.
Q And you did the best to your ability to answer them with as much information as you could remember?
A Correct.
Q And you would agree that these interviews

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took place after Hae's body was found?
A Yes.
Q Shortly thereafter?
A Yes.
Q And you would agree, would you not, Ms. Warren, that your recollection of all of these events was better then, shortly after her body was found, than it is today?
A Correct.
Q And, Ms. Warren, were you shown the transcript of your interview before you testified?
A No.
Q Were you asked to review it?
A No.
Q Were you ever shown the transcript after it was made?
A No.
Q You were prepared by the State's Attorney to testify?
A Correct.
Q Were you not?
A Yes.
Q As to what you would be asked?
A Yes.
Q Now, you recall that you talked about

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parking lots, that you mentioned the mall, Security Square Mall?
A Yes.
Q And you also mentioned the Owings Mills Mall?
A Yes.
Q And then they asked you the details that you knew about any of those sexual intercourses that you had heard about from either of them, as to exactly where they were located?
A Yes.
Q And they asked you whether or not Hae or Adnan had ever mentioned that they were at a parking lot near Best Buy?
A Correct.
Q Didn't they?
A Yes.
Q They mentioned Best Buy, did they not?
A Yes.
Q And they made sure that you knew that it was the Best Buy near Security Mall?
A Correct.
Q Is that right? And you knew where that was, didn't you?
A Yes.

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Q And that Best Buy is not too far from Woodlawn High School, is it?
A No.
Q And that Best Buy looks like all other Best Buys across the country, does it not?
MS. MURPHY: Objection.
A I don't know.
Q Have you ever been in there?
THE COURT: Well, sustain the objection. The next question is have you ever been in the Best Buy?
Q That Best Buy?
A Yes.
Q Yes. And when they asked you about the Best Buy and they did so several times, you said absolutely, no, no, I was never told about that, did you not?
A Yes.
Q Because you hadn't been told about that, right?
A Correct.
Q And you were trying to give them the most accurate information?
A Correct.
Q Because they had never told you about it,

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you had no idea why you were being asked that question, did you?
A I don't remember.
Q Well, they had never talked to you about Best Buy, right?
A Correct.
Q That wasn't a location where, to your knowledge, they confided in you they had been and had sexual intercourse?
A Correct.
Q And your experience with them is that both of them told you the most intimate details of their lives?
A Yes.
Q Including that they had sex with each other?
A Yes.
Q And where it occurred?
A Yes.
Q And under what circumstances?
A Yes.
Q And when it occurred; is that right?
A Yes.
Q And your intent that day when they asked you about that was to be as honest as you could?

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A Yes.
Q When they asked you about Best Buy, you didn't ask them where they got that information, did you?
A No.
Q But you said no, no, they never told me that, did you not?
A Correct.
Q Because they hadn't?
A Correct.
Q You had no interest in concealing Best Buy from them, did you?
MS. MURPHY: Objection.
THE COURT: Sustained.
Q Yesterday you testified as to the reason of their final break up was that Hae felt she wasn't free so she called it off?
A Correct.
Q And to your knowledge she had started working at the very beginning of December at Lens Crafters?
A Correct.
Q Did she not?
A Yes.
Q And that Hae and Adnan, Hae broke up with

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Adnan in the middle of December?
A Correct.
Q You don't recall the exact date though, do you?
A No.
Q No. But it was in the middle of December, right?
A Yes.
Q Just a couple of weeks after she had started working at Lens Crafters?
A Yes.
Q And this Donald person that you came to understand, she met through her work at Lens Crafter?
A Correct.
THE COURT: Ms. Gutierrez, I need to stop you here. Just for the record the jurors have slipped me a note that they need to take a little --
MS. GUTIERREZ: That's fine.
THE COURT: -- break to use the facilities. So we'll stop at the point where you're asking about --
MS. GUTIERREZ: Lens Crafters.
THE COURT: -- Lens Crafters and when Ms. Lee may have told the witness about her relationship with Don or Donnie and at this point we'll break.

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I'm going to ask that the ladies and gentlemen put their notepads face down, that they not discuss the testimony of this witness or anyone else. That they go with Deputy Church who will escort you back to the jury room. We're going to take a ten minute recess and actually ten minutes I note that my clock up there on that wall says five minutes of. I believe our watch does not, but we'll take ten minutes. Is that five of? It's really like four minutes of. So we will resume in about ten after the hour. This Court stands in recess.
(Whereupon the Court recessed, following which the proceedings in this matter resumed:)
THE COURT: Please be seated. Counsel, we are going to proceed for the next hour until twelve-thirty, then we'll take a break for an hour for lunch until 1:30 and then return to continue with today's testimony.
MS. GUTIERREZ: Did the Court get anyone else to take its docket for tomorrow?
THE COURT: I'm sorry.
MS. GUTIERREZ: Did the Court get anyone else to take its docket?
THE COURT: No, I have not been able to do that. So I will have my docket tomorrow. However, I

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have been informed that I only have two cases and counsel have been called and advised that I am in trial.
MS. GUTIERREZ: So what time are we going to meet?
THE COURT: I'm going to shoot for ten o'clock to start.
MS. GUTIERREZ: I just needed to know if I needed to make arrangements.
THE COURT: No ten o'clock I think we will be able to resume. I'm going to do what we did today. Although we could start at eight-thirty, I think ten o'clock will be fine.
All right, Ms. Gutierrez, we were listening to your questions of the witness. For the record. I'll remind you, Ms. Warren, you are still under oath and we were discussing Lens Crafters and the meeting.
MS. GUTIERREZ: Yes, Judge, thank you for reminding me.
Q Ms. Warren, you became aware sometime shortly before or at the time of the break up that Hae Min Lee had expressed an interest in a guy that she had met at work?
A What do you mean by interest?
Q In seeing him as a boyfriend?

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A No.
Q No. She never confided that to you?
A No.
Q That information came to you later?
A Correct.
Q Right? And when it came to you that was after her first date with Donald Klinedinst?
A Yes.
Q Now, after you were aware in the middle of December that Hae and Adnan were breaking up, you observed that they still were very concerned about each other's feelings?
A Yes.
Q Were they not?
A Yes.
Q They didn't want to hurt each other?
A No.
Q And that they both expressed that they wanted to help each other get through it?
A Yes.
Q And you became aware, did you not, that before Hae Min Lee had a first date with Donald Klinedinst that she hadn't even kissed him?
A Correct.
Q Is that right?

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A Correct.
Q That's what she told you?
A Correct.
Q Did she not?
A Yes.
MS. GUTIERREZ: May I approach the witness, Judge?
THE COURT: Yes.
Q And, again, I ask you to look at Hae Min Lee's diary and ask you to read to yourself from the point of time where it mentions me and Don, and if you would read to the end of the page -- the end of page. You finished?
A Yes.
Q She's describing her first date with Don, is she not?
A Yes.
Q And if you would turn to the page before, that entry is a page where she's written Don's name a number of times, is it not? The date of the entry there is 1/2/99, is it not?
A Yes.
Q The portion you read to yourself is a continuation of that entry, is it not?
A Yes.

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Q And it's on the page before what you read on the opposite page of the beginning of the entry is where she's written Donald's name a couple of times?
A Correct.
Q A couple different ways, is that correct?
A Yes.
Q And the portion that you read she described that she wanted him to kiss her, did she not?
A Yes.
Q And she writes I really wanted him to kiss me but not -- he's too much of a gentleman for that, did she not?
A Yes.
Q And so her diary confirms what she told you?
A Correct.
Q That she hadn't had any kind of relationship with this guy, even so much as a kiss, before January 1st, 1999?
A Yes.
Q And that was a couple weeks after she broke up with Adnan?
A Yes.
Q And that's exactly what she told you, right?

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A Yes.
Q Now, you described she continued her relationship with you such that she continued to confide the intimate details of her life?
A Yes.
Q And so she told you when she got intimate with Don, right?
A Yes.
Q And that was sometime after the 1st of January?
A Yes.
Q Before the 13th?
A Yes.
Q And that that included sexual intimacy?
A Yes.
Q And that that included an encounter whereby she spent the night at his house?
A Yes.
Q Against her mother's wishes?
A Yes.
Q Against the rules?
A Yes.
Q And she had previously before Adnan confided to you similar details, had she not?
A Can you repeat the question?

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Q She had previously confided, before Adnan, similar details about her life, had she not?
A Yes.
MS. MURPHY: Objection.
THE COURT: Sustained.
Q She indicated to you, did she not, that Adnan was not her first sexual encounter, did she not?
MS. MURPHY: Objection.
THE COURT: Sustained.
Q Now, when the police talked to you on one of the occasions they asked you about Donald Klinedinst, did they not?
A Yes.
Q And you told them that you had not met him before her disappearance?
A Correct.
Q But you knew about him from her?
A Yes.
Q You, of course, told them that you knew that prior to the break up that there had been nothing that happened, any intimate relationship between Donald Klinedinst and Hae Min Lee, before January 1st, 1999, right?
A Yes.

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Q But you recalled that you told the detective, and it was Detective MacGillivary and Detective Ritz?
A Yes.
Q That Hae said she was leaving or at least what she told you was that she said to you that she was leaving the relationship because she was interested in somebody else?
A That was a portion of it, yes.
Q Okay. And was that the portion of what she said that you took as related when you said she wanted to be free?
A No.
Q No. So the idea of freedom didn't relate to her being free to pursue a relationship with somebody else she might be interested in, did it?
A No.
Q No. And do you recall the portion of the diary that you read yesterday about when she wrote possessiveness, no rather --
A Yes.
Q -- independence?
A Yes.
Q And your observation of Hae Min Lee during all of the time period from April of 1998 up until

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January 1st, 1999 she acted pretty independent, did she not?
A What do you mean by act?
Q Well, she had a life beyond Adnan, did she not?
A Yes.
Q She saw you and other friends outside of Adnan --
A Yes.
Q -- did she not? She spent a great deal of time with her girlfriends, did she not?
A Yes.
Q Including overnights?
A Yes.
Q And separate outings out to do things?
A Yes.
Q And that never stopped, did it?
A No.
Q She never curtailed her independent relationships with people, did she?
A No.
Q And she had lots of activities that engaged her separate and apart from Adnan?
A Yes.
Q And she continued all of that while she was

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with Adnan?
A Yes.
Q While she was Adnan's girlfriend?
A Yes.
Q And you never heard from her that Adnan made her stop any of those things, did you?
A Not make, no.
Q And you recalled that when the detectives asked you, you also mentioned what you then called their cultural differences were too much for them to handle any longer?
A Yes.
Q Do you recall that? And that was correct, wasn't it?
A Yes.
Q And that was really the main reason for the ultimate break up, was it not?
A No.
Q On every other occasion, for instance going back to the first time that you suggested a recess to your good friend Hae Min Lee, it involved all of issues caused by their cultural differences, did it not?
A Yes.
Q And on the other occasions in which Hae Min

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Lee broke up the relationship for even short periods of time it was always caused and related to the issues of their cultural differences?
A A portion of it, yes.
Q The same issues about which we've discussed?
A Yes.
Q Is that right?
A Yes.
Q And breaking up because of those cultural differences was not a surprise to you when you were told that, was it?
A Can you repeat the question?
Q No, ma'am, I'll ask another one. Do you -- cultural differences however was a term that you used when you spoke to Detective MacGillivary?
A Correct.
Q At the time that the tape recorder was on?
A Yes.
Q Now, yesterday, Ms. Warren, you said something that I wanted to make sure I got it right when you were referring to the same area about cultural differences and you referred to that, you know, that he was a Muslim, right?
A Yes.

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Q Which she wasn't, right?
A Right.
Q And then you said something, well, and they were different races?
A Correct.
Q Do you recall that? Now, Hae Min Lee was a Korean American?
A Correct.
Q And you knew that?
A Yes.
Q You were aware that she immigrated to this country after she was born?
A Correct.
Q And you were aware that her mother really didn't speak a whole lot of English?
A Correct.
Q But Hae Min Lee spoke Korean?
A Correct.
Q And that she spoke Korean at her home?
A Yes.
Q And did she have an accent when she spoke English?
A Not much.
Q And you were aware that there are racial classifications for instance that are honored by

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Baltimore County public schools, are you not?
A Can you repeat that question, please?
Q You are aware that there are racial classifications that are honored and used by the Baltimore County public schools, are you not?
A Yes.
Q And you have a racial classification, do you not?
A Yes.
Q That's African American?
A Correct.
Q That's a racial classification all of its own, is it not?
A Yes.
Q And in Baltimore County there is a series of numbers that are assigned to different classifications, are there not?
A Yes.
Q And African American, does that have a number to it?
A Yes, but I don't know what it is.
Q Well, it's a one, isn't it?
A I guess so.
Q And you're aware that Asian is another racial classification utilized by the Baltimore

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County public schools, are you not?
A Yes.
Q And that Asian is a two?
MS. MURPHY: Your Honor, I'm going to object as to scope.
THE COURT: Your objection is sustained, not as to scope but on another basis.
MS. GUTIERREZ: I'll rephrase the question.
Q When you said that they were different races, would that include defining them differently according to racial classifications?
MS. MURPHY: Objection.
THE COURT: Sustained.
Q Now, Hae Min Lee was Korean American?
A Correct.
Q And she was classified as being Asian, was she not?
A Yes.
Q And Adnan Syed, you've told us you know that he's a Muslim, right?
A Yes.
Q But that's his religion?
A Correct.
Q Right? And were you aware that he was born in this country?

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A Yes.
Q Yes. But that his parents immigrated from a place outside of this country?
A Correct.
Q And that that place was Pakistan?
A Yes.
Q And you are aware that Pakistan is in Asia?
A Yes.
Q And that people from Pakistan are classified as Asians?
A Yes.
Q And were you aware that under the racial classifications as utilized by the Baltimore County public schools that Hae Min Lee and Adnan Syed were the same race?
MS. MURPHY: Objection.
A Yes.
Q Not a different race?
THE COURT: Sustained, and I will allow you to provide, if you can, the basis of knowledge for this witness' ability to answer these questions and, if so, she may answer the questions.
Q Well, that's -- are you aware that Baltimore County has different classifications?
A Yes.

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Q And that they are racial classifications?
A Yes.
Q And that people fit different racial classifications?
A Yes.
Q And that some of the distinctions are readily apparent like how somebody looks?
A Yes.
Q But that some of the classifications relate to the part of the world that people come from?
A Correct.
Q And you are familiar that in addition to African American being a racial classification utilized by the Baltimore County public schools that there are other than black Amercians as racial classifications?
MS. MURPHY: Objection.
THE COURT: If you know? Do you know how Baltimore City -- Baltimore County public schools makes their racial classifications?
THE WITNESS: Yes.
MS. GUTIERREZ: Okay.
THE COURT: Very well.
Q Were you aware that Asian is one of those specific racial classifications?

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A Yes.
Q And are you aware that -- you know that Asia is a continent?
A Yes.
Q And that it's a pretty big continent?
A Yes.
Q And that it includes such countries of the most population as China?
A Correct.
Q And Japan?
A Correct.
Q And Korea?
A Yes.
Q And that it also includes other Asian countries that are also very populous such as India?
A Correct.
Q And Burma?
A Yes.
Q And Pakistan?
A Yes.
Q All right. And you are aware that people that come from those geographical locations, notwithstanding whatever religion they may be, are all characterized as Asian?
A Yes.

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Q As a racial classification?
A Yes.
Q Now, you are aware are you not that there are visible differences between Koreans and Chinese?
A Yes.
Q And Japanese and Koreans?
MS. MURPHY: Objection.
THE COURT: Sustained.
Q You are aware then that in regard to racially classifying under a classification system with which you are familiar that Hae Min Lee and Adnan Syed are of the same race?
A Yes.
Q Not a different race?
A Correct.
Q So the differences in their races, unlike what you said yesterday, really had nothing to do with it?
A It did. I'm sorry, I meant to say ethnic differences, not racial.
Q Ethnic by ethnic customs?
A That's what ethnic is, different by culture.
Q And by culture you really have been referring to religious differences, are you not?

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A Not necessarily.
Q But customs?
A Customs, yes.
Q Did you believe that it was a cultural tenet for Pakistanis not to date before marriage?
A Yes.
Q Just to all Pakistanis?
A Not all.
Q But some?
A Some, most.
Q Most. And did you ever believe that all Pakistanis were Muslims?
A No.
Q No. And were you aware that there are Pakistanis of various religions?
A Yes.
Q And were you aware that among those other religions that many of them might prohibit, for instance, pre-martial sex?
A Yes.
Q But not pre-martial dating?
A Can you repeat the question?
Q No, I'll go on to another. You were -- I was asking you about the time when the tape recorder was on when you spoke to Detectives MacGillivary and

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Ritz?
A Yes.
Q Is that right?
A Yes.
Q Sometime after Hae's body was found?
A Correct.
Q And sometime after Adnan Syed was arrested?
A Correct.
Q And during that time you were asked anything you could remember about that day, right?
A Yes.
Q And you had the same attitude to providing them information as you did to Detective O'Shea when he came to the school and spoke to you, right?
A Absolutely.
Q You tried your hardest to remember anything that was important, right?
A Yes.
Q They asked you on that day while the tape recorder was running anything you could remember about seeing Adnan on the 13th, did they not?
A Yes.
Q And you told them everything you could remember?
A Yes.

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Q And you told them that you saw Adnan on that day, referring to the 13th, before he went to practice?
A I don't remember.
Q And if that's what you remembered you would have told them?
A Yes.
Q Right? You wouldn't have concealed that, would you?
A No.
Q And do you recall that you also told them that you spoke to him and some other kids?
A No.
Q No. And today you don't recall the events of the 13th quite as clearly as you did then when you were speaking to Detectives MacGillivary and Ritz?
A Correct.
Q About those events?
A Correct.
Q All of those events were much fresher in your mind?
A Yes.
Q And you, like others at Woodlawn, were pretty shocked at the arrest of Adnan, were you not?
A Yes.

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Q On that day also when you were asked to recall all of your activities, by that day I mean the day that whenever it was that it occurred that you spoke on the tape recorder to Detectives MacGillivary and Ritz, you were asked to recall anything else that you could remember about what you did on that day, do you recall that?
A Yes.
Q And you again had the same attitude, you were trying to remember anything that you could, right?
A Correct.
Q Regardless of whether it was important or not, right?
A Yes.
Q Because they asked you for details, right?
A Yes.
Q And you tried to provide as many details as you could at that moment remember, correct?
A Yes.
Q And in fact, you recalled that you had gone to the guidance counselor, did you not?
A Yes.
Q And that was related to this year going to college, was it not?

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A I don't remember.
Q You back then as a senior were concerned about college, were you not?
A Yes.
Q And there were lots of things to do in regard to preparing to get into college, were there not?
A Yes.
Q And many of those activities was gathering together information about your school career at Woodlawn and forwarding it, was it not?
A Correct.
Q And guidance counselors were the people that had to do that?
A Yes.
Q And you were involved in that process back then?
A Yes.
Q Were you not, getting those things ready?
A Yes.
Q Including seeing guidance counselors?
A Yes.
Q And so it would not have been an unusual event to you?
A No.

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Q And if it had happened you would have told them about it, would you have not?
A Yes.
Q Because they asked you everything that you did, right?
A Yes.
Q And you're familiar with the guidance counselors by name, are you not?
A I was.
Q You were. Do you recall that one of guidance counselors is a woman named Betty Stuckey?
A Yes.
Q And she was the guidance counselor who, in fact, assisted seniors in precisely that activity, getting ready for college?
A Yes.
Q And at that point in January everybody was still applying for various colleges, right?
A Yes.
Q And getting their packages together, isn't that right?
A Yes.
Q And you described that you went to the guidance office that day for that purpose; is that right?

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A I don't recall.
Q But if you did, you would have told them about it, would you have not?
A Yes.
Q You would not have concealed that?
A No.
Q And the guidance office is where Betty Stuckey has her office?
A Correct.
Q And where other students would also be going?
A Yes.
Q And you don't recall you told us that event, do you recall seeing Adnan there?
A I don't remember.
Q If you did you would have told them about it?
A Yes.
Q Unless you had forgotten?
A Yes.
Q Right? Do you recall that they asked you all of the details of where you went if you -- about any place you told them you went or were in school that day?
A Yes.

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Q Because you were more familiar with the physical layout than they were, right?
A Correct.
Q And Ms. Stuckey's office would have been in the place that's called the guidance office, is it not?
A Yes.
Q And if someone went to see Ms. Stuckey for a similar reason that I described to help get things together for a college application, that's the physical place that would have been?
A Yes.
Q And do you recall that they asked you that after you saw Adnan in the guidance counselor's office that day to comment on what he would have been doing in there? Do you recall being asked that question?
A No.
Q Do you recall answering uh-huh, either one of the counselors for information, do you recall answering that?
A No.
Q You would expect the recording made of your conversations with Detective Ritz and MacGillivary made with your consent to be accurate, would you not?

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A Yes.
Q And the tape recorder was turned on the entire time that you spoke to them on the occasion that you remember it was, right?
A Yes.
Q It wasn't turned off in the middle?
A No.
Q And the detectives in all of their questions were phrasing their questions in a way designed to get as much information as possible from you?
A Yes.
Q Sometimes they asked totally open questions just who, what, where, why, right?
A Right.
Q And other times they asked like as in the Best Buy, questions that had certain information already in them?
A Yes.
Q As if they were testing out your knowledge of information that they had from other sources?
MS. MURPHY: Objection.
THE COURT: Sustained.
Q Do you recall, though, when they asked you all of your recollections of Hae Min Lee that they

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asked you to describe her clothing, did they not?
A I don't recall.
Q Well, do you recall that Detective MacGillivary asked you do you recall what Hae was wearing on the 13th?
A Yes.
Q Yes. And do you recall that you answered when I had seen her she was wearing her jeans, a skirt, and a jacket?
A No.
Q So you recall them asking the question, you just don't recall what the answer was?
A Correct.
Q Is that right? And do you recall that they even asked you about the specific colors of her jacket?
A Yes.
Q Shirt?
A Yes.
Q And that you didn't know the color?
A Correct.
Q But you answered hmm, I don't know the color?
A Correct.
Q Because at that time you didn't recall it?

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A Correct.
Q But when asked for the first time you recall what she wore, you did recall that it was jeans?
A Yes.
Q And jeans as being something, they're a type of pants?
A Yes.
Q They were bluish in color, demin?
A Yes.
Q And that's what you meant to describe when you used the word jeans?
A Yes.
Q And jeans are something different than a skirt?
A Yes.
Q They're pants?
A Yes.
Q They cover the whole leg?
A Yes.
Q And that's what you meant to describe when you used that?
A Yes.
Q You were also asked about any detail that you might have on the relationship between Hae Min

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Lee and Adnan that you knew of, right?
A Yes.
Q They asked you about Hae's perception of Adnan as she had expressed it to you, did they not?
A Yes.
MS. MURPHY: Objection.
Q They asked you --
THE COURT: Sustained.
Q They asked you questions about whether or not Hae had ever told you of Adnan being rough with her, did they not?
A Yes.
Q And you told them that she thought that he was the opposite, did you not?
A I don't recall.
Q You don't recall being asked the question in part, did Hae ever express any concerns to you that Adnan was rough with her at any time, do you recall being asked that question?
A I recall the question.
Q And do you recall that you answered no she thought he was so opposite?
A No.
Q Do you recall that that's how she expressed herself to you about him?

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A Yes.
Q She thought that he was a pretty gentle person, did she not?
A Yes.
Q And that he was a sensitive person?
A Yes.
Q And that he was expressive about his love and his gentleness?
A Yes.
Q Within their relationship?
A Yes.
Q And so if you told them that he was so opposite you clearly would have meant that he was opposite to the word rough?
A Correct.
Q And they asked you if Adnan, at least what Hae told you, had ever assaulted her in any way?
A Yes.
Q And you told them absolutely not, didn't you?
A Yes.
Q And that was the truth back then, wasn't it?
A Yes.
Q And it's the truth now, isn't it? In

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regard to anything Hae told you?
A Yes.
Q Yes. And they asked you whether or not Hae had any concern during the time she was sexually active with Adnan whether she ever had a pregnancy scare?
A Yes.
Q And you told them no, did you not?
A Yes.
Q Because those were things that Hae confided in you; is that right?
A Yes.
Q And Hae had never confided any such thing?
A Correct.
Q Is that right? And that's what you told them, did you not?
A Yes.
Q And they asked you about Hae's prior sexual history, did they not?
A Yes.
Q And you told them what you knew?
A Yes.
Q That she had been sexually active --
MS. MURPHY: Objection.
Q -- prior to Adnan?

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THE COURT: Sustained.
Q You were asked about sort of what was going on with the Woodlawn High School students after Hae disappeared, were you not?
A Yes.
Q And you told them about the various rumors going on at the school, did you not?
A Yes.
Q And that among those rumors as you described it was that we all thought that she was with her boyfriend?
A Yes.
Q And when you said that the boyfriend then was Donald Klinedinst?
A Correct.
Q And that that's what was going on in the school including to you?
A Yes.
Q And, in fact, you believed that so much you told them that you contacted Donald Klinedinst on your own?
A Correct.
Q You first contacted him by E-mail?
A Yes.
Q And then you ultimately spoke to him on the

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phone?
A Correct.
Q And you ultimately met him?
A Yes.
Q In person?
A Yes.
Q And that you, in fact, had a seven hour phone conversation with him?
A Yes.
Q That's what you told the detectives and that's what happened?
A Yes.
Q And this is the man that you now call Donnie?
A Yes.
Q Another one of the rumors that you told them about was that Hae was in California?
A Yes.
Q A place where you knew her to have some relatives?
A Yes.
Q And others and maybe you believed that her father was in California?
A Correct.
Q Or at least the man that she had spoken of

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and called him her father?
A Yes.
Q And that was one of the rumors that was floating around that seemed to make sense to you students at Woodlawn?
A Yes.
Q And that was based on your knowledge and other people who knew her, here's knowledge of the difficulty that she was having with her mother?
A Yes.
Q That had been going on for quite awhile?
A Yes.
Q And it was also based on that Hae had expressed that desire before, had she not?
A Yes.
Q To go back to California?
A At that current time, no.
Q But she had expressed it before?
A No, when I said at that current time I meant she didn't mean to go back then, later on, not at that time.
Q You mean that later on at sometime in future when she expressed it, that it was her intent to go to California?
A Can you ask the question again, please?

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Q One of the rumors that you described to Detectives MacGillivary and Ritz that was going on among you and others you knew at Woodlawn following the disappearance of Hae was that she had run off to California?
A Yes.
Q And when you answered their questions about that you were aware from your previous information that Hae had connections with those who were relatives or relatives of a sort still in California?
A Yes.
Q And you were aware that in tenth grade for half of the year Hae was, in fact, physically in California?
A Yes.
Q And at a school other than Woodlawn?
A Correct.
Q And that that was family related?
A Yes.
Q And that there was a person in California that Hae referred to as her father?
A Yes.
Q And that prior to her disappearance at some point she had expressed an interest in going to

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California, returning to California?
A Yes.
Q And part of what she had expressed was to get away from the difficulties that she was having with her mother?
A Yes.
Q And that she had previously expressed all of that to you?
A Yes.
Q And to others that you knew of?
A Yes.
Q And that you explained that all of that was the basis where of the rumor that she was in California had came from?
A Correct.
Q And that because she had so freely expressed those emotions, that's why people believed it?
A Yes.
Q The students believed it?
A (Indicating.)
Q During that time after Hae's disappearance you continued to see Adnan in school, did you not?
A Yes.
Q And again, like before, almost on a daily

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basis?
A Yes.
Q You would describe for Detectives MacGillivary and Ritz that many of you clung to the rumors because you didn't want to think the worst?
A Correct.
Q Is that right?
A Correct.
Q But that it was a topic of conversation among you all?
A Yes.
Q And that all of you would ask each other, have you heard anything?
A Correct.
Q To make sure that there wasn't some news out there that somebody didn't know?
A Yes.
Q And that there was an unspoken understanding that you would all share any information you got from anywhere with each other?
A Yes.
Q And that understanding was among the select group of people that counted Hae Min Lee as people -- as a person who was very important to them?
A Yes.

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Q That group included yourself, did it not?
A Yes.
Q It included Iesha Pittman?
A Yes.
Q It included Becky Walker?
A Yes.
Q It included many others?
A Yes.
Q And it included Adnan, did it not?
A Yes.
Q And you described for the detectives that you would interact with Adnan around concern for Hae Min Lee almost on a daily basis, did you not?
A Yes. Yes.
Q And that that didn't change?
A Correct.
Q You were asked on direct that you were aware of Hae Min Lee's problems at her home?
A Yes.
Q And those problems were really connected with the word that you used her freedom?
MS. MURPHY: Objection.
THE COURT: Sustained.
Q You told us that her mother held her car and her freedom over her head, did you not?

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MS. MURPHY: Objection.
THE COURT: Sustained.
Q At the end of your direct, Ms. Warren, you were asked about at some point you got a list of questions to ask?
A Correct.
Q Was that from Detective O'Shea?
A One of the detectives.
Q Or Detective MacGillivary or Ritz?
A I don't recall.
Q But somebody gave you a list of questions to ask, right?
A They verbally asked me. I wrote them down.
Q You wrote down a list of questions and you were supposed to try to answer those questions, right?
A Yes.
Q And among the persons those questions were focused on that was on Adnan, right?
A Yes.
Q And you considered yourself -- you wrote down those questions because you took their request of you seriously, right?
A Correct.
Q You were going to help them get the

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information that they sought?
A Yes.
Q And that information concerned Adnan, did it not?
A I don't recall.
Q Did you become aware of Adnan getting a cell phone?
A Yes.
Q And he gave you the number, didn't he?
A Yes.
Q Because you were a very good friend?
A Right.
Q And he didn't hide it when he got the cell phone, did he?
A No.
Q You were aware that before he got the cell phone that talking on the phone was the occasion of difficulty for him if the phone was his home phone?
A Can you repeat the question, please?
Q You were aware before the day you became aware that he got a phone, the cell phone, talking on his home phone created some difficulties?
A Correct.
Q Because of the monitoring at his phone?
A Yes.

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Q And that he always had to explain who it was he was talking to?
A Yes.
Q Especially if it was a girl?
A Yes.
Q Even if it was a girl that he didn't have a relationship with?
A Yes.
Q Or that he wasn't dating?
A Correct.
Q You never dated Adnan, did you?
A No.
Q You never had a relationship with him, did you?
A No.
Q You considered him a very good friend over a very long period of time, did you not?
A Yes.
Q He confided most personal things with you, correct?
A Yes.
Q You saw him everyday in school?
A Yes.
Q And you often saw him any day you were not in school?

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A Correct.
Q Did you call him at his home?
A Yes.
Q And you were aware that that caused him difficulties?
A Yes.
Q That he'd have to explain who you were?
A Yes.
Q That you were not a temptation?
A Yes.
Q That you weren't some girl that he was dating?
A Correct.
Q That his mother thought that he might be dating?
A Yes.
Q Or that he might be interested in?
A Yes.
Q And you were aware of all that when you knew that he got his cell phone, right?
A Yes.
Q And part of giving you his cell phone was to give you an easier way for him that you might communicate to him?
A Yes.

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Q Or an easier way for him that he might communicate to you?
A Yes.
Q To have a way to communciate with whom he wanted to communicate without it causing difficulty with his parents?
A Correct.
Q And without being forced to answer lots of questions any time a friend such as you might call?
A Correct.
Q And you were also aware that he gave that number out to others?
A Yes.
Q Among your group?
A Yes.
Q Hae?
A Yes.
Q You were aware at the time that he got his cell phone that he and Hae were still the same way they had been, very caring about each other?
A Yes.
Q Still considering each other very good friends?
A Yes.
Q Still concerned about each other's

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welfare?
A Yes.
Q Still talking almost everyday?
A Yes.
Q And still speaking of each other in very glowing terms?
A Yes.
Q That didn't change at any time before the last time you saw Hae on the 13th of January?
A Correct.
Q At about three o'clock?
A Correct.
Q That never changed, either from information that you got from Hae?
A Correct.
Q Or from what you observed --
A Right.
Q -- of either her?
A Yes.
Q Or of Adnan?
A Correct.
Q And it never changed based on information you got from Adnan?
A Right.
Q Or from any other source?

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A Correct.
MS. GUTIERREZ: I have nothing further. Thank you.
THE COURT: Thank you very much. Any redirect?
MS. MURPHY: Yes, Your Honor. Thank you.
REDIRECT EXAMINATION
BY MS. MURPHY
Q Ms. Warren, the problems that you've described that Hae had with her mother, is it fair to say they were not uncommon among your girlfriends to have the same types of problems?
A Correct.
Q It was about rules?
A Correct.
Q In the one to two weeks before Hae disappeared were these problems at the forefront, is this what Hae discussed with you on a daily basis?
A Yes.
Q A day or two just prior to her disappearance, how would you describe her emotional state?
A She was very happy.
MS. GUTIERREZ: Objection.
THE COURT: Overruled.

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Q If she had contemplated running away at that point, do you believe she would have told you?
MS. GUTIERREZ: Objection.
A Yes.
THE COURT: Sustained.
Q Now, this rumor that perhaps Hae had gone to California to see this person that she may have referred to as her father, do you recall that Adnan was one of the people that suggested that?
A I don't recall.
Q I mean, you were asked did Adnan make Hae stop seeing her friends, and your response was, well, make, no. It was an issue between them, wasn't it?
A Correct.
Q Can you describe that for the jury, please?
A Adnan was very over protective of Hae. He never made her sustain from seeing her friends but he did suggest that she spend more time with him. He wanted to know where she was going, when she was going, who she was with, almost like he was her father.
Q And you stated that only part of the reason for their break up were their religious difficulties, what is the rest of the problem?
A The control issue between the two of them

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and his possessiveness, his aggressiveness verbally, and him keeping tabs on her all of the time, that really irked her and she felt like she wasn't free in the relationship.

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

THE COURT: Yes, you may.

Q I'm showing you State's Exhibit 2 and you've seen this a couple of times now. I ask you just to look over all of the entries from December 29th until the end of the entries?

A (Witness complied with request.)

Q Thank you. Now, the entries that Ms. Gutierrez pointed out to you on cross examination were from December; is that correct?

A Correct.

Q Some of these entries you've already read to the jury, right?

A Yes.

Q Is it fair to say that in all of these entries from December 29th to January 12th, the day before Hae disappeared, the defendant Adnan Syed is mentioned only once?

A Correct.

Q Can you please read, and I'll refer you to

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January 2nd, 1999, the only entry that mentions Adnan Syed?

A Happy '99 ready to party and graduate. Anyways I got to tell you about yesterday. Guess who had a date with Donald R. Klindeinst the III. Me. On Thursday December 31st I picked up Adnan from his work and dropped him off at Sears so he could pick up his car.

Q Thank you, Ms. Warren. Now, would that be like Hae to do a favor for Adnan like that?

A Yes.

Q Even though they were broken up?

A Yes.

Q Because they were still friends?

A Correct.

Q And the entry indicates the very next thing she did was meet Donald Klinedinst?

A Correct.

Q When you suggested to Adnan that he take Hae to the prom, knowing that Adnan was a practicing Muslim what made you think he would ask anyone out on a date?

MS. GUTIERREZ: Objection.

THE COURT: Overruled.

A Can you repeat the question?

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Q Why did you think Adnan would consider asking anyone on a date if he wasn't allowed to do that?

A Because he liked Hae and he had had a girlfriend previously.

Q Now, Ms. Gutierrez asked you about all of the other students and people at Woodlawn who knew about their relationship?

A Correct.

Q And you basically agreed most people didn't have a problem with it?

A Correct.

Q But you knew that Adnan's parents did?

A Yes.

Q So when you encouraged him to take Hae out did you know that he would have to hide that from his parents?

A Yes.

Q And did you believe he would have any problem doing that?

A No.

Q Now, when you suggested the one day recess and we've talked about that --

A Correct.

Q -- the first time they broke up, did Hae

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date anyone else?

A No.

Q And you've described their relationship as still very close friends?

A Correct.

Q Do you believe that their seeing each other everyday had any impact on their ability to stay apart? Did it make it hard to break up?

A Yes.

Q And when they finally broke up you've described on cross examination they were clearly still friends?

A Correct.

Q Now, in your conversations with Hae from January 1st until the day she disappeared, how do you think she felt about the commitment to Don Klinedinst and this new relationship?

A She was very committed and optimistic and happy about it.

Q And she felt that way, even though she knew it would hurt her friend Adnan Syed?

A Correct.

Q And you've reviewed the diary entries, all of them from January 1st to January 12th?

A Yes.

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Q And in any of those entries does Hae Lee mention any problems with her mother?
A No.
Q Does she mention anything about going to California?
A No.
Q Or running away?
A No.
Q Really all of those entries discuss is Don?
A Correct.
MS. MURPHY: Court's indulgence, please.
THE COURT: Certainly.
MS. MURPHY: Thank you, Your Honor. No further questions.
THE COURT: Any recross?
MS. GUTIERREZ: Yes, Judge.
RECROSS EXAMINATION
BY MS. GUTIERREZ
Q You knew that Adnan's parents didn't approve?
A Correct.
Q You knew that from Adnan, didn't you?
A Correct.
Q He didn't hide any of that?
A No.

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Q From you?
A No.
Q In fact, he didn't hide it from anybody, did he?
A I don't know.
Q Well, everybody in your crowd knew that Adnan's parents didn't approve, didn't you?
A Correct.
Q Everybody in the crowd knew it, did they not?
A Yes.
Q That wasn't some hidden truth, was it?
A No.
Q Is that something that Adnan spoke about?
A Yes.
Q And Hae spoke about?
A Yes.
Q And the recess that Mrs. Murphy referred to as the one day recess, well, it ended up being a one day recess, right?
A Yes.
Q But your suggestion wasn't for one day, it was for a week, wasn't it?
A Correct.
Q And you did that believing that they

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shouldn't be together?
A No.
Q That they needed relief from each other to make decisions about whether or not they should be together?
A For a short time, yes.
Q And they took your advice or Hae took your advice but it only lasted a day, right?
A Correct.
Q Not a week, right?
A Yes.
Q And you believed that wasn't giving a fair shot to a recess, did you not?
A I don't remember.
Q Ms. Warren, when you talked about aggressiveness, had Hae complained to you about that?
A Yes.
Q Having reviewed the diary there's not a single word of complaint about aggressiveness on Adnan's part, is there?
A No.
Q And the only time possessiveness is mentioned is the entry that you read us yesterday?
MS. MURPHY: Objection.
Q Is it not?

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THE COURT: Sustained as to the only reference.
Q Well, Ms. Murphy just had you answer that you've reviewed this diary, have you not?
A Yes.
Q The whole diary, right?
A Correct.
Q Correct?
A Yes.
Q You were pointed out to certain entries, right?
A Yes.
Q But you read it all, did you not?
A The entire diary?
Q Yes, ma'am.
A No.
Q Isn't that what you just told her?
A I don't recall.
Q What is it, you read it or you haven't read it?
MS. MURPHY: Objection.
THE COURT: Sustained.
Q Did you read the whole diary?
A No.
Q So you're not familiar with what's in the

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diary, are you?
A Parts of it, yes.
Q Only to the parts that you read, right?
A Correct.
Q And did you choose out the parts that you read?
A No.
Q And somebody else chose them out for you?
A Yes.
Q Was that Ms. Murphy?
A She was one of the people, yes.
Q She was one. In any of the parts that you read are there any entries that complain of his possessiveness other than the one entry you read us yesterday?
A No.
Q No, not at all?
A No.
Q Just like there are no entries that complained of his aggressiveness?
A Correct.
Q And there are no entries that complained of his control over her?
MS. MURPHY: Objection.
THE COURT: Sustained.

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Q The only time Adnan -- I mean that Hae Min Lee wrote about Donald Klinedinst in any depth was after her first date?
MS. MURPHY: Objection.
THE COURT: Sustained.
Q The bulk of the entries after January 2nd are about her beginning relationship with Donald Klinedinst, are they not?
A Correct.
Q Now, you just used the word that she was very committed to the relationship?
A Correct.
Q And that commitment, whatever level it was, that had occurred in the not quite two weeks since January 1st?
A Correct.
Q Because they hadn't dated before then, right?
A Right.
Q They hadn't even kissed before then, right?
A Yes.
Q But within two weeks it's your understanding that she was committed to this relationship?

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A Yes.
Q You were asked by Ms. Murphy about rules?
A Yes.
Q And Hae wasn't too good at following all the rules that her mother imposed, was she?
A I wouldn't say that.
Q She didn't follow all of those rules, did she?
A Not all, no.
Q And Adnan wasn't always too good about following all of the rules --
MS. MURPHY: Objection.
Q -- his mother imposed?
THE COURT: Sustained.
MS. GUTIERREZ: I have nothing further.
THE COURT: Thank you very much. Anything further?
MS. MURPHY: No, Your Honor.
THE COURT: Very well. May this witness be excused?
MS. MURPHY: Yes, Your Honor.
THE COURT: May this witness be released from subpoenas or summonses?
MS. MURPHY: From the State, Your Honor.
THE COURT: From the defense?

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MS. GUTIERREZ: Yes, Your Honor.
THE COURT: Very well. Ms. Warren, you may not discuss your testimony with anyone who has yet to be a witness in this case, but you are excused from the summonses and you may remain in the courtroom if you would like. At this time you're free to go. Your next witness is.
MR. URICK: Detective MacGillivary.
THE COURT: All right. I'd like to start Detective MacGillivary -- one moment. May I see you? We're going to take a recess for lunch at this time. I note that it is 12:25 and I would also note that we're going to recess until 1:30 at which time we will resume lunch. I mean, we will resume this case after lunch.
I'm going to ask that you leave your note pads face down. I'd like you at this time to return to the jury room and then go to lunch. Do not discuss the testimony that you've heard so far nor any other testimony that you have heard on previous days and at this time you are free to go to lunch until 1:30.
Ms. Murphy, Mr. Urick, may I see you at bench. Ms. Gutierrez.
(Whereupon, counsel and the Defendant

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approached the bench and the following conference ensued:)

THE COURT: I understood the woman who is accompanying your victim is supposed to be here. If she's having some problems in the courtroom, I want you to direct her to have the victim's mother go out to the hallway, as opposed to just sitting there.

MS. MURPHY: Okay.

THE COURT: It's obvious she's having some difficulty.

MS. MURPHY: She has been clutching --

MS. GUTIERREZ: For the record, she has been clutching her --

THE COURT: She's clutching her chest and it is certainly unnecessary for her to do that. If she's having a problem in the courtroom, she should leave and the woman that is accompanying her should assist her in doing that.

MS. MURPHY: I'll advise her, Judge.

THE COURT: I did what I could to assist her in getting the jury out, but you know I would appreciate that you would ask her to do --

MS. MURPHY: Certainly.

THE COURT: -- what I believe is her job and responsibility when there's problems with the

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victim's family.

MS. MURPHY: No problem.

THE COURT: And I reiterate that I consider that her responsibility and role during the course of this trial. I understand why she is present, but to the extent that there's nothing I can do when I have a jury sitting here to draw attention to her makes it worse, but I'm not in a position to say, hey, bereavement counselor can you escort the mother of the victim out of the courtroom and I would ask that you talk to her about that and I would note that it would seem that she was trying to control herself so she didn't -- she did grimace and her face, it was clear something was bothering her because she was grabbing her chest at the time so --

MS. MURPHY: For the record, Your Honor, I didn't notice any of the jurors being distracted.

THE COURT: Well, I don't know whether they were or they were not. It certainly presented a situation that could have been difficult --

MS. GUTIERREZ: Well, and for the record, jurors had to pass exactly in front of her at the she's clutching and ultimately leaned over in to leave the courtroom.

THE COURT: As I said, there's nothing I

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could do about that. That's the way out of the courtroom.

MS. GUTIERREZ: I understand.

THE COURT: As I reiterated, that's why the bereavement counselor is there. That if the mother of the victim is having a problem that she be in close proximity and that she pay attention to what's going on in front of her as opposed to the trial, and I would ask that that be what she does. Certainly, she is going to remain with the victim. With that said we recess until 1:30.

MS. MURPHY: Thank you, Your Honor.

THE COURT: Thank you.

THE CLERK: This Court will stand in recess until 1:30.

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

THE COURT: Counsel, since the defendant is here now, I'm asking Mr. White to bring the jury in. Once he gets in, we'll advise him as to those names that you have. You have them completed?

MS. GUTIERREZ: Yes.

THE COURT: If you would just pass them up, just lay them there. When Mr. White comes back I will instruct him that they are to be taken care of

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and --

MS. GUTIERREZ: Thank you. We're going to do private process.

THE COURT: I understand. I'll just make sure that whatever needs to be done is taken care of. I understand the next witness is Detective MacGillivary who is currently in the court; is that correct?

MR. URICK: That's correct, Your Honor.

THE COURT: Raise your right hand, sir, and listen to Mr. White.

DETECTIVE GREGORY MACGILLIVARY, a witness produced on call of the State, having first been duly sworn, according to law, was examined and testified as follows:

THE CLERK: Please keep your voice up. State your name for the record.

THE WITNESS: Detective Gregory MacGillivary, Baltimore Police Department Homicide Unit.

THE CLERK: Spell your last name for the record.

THE WITNESS: M-a-c capital G-i-l-l-i-v as in Victor a-r-y.

DIRECT EXAMINATION

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BY MR. URICK
Q Good afternoon, Detective MacGillivary.
A Good afternoon.
Q I'd ask you to lean forward towards the mike and maybe pull it down a little and be sure to speak it into so that everybody can hear you. How long have you been in the Homicide Unit?
A Since 1995, January.
Q And what does the Homicide Unit do?
A We investigate naturally homicides, all accidental deaths, suicides, and questionable and suspicious deaths.
Q Now, drawing your attention to on or about February 9th, 1999, did you have occasion to respond to Leakin Park in Baltimore City?
A Yes, I did.
Q And in what capacity did you respond?
A As a primary detective.
Q What does a primary detective -- what does primary detective mean?
A I have the responsibility of investigating deaths, homicides. I direct the primary police officers to maintain the crime scene, have other detectives that are actually on the scene make sure that all evidence is collected, along with directing

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Crime Lab technicians to collect evidence, photograph evidence, and also have the Medical Examiner's Office come out and, naturally, remove the remains.
Q And were you the primary detective assigned to the investigation of the Hae Min Lee murder?
A Yes, I was.
Q Now, in the course of your investigation did you have occasion to interview Detective O'Shea of the Baltimore County police force concerning his missing persons investigation of Hae Min Lee?
A Yes, I did.
Q Based on information that you obtained from him, what, if anything, did you do?
A I obtained cell phone records of a phone that Adnan Syed had.
Q And drawing your attention now to on or about February 26th of 1999, did you have occasion to be in Baltimore County pursuant to your investigation?
A Yes, I did.
Q What were you doing on that date and time?
MS. GUTIERREZ: I'm sorry, what date was that?
Q February 26th?
A On the 26th I had the occasion to be in the

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Woodlawn area and I responded to a residence in that area, 1208 McAdoo.
Q What took you to that residence?
A After getting the cell phone numbers we had gotten the subscriber information for each of the numbers. One of the subscribers lived -- one of the numbers that we had gotten from the cell phone, the subscriber information came back to 1208 McAdoo. So I responded to that location.
Q What, if anything, did you find when you got there?
A When I responded, I got out of my car and started to walk towards the residence and a young lady had rolled down her window. She was in a car out front of the residence and inquired as to why I was going to her home.
Q Did you have occasion to speak to her at that time?
A Yes, I did.
Q As a result of that conversation what, if anything, did you do?
A She identified herself as Jennifer Pusateri and I learned that she had gone to --
Q Please don't tell us what she told you. Tell us what you did?

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A I invited her down to the offices of Homicide.
Q Okay. When did you invite her down?
A That evening.
Q And did she show up?
A Yes, she did.
Q And did you talk to her at that time?
A Yes, I did.
Q Now, drawing your attention to the next day, what, if anything, happened, meaning the 27th of February?
A The next day I was contacted and I learned that Ms. Pusateri had made arrangements with an attorney and that she wanted to respond to Homicide and give us information concerning the death of Hae Min Lee.
Q Did she appear on the 27th of February?
A Yes, she did.
Q And did you have a conversation with her at that time?
A Yes.
Q Based on information that you obtained from that conversation, what, if anything, did you do?
A After speaking with Ms. Pusateri at great length, I responded over to Southwestern Video and

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spoke to Jay Wilds.
Q Had you identified Jay Wilds prior to that?
A No, I had not.
Q Did you, in fact, speak to Mr. Wilds there on that day at the video store?
A Yes.
Q As a result of that conversation what, if anything, did you do?
A I invited Mr. Wilds down to my office and interviewed him also.
Q And did he, in fact, come down to your office?
A Yes, he did.
Q Did you have a conversation with him there?
A Yes, I did.
Q And as a result of information that you obtained from that conversation, what, if anything, did you do?
A I obtained an arrest warrant charging Adnan Syed with first degree murder.
Q And based on information that you obtained from that, did you have occasion to respond to the Edmondson Road Avenue or Edmondson Avenue area?
A Yes, I did.
Q What, if anything, did you find there?

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A Right off of Edmondson Avenue on Edgewood, Mr. Wilds directed us to a location where the victim's car had been parked.
Q Now, did you have occasion on or about March 15th or so to speak to Mr. Wilds again?
A Yes.
Q Between the first conversation on the 28th and the one in March what occurred?
MS. GUTIERREZ: Objection.
THE COURT: Will you repeat that question, please.
Q Between Mr. Wilds' first conversation on the 28th and the one in March what occurred?
THE COURT: Sustained.
Q What happened that made you want to speak to Mr. Wilds again?
A I had obtained cell site information as a result of the cell phone information and I wanted to talk to Mr. Wilds a second time.
Q And did you speak to him a second time?
A Yes, I did.
Q As a result of information that you obtained from that, what, if anything, did you do?
A He actually took us on a ride and the cell site information that we had didn't correspond to his

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statement at first, at which time we narrowed the time frames down. He started to recall things a little better and took a second statement.
Q Based on that second statement, what, if anything, did you do?
A We obtained a warrant for Adnan Syed charging him with first degree murder.
Q I believe that was after the first one?
A Correct.
Q Drawing your attention to the second one, who, if anyone, did you talk to after that as a result of the conversation that you had with Mr. Wilds?
A Okay. We also identified other persons that -- from the cell phone records, one of them being Kristi Vinson.
Q And just to summarize what piece of evidence was it that led you to Jen Pusateri, Jay Wilds, the victim's car, and Kristi Vinson?
A Cell phone and cell phone records.
Q Of who?
A Adnan Syed.
MR. URICK: No further questions.
THE COURT: Ms. Gutierrez, witness with you.

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MS. GUTIERREZ: Yes, thank you.
CROSS EXAMINATION
BY MS. GUTIERREZ
Q Detective MacGillivary, you were assigned to be the primary detective in the investigation into the body that had been discovered in Leakin Park at the onset of the investigation, right?
A Yes, ma'am.
Q And Detective Ritz of your office was assigned to be the secondary, right?
A Well, actually in the onset Detective Gordon Carew was the secondary. However, ultimately --
Q Ultimately, it was Detective Ritz?
A Ultimately, Detective Ritz was the secondary.
Q As the primary detective in a homicide that essentially puts you in charge, does it not?
A That is correct.
Q You direct all kinds of people as to what it is that they should do?
A Correct.
Q What they should look for, right?
A Correct.
Q What they should seize?

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A Correct.
Q At various locations?
A Yes.
Q And what tasks should be done on any and all kinds of evidence; is that right?
A Correct.
Q And that's always up to you?
A Well, it's up to me. However, Crime Lab being the specialists, they will also have conversations with me indicating --
Q With you?
A Correct.
Q But you're the guy that ultimately makes the call?
MR. URICK: The State would ask that the witness be allowed to answer the questions before the -- to give his answer before the next question is asked.
THE COURT: Very well. It's overruled, but I would ask counsel to allow the witness to complete his answer.
MS. GUTIERREZ: Thank you, Judge. I'll try.
Q In any event -- and you've been the primary before, right?

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A Yes, I have.
Q And back then in January of 1999 you had four years of experience in the Homicide Unit?
A Yes, ma'am.
Q And you quickly -- you went right to where the body was, did you not?
A I did not.
Q Although did you ultimately go there that day?
A Yes, I did.
Q And you saw the body where it was?
A Yes, I did.
Q It was inside Leakin Park, was it not?
A Yes, it was.
Q And you actually looked at the grave site?
A Yes.
Q With the body still in it?
A Yes.
Q And at the time that you looked at it you didn't know whose body it was?
A I did not.
Q And you didn't know how it had gotten there?
A I did not.
Q And you didn't know what the cause of death

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was?
A No, I did not.
Q The only thing you did know is that the body was there, right?
A I knew that there was human remains.
Q And that it clearly -- that those remains were dead?
A Yes.
Q Okay. That was pretty apparent, right? Now, you had been to Leakin Park before that date, had you not?
A I have driven through Leakin Park on numerous occasions.
Q And the road to get to where the body is is a road by the name of Franklintown Road, is it not?
A One of the roads going through.
Q One of the roads. The road off of which this body was was Franklintown Road, was it not?
A Yes.
Q And where the body was was off of the road, I think in one of your first reports was a good 150 yards?
A 127.
Q That's how it actually measured, right?
A Correct.

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Q But in your very first reports, actually you referred it to as about 150 yards?
A I don't recall.
Q But a good way off of the road?
A Yes.
Q And where the body was was off of an indent off of the road that was at least partially surrounded by concrete jersey wall barriers?
A Franklintown Road winds through Leakin Park, two lanes, double lanes, meaning you can't pass, going through Leakin Park at this time. There were a few locations along the way that one could pull the car over and there were concrete barriers. Basically if you pulled your car in about one car could actually fit in there going the same way as the road. However, if you pulled in front ways, you could actually get possibly two cars.
Q And the concrete wall barriers -- well, going back to my original question, where the body was, was off into the park, further in than where those concrete barriers were?
A Correct.
Q And the barriers, in fact, not only were in the park, but the barriers were partially sealing off the road from whatever space would be inside the

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concrete barriers, were they not?
A I don't understand what you mean.
Q You got the road, you said it's a two lane road, right?
A Yes, ma'am.
Q One lane going one way, one lane going the other way?
A Correct.
Q Is that right? And where this spot was there were barriers that once you pulled into that spot surrounded three sides, did it not?
A Correct.
Q So that if you had a car you couldn't pull in beyond those barriers?
A Correct, you couldn't actually get into the wooded area.
Q Right. The barriers would block that off, did they not?
A They did.
Q But also at the time there were concrete barriers that ran parallel to Franklintown Road right at the edge of the road, did they not?
A They did not.
MS. GUTIERREZ: Mr. Clerk, can I have the sheet with the pictures?

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THE COURT: I think that was exhibit 9.
MS. GUTIERREZ: Something like that, Your Honor.
THE COURT: Exhibit 9 or 10.
MS. GUTIERREZ: May I approach the witness?
THE COURT: The number for the record, it's on the back.
MS. GUTIERREZ: It is State's exhibit 9, Your Honor.
Q If I may ask you to look at State's exhibit 9, if you look at all of the photographs for a minute and familiarize yourself with them?
A Okay.
Q In regard to the photograph on the left top side, that shows you in full view the concrete barriers you're talking about, does it not?
A That is correct.
Q And it shows the concrete barriers off from the road?
A Correct.
Q It also shows concrete barriers at portions directly parallel to the road very close to the white line marker in the road that marks the far wide edge of the road?

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A What she's describing Franklintown Road being two lanes.
Q This shows Franklintown Road, does it not?
A It does.
Q Both lanes?
A Right.
Q Does it not?
A I guess if you could show the photograph to the jury.
Q I will.
A Two concrete barriers, parallel, separated, so that the car could actually pull into the parking spot, parking pad.
Q But the picture at the bottom on the left clearly shows the relationship of those concrete barriers to the road?
A Yes, it does.
Q And it was -- the pictures on the right hand side sort of show an overview back into the wooded area, correct?
A Correct.
Q And it's back behind in that wooded area that the body was located?
A Correct.
Q And as you've said -- thank you, Detective

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MacGillivary. As you've said, the distance where the body was was 127 feet?
A 127 feet off the road.
Q Off of the road; is that right?
A Correct.
Q And you didn't measure it right then, right?
A No, I did not.
Q You directed somebody else to measure it, did you not?
A The Crime Lab technician.
Q In fact, in addition to the Crime Lab -- and they came out pretty quickly, did they not?
A Yes.
Q Once they were notified that there was a body there, right?
A Yes, ma'am.
Q And at that time when you got there they were -- they came and they were doing things, were they not?
A Yes, they were doing their responsibilities.
Q Even before you got there?
A No, I was there first.
Q They waited, they didn't come until you

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wanted them there?
A We were all in the same area.
Q And you directed them as to what to do, did you not?
A I directed them to the body.
Q And you directed them to pick up certain articles of evidence, did you not?
A Yes, I did.
Q And at the time that you did so, you, of course, had no way -- you didn't know that this was a homicide yet, did you?
A I did not.
Q Because you couldn't tell how this body had died?
A Correct.
Q You just knew that it was dead, is that right?
A Correct.
Q And the body was located at the end of that 127 feet distance behind a log, was it not?
A That's correct.
Q And the log was about 40 feet long?
A I believe they had made a measurement. I don't know the exact length of the log.
Q It was a pretty long log, wasn't it?

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A It was a big log. It was a tree.
Q Pardon?
A A fallen tree.
Q A fallen tree, right. It was a dead tree that clearly had been laying there for awhile?
A Correct.
Q Clearly from your view of it, the tree wasn't new?
A No, it had been there for sometime.
Q Okay. It had not just fallen down that day?
A No.
Q Or been placed there that day?
A Not that I'm aware of.
Q And certainly not by any mechanical or artificial means?
A Not that I'm aware of.
Q It sure looked like a tree that had just died and fallen over, did it not?
A No, it looked like it had been there for some time.
Q And the body was on the far side of that tree, was it not?
A It was opposite.
Q The far side from the road?

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A Closest to the stream.
Q Okay. Closest to the stream, and the stream was further from the road than the tree was?
A Correct.
Q And the tree was lying in a position that was parallel to Franklintown Road, was it not?
A Actually, somewhat parallel. However, to an angle towards the stream.
Q Towards the stream itself. But if one approached where the tree was from that area that you just described surrounded by the concrete barriers, one would run into the tree first, would they not?
A Yes, they would.
Q The body was on the far side, buried on the far side of the tree?
A Actually, the way -- it was a natural depression the tree was laying over so once --
Q Depression, could you just define the term please before you go further. Describe what you mean as a depression?
A It was a natural gully there and the tree was lying across the gully. So on the far right side you could actually walk right over the tree. However, on the section closest to the stream, you could not. You actually had to climb over the tree.

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Q The tree. Because the ground where the body was was lower than the ground on the other side of the tree, was it not?
A Deeper. It was deeper, a deep depression.
Q Okay. And the tree where it was, was not plainly visible if you were standing out by the concrete barrier closest to Franklintown Road, was it?
A Yes, it is visible.
Q Plainly visible?
A It's visible. I mean, if you look from the street into the woods, you can see the tree.
Q And the body buried behind the tree on the farther side of the tree, that was plainly visible?
A Excuse me?
Q The body that you viewed on the far side of the tree, that was plainly visible?
A From?
Q From the same place, from the furthest concrete barriers or the barriers closest to the road?
A No, you couldn't see the body from the street.
MS. GUTIERREZ: May I approach the witness again, Your Honor?

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THE COURT: Yes, you may.
Q Again look at State's Exhibit 9, is the tree about which we're talking visible in any of those photographs?
A Yes.
Q And where is that?
A Here is the tree right here.
Q The tree right there?
A That's correct.
Q And can you judge the distance from the far barrier to where that tree is?
A I don't have a clue.
Q And you caused these pictures to be taken?
A Yes, I asked the Crime Lab technician to photograph the scene.
MS. GUTIERREZ: If I could ask, Mr. Clerk, do we have any of those little buttons that we use to -- I don't want him to mark the picture.
THE COURT: The stickeys that have little arrows on them. They were used in the other courtroom.
Q Detective MacGillivary, I'm going to ask you to take a sticky and if you would put the edge of the sticky right at the edge of the tree that you described as being the tree behind which the body

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appeared. I'll try to hold this firm. Now, if you would hold this picture for a minute, I'm going to grab you a pen and ask you to write and put an arrow there. Tree/body, if you would?
THE COURT: Let the record reflect that the witness has placed this sticky on the photograph that is in the upper left hand corner of exhibit number nine. That's the first photograph at the left.
Q If you could just put at the bottom of your arrow, tree, and then initial it, please?
A (Witness complied with request.)
Q Thank you, detective.
A Very good.
Q Now, the Crime Lab got there and at some point you arranged for someone with some specialty about remains that had clearly been around for awhile, did you not?
A Yes, ma'am, we did.
Q And that person was doctor -- Mr. Rodriquez?
A Dr. Rodriquez.
Q The anthropologist?
A Forensic anthropologist.
Q And you then relied upon him to exhume the body carefully?

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A Yes, that's correct.
Q And part of your concern in calling Dr. Rodriquez was that it appeared to you that the body had been there for a little while?
A I didn't have a clue.
Q And it was important you knew before the body was exhumed to do so as carefully as possible, was it not?
A Actually, this is the first murder where I have ever had somebody buried in the ground. So our medical -- I wasn't aware of any of our medical examiners that --
Q You mean Baltimore City medical examiners?
A Correct, that had actually disinterred a body. Knowing Dr. Rodriquez from prior seminars, it was determined what we'd do is contact Dr. Rodriquez and he would respond up from Bethesda and he would actually do the disinterment.
Q And by disinterment, you meant the actual removal of the body, the remains from the ground?
A That's correct.
Q Is that right? And you sought Dr. Rodriquez because you were aware of his expertise in situations like that, were you not?
A Correct.

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Q Okay. And he then came over at your request, right?
A Not only Dr. Rodriquez, however, he had staff that also responded.
Q To help him, right?
A Correct.
Q And they brought equipment, did they not?
A I believe they did.
Q They brought some lights and some other things?
A Actually, no, they didn't.
Q That had to be provided?
A Yes.
Q Because they needed that?
A Correct.
Q And whatever they expressed to you their needs were, you certainly didn't hesitate to comply, did you?
A Actually, they didn't request. It was pretty evident what we would need. It was getting dark so -- thus, we needed light. So we contacted one of our emergency vehicles. You probably have seen them around the city. It's a big truck and they've got all sorts of equipment that we need. In those trucks they have lamps with long extension

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cords so we can light up a scene.
Q Now, you called Dr. Rodriquez because of the experience you knew he had, right?
A Correct.
Q But because you couldn't tell anything about this you were most interested in collecting any items forensically, evidentiary items that you could that might help you know what had happened to the body?
A At the time that I had responded out to Franklintown Road, I didn't -- I knew there was a body there. I didn't know whether it was male, female, what race. There was a lot of articles found within Leakin Park.
Q So the answer to my question is yes?
A Yes.
Q You wanted to find out as much you can from anything in that scene that could tell you, right?
A Not knowing how the individual died, the articles that I saw in that area, some of it was recovered.
Q Okay. And you made sure that anything that could be recovered was recovered, did you not?
A Correct.
Q All right. And you were present when Dr.

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Rodriquez did his disinterment?
A Yes, the whole time.
Q And you were present for the bulk of the time when the Crime Lab did their job?
A I was there the whole time.
Q Some of it at your specific direction?
A Correct.
Q As to what items to pick up and bag and mark?
A Correct.
Q And where to look to make sure something wasn't overlooked?
A I don't understand.
Q Well, as to -- you had them direct their attention to where the body was, right?
A Yes.
Q But you also had them look around, did you not?
A Well, actually I'm sure they looked around. However, by the time the Crime Lab had gotten there we pretty much had the scene down.
Q And the collection of evidence included collecting evidence from out by the road, did it not?
A Yes, it did.
Q By the concrete barriers, did it not?

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A It did.
Q Now, incidentally detective, there wasn't a walkway that went from the edge of the concrete barriers to where the body was, was there?
A There is not a man made -- by man made I say clearly made concrete path. However, if you looked into the woods, it was a natural way that one would walk towards the tree. There were -- you could tell that somebody had actually walked that path a number of times. So the grass that was still there was like worn down and you would naturally -- the path of least resistance back to the tree, because you're talking 127 feet off and there are weeds, sticker bushes. So there was a natural path.
Q So the answer to my question is no there was not a walkway back there?
A I would consider that a walkway because it was, as I said --
Q Did you call it a walkway?
A It's where everybody walked.
Q Did you know that?
A Did I know that there was a walkway?
Q That everybody walked that way?
A That's generally the way everyone walked, through that path.

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Q Who was the everyone to whom you are referring?
A Well, myself, Detective Ritz.
Q And that was the day that you were there at that place?
A Correct.
Q Okay. And Detective Ritz, had he been there before?
A No.
Q Had he ever walked back there before?
A Not that I'm aware of.
Q Did he ever indicate to you that he was familiar with that specific location?
A I believe Detective Ritz has investigated a murder in Leakin Park.
Q There?
A I don't recall where in Leakin Park, but he has in Leakin Park.
Q So it may not have been anywhere near where that tree was?
A I don't have a clue.
Q And who else is in this everybody?
A Additional detectives that were on the scene, Crime Lab, and Dr. Rodriquez.
Q And they all walked the same way?

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A In the same direction.
Q And did you -- well, that's really two different things, is it not?
A No, it's not.
Q When you saw the body, Detective MacGillivary, you had no idea how it had gotten there, had you?
A Did not have a clue.
Q And the way that you walked was not the only way that someone could come from Franklintown Road and gotten there, was it?
A The path of least resistance.
Q I didn't ask you that, detective. Was that --
MR. URICK: Objection.
Q -- the only way --
THE COURT: Sustained.
Q -- that someone could have gotten to where that body was from Franklintown Road?
A There --
THE COURT: Sustained, detective.
Q When you saw the body it was still partially covered up with dirt and leaves?
A The body was completely covered. There were only certain sections of the body that you could

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actually see human flesh.
Q So that there were parts of the body that were not completely covered, correct?
A Correct.
Q Now, when you got there and you saw the body and you made your entrance and you contacted Dr. Rodriquez, and Crime Lab started going forward, did you have any information not from your own observations as a detective whose body it might be?
A I didn't have a clue.
Q So that was part of what you wanted to find out, right?
A That's correct.
Q And did you have any information, not from your own observations, but from some other source, as to what had happened to the body and how it died?
MR. URICK: Objection.
THE COURT: I didn't hear the end of. As to what happened?
MS. GUTIERREZ: To the body as to how it had died.
THE COURT: Overruled, if you know.
THE WITNESS: I didn't know.
Q Did you have any other -- any information from any other source other than your own

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observations as to how the body got there?
A I didn't have a clue.
Q Or when the body had gotten there?
A At that initial time I didn't have any idea how long. However, Dr. Rodriquez was able to tell me how long.
Q Well, my question is at the time that you saw the body did you have any information about how long the body had been there?
A No.
Q Now, the body was exhumed that day?
A That evening.
Q And there was some evidence that was collected from underneath the body?
A Yes.
Q And from on top of the body?
A Yes.
Q That included soil?
A Yes.
Q And leaves?
A Yes.
Q And in addition that included some fibers, did it not?
A It did.
Q From underneath the body?

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A There was one fiber that was located underneath of the body.
Q And on top of the body?
A And there was one fiber laying on the torso of the body.
Q Since you walked -- you observed what the terrain was made up of from between the concrete barriers and the body, did you not?
A Yes.
Q It wasn't concrete?
A No.
Q It wasn't plastic?
A No.
Q It was, as you say, grass and leaves?
A Dirt.
Q Dirt?
A Leaves, trees, dead branches.
Q And I'm sure you had the Crime Lab be directed to look for evidence of others that had been there, did you not?
A I don't understand your question.
Q Well, you directed them to look for any evidence of footprints leading to that body, didn't you?
A There weren't any apparent footprints.

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Q There was -- you're a trained detective, you are trained to look for that kind of thing, right?
MR. URICK: Objection.
THE COURT: Overruled. Were you trained to look for that type of thing?
THE WITNESS: That's one of.
Q And you did so, didn't you?
A We didn't see any footprints.
Q And you also looked for any evidence that might suggest anything like other people had been there, did you not?
A Yes.
Q And you made sure that the Crime Lab did the same thing, did you not?
A I didn't make that request, no.
Q Not specifically?
A Not specifically.
Q But you oversaw what the Crime Lab did?
A Correct.
Q Now, when you arrived at that scene, Detective MacGillivary, you were informed that somebody had said that they found a body?
MR. URICK: Objection.
Q Were you not?

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THE COURT: Somebody had said, oh, that's going to be sustained.
Q You were informed, were you not, how that body was located?
MR. URICK: Objection.
THE COURT: You can answer that with yes or no. Don't tell us who told you. Were you informed how the body was found?
THE WITNESS: Yes.
Q And that would have been normal for you to know that information, would it have not?
A Yes.
Q Once you got there and saw the location, it became important to you to know about what the circumstances were that the person found the body was, was it not?
A Yes.
Q And that was precisely because of where the body was located, was it not?
A Yes.
Q How far off the road it was?
A Yes.
Q And that it was under the tree on the far side?
A Yes.

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Q And the location as you observed it was not a location for a casual visitor, was it?
A I can't answer that.
Q Well, when you went out and you saw the log and you saw the place you described as a gully or a depression right beyond that is a stream, is it not?
A It is.
Q There's not a visible defined picnic area for instance, is there?
A There's not. However, it's apparent that people have gone back there, beer cans, whiskey bottles.
Q Evidence of people being back there, right?
A Evidence of people being back there.
Q But you're being back there, it became important to know just how this body was found, did it not?
A Yes.
Q And that was important to you related to discovering things that as the primary detective were important for you to discover?
A That's correct.
Q Is that correct? And based on that desire to know you obtained information about how the body was found, did you not?

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A I did.
Q And the information that you received is that it was found or reported to be found by a person by the name of Alonso Sellers?
A That's correct.
Q Is that right? And you came to interview that person, did you not?
A Yes, after the body was disinterred. Well, actually upon my arrival, I had Mr. Sellers direct us to where he observed the body and then I had him transported him down to Homicide.
Q Homicide meaning the Homicide Unit at 601 Fayette at the Police Headquarters Building?
A That's the one.
Q And that was done at your direction, right?
A Correct.
Q And at some point later after you left the crime scene, you came down and you spoke to Mr. Sellers, did you not?
A I did.
Q And before you got to speak to Mr. Sellers, you obtained information that he had already given, did you not?
A I had an information sheet.

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Q Yes, as to what he had said, how he came to find the body?
A Correct.
Q And what he had told the initial person who collected information from him that when he reported the body --
MR. URICK: Objection.
THE COURT: Sustained, one moment. May I see counsel at the bench?
MS. GUTIERREZ: Yes.
(Whereupon, counsel and the Defendant approached the bench and the following conference ensued:)
THE COURT: Correct me if I'm wrong, are we headed into some serious hearsay or are we going to have Mr. Sellers as a witness?
MR. URICK: Very serious hearsay.
MS. GUTIERREZ: We have subpoenaed Mr. Sellers. He was until recently in jail. I have spoken to his lawyer. Although his lawyer told us -- he sent us to his lawyer and said if his lawyer gave his permission, then we could talk to him. We spoke to his lawyer. His lawyer spoke to him and they gave us permission but then when we went back to speak to him, he decided that he wouldn't speak to us and he's

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been that way, up and down saying he will and then he won't. I have no idea what he is going to do. He recently got released from jail. He was serving a sentence for one of the indecent exposures because the sentence in --
MR. URICK: I'd ask that defense counsel keep her voice down.
THE COURT: I need you to keep your voice down but also why don't I just really get to the crux of the case.
MS. GUTIERREZ: I'm not sure whether or not --
THE COURT: Are you offering the statement for the truth of the matter?
MS. GUTIERREZ: Judge, I think that it's non-hearsay.
THE COURT: Because?
MS. GUTIERREZ: Well, for a couple of reasons. He's already opened up the investigation as to what he did, how he did it, why he did it, and his investigation on that day and for the next -- well, from the 9th up until the 25th of February centered on Alonso Sellers and so, therefore, I think it's -- and information that was obtained Alonso Sellers.
I also believe, Judge, that the

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circumstances that will come out will establish that Alonso Sellers was treated as a suspect by the police. He's listed as a suspect, and as a suspect we have an absolute right to treat him as a viable suspect who was treated as such and to raise questions as to why he was discarded as a suspect to make him a viable --
THE COURT: You can raise the questions. I don't have a problem with that. What I have a problem with is the testimony of what Mr. Sellers said or may have said to this witness and having this witness relay that conversation. Since Mr. Sellers is not a witness that has testified so far and the State's telling me that he's not going to testify in the State's case in chief and you're offering the statement for the truth of the matter asserted, I believe that --
MS. GUTIERREZ: Well, Judge, I'm arguing that it's non hearsay under Davis v. Alaska and Chambers v. Mississippi, as evidence to establish notwithstanding the mechanistic application of evidentiary rules to establish that there is another viable suspect from whom they got information without the information from Mr. Sellers that it is of no moment of his name. Without the information of how

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he discovered it, that it deprives Mr. Syed of any opportunity to meaningfully bring to this jury the evidence that exists that is uncontroverted.
We, of course, got that evidence through their police reports and for the State to ask the Court to apply mechanistic evidentiary rules is applauding under these circumstances, but in any event, Chambers et al including other Maryland cases such as the Foster case that entitles a defendant such as Adnan Syed to present to his jury fairly evidence that is within his theory of defense, particularly to suggest that someone else may have done it, the circumstances of finding this body under the story that Mr. Alonso Sellers first told the police include that it just happened to be by to take a leak and that he stepped out of his truck to go to take a leak although he had left his house not even three miles from that spot where he had been where there was a bathroom, that his purpose in being on that road was --
MR. URICK: I would ask you to ask counsel to keep her voice down, please.
THE COURT: I did ask counsel to keep her voice down but it doesn't appear that that's working so what we're going to do -- ladies and gentlemen,

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I'm going to ask that you go in the jury room for a few moments. I'm going to ask that you leave your notepads face down on your chairs. I'm going to ask that you leave your notepads face down on your chairs. I'm going to ask that you not discuss the testimony of Detective MacGillivary or anyone else until you all return to the courtroom. Hopefully, we will not be that long.

At this time I'd ask that you go with Deputy Church who is at the door. We will bring you back as soon as we are ready to proceed.

MS. GUTIERREZ: Ask us to return to the counsel table?

THE COURT: Yes.

MS. MURPHY: You want to Detective MacGillivary to step out?

THE COURT: Detective, would you also step out into the hallway just for one moment, please.

(Whereupon, counsel returned to the trial table and proceedings resumed in open court.)

THE COURT: All right. Ms. Gutierrez, you were saying that this is non-hearsay.

MS. GUTIERREZ: Well, if I'm --

THE COURT: -- under 80 --

MS. GUTIERREZ: Judge, if I'm calling it

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right, certainly it's the testimony of someone who is not here so technically, I guess it's hearsay.

THE COURT: It's an out of court statement --

MS. GUTIERREZ: Yes.

THE COURT: -- offered for the truth of the matter asserted?

MS. GUTIERREZ: It's clearly offered for the truth of the matter, Judge, and there doesn't seem to be any dispute as to what Mr. Sellers said, which is why they want to fight quite so hard to keep it out and wouldn't call him.

I believe that it's treated by the law as non hearsay or that the hearsay rule, which is a rule of evidence that's not a constitutional rule, it's an evidentiary rule, and their objection to it is based only on that evidentiary rule that because it's hearsay and ordinarily the rule prevents it because when I'm calling it non-hearsay, Judge, I believe that there are constitutional dimension rules of law and due process consideration that says we don't care what you call it, we don't care what rule bars it, there is evidence of such moment to a defendant's right under any construct of due process or fair trial that allows a defendant, notwithstanding a rule

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of evidence such as hearsay, to stand in his way to present critical evidence that is critical to his theory of defense, and all of the case law and I cite Davis v. Alaska, a Supreme Court case, Chambers v. Mississippi, a Supreme Court case, Foster v. State, which is a Maryland case that was -- the woman that involved George Foster, all of those cases, and I think each of them cite a multitude of other cases that stand for the notion that above all things in this arena, the law of the land under due process, under all notions of justice allow a criminal defendant to present his theory of defense even where some rule such as hearsay or any evidentiary rule or notice requirement or anything else might otherwise ordinarily prevent him by wiping out his ability to so present, and in an arena where a defendant wants to present evidence that suggests that someone else may have committed this offense, that someone else's story is so unbelievable such as to raise the spector that perhaps they committed the offense, that he has every right to do so.

And the reason that's designed in lots of cases is so that in precisely these circumstances where the State, though knowing the oddity of Alonso Sellers, though treating him as a suspect, though

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investigating him, collecting evidence from him, subjecting him to polygraphs and interviews, holding him out as a suspect based solely in the congruity of his description of what were the circumstances under which he found this body were so absurd he immediately catapulted as a suspect having chosen to keep that information from the jury and then to be allowed to object, oh, well, they can't get that in because unless Alonso Sellers himself, a person they held out as a suspect in this very murder, unless he says what he says even though we all know it's true then Adnan Syed cannot take advantage of it is precisely what all of the cases that hold otherwise have so held in order to avoid that absurd result.

Judge, he was held as a suspect. They have given us information that he was treated as a suspect, listed as a suspect. He gave a story that on its face to anyone, not even an experienced detective, would classify as absurd. They had a reason for his leaving his job at a mechanical plant to get a tool as ordinary as they come, a plane that he had to go home and get the plane in order to complete his job at a major university in their maintenance department, to complete a task that is probably the most ordinary task that the maintenance

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department is assigned to, a University whose buildings are greater than fifty years old, and that is planing down and shaving down doors that swelled in the heat and sometimes in the air conditioning.

That he then went home. He went through Leakin Park. He stopped at his home. He got his plane although there's no evidence of that, that he owned one. No plane was ever produced. He was never asked to produce it and while he was there he grabbed a 22 ounce of beer.

Judge, he lives right past the county line, right after Franklintown Road comes out of Leakin Park on the curve and intersects with Williams Street. He lives off a hill and, Judge, I believe the distance is less than three miles from his house to this exact spot where those concrete barriers are that he says at that point he was overwhelmed with the desire to urinate.

So he backed his car in there and then he went off outside of those concrete barriers for whatever distances it is, 127 yards minus the distance of from one barrier to another which I think, Judge, is less than 15 feet. That is my estimate, and that then he started to urinate.

That under the circumstances that Detective

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MacGillivary and ultimately Detective Ritz observed at the scene, that is the body is buried on the far side of the tree, one doesn't walk over the body coming from where this witness would say, unless one climbed over the tree, which was unbelievable to them and I think to anyone for someone searching in a wooded area off the beaten path that he had to hide his urination.

Further, when they discovered that Mr. Sellers, in fact, at that time had one, already a conviction for indecent exposure of his private parts including the private part of his body with which he would have urinated and was facing pending charges of the same under circumstances, Judge, that bizarre does not even begin to define.

These come right from the criminal records, statement of charges as to those events that were readily available, were known to Detective MacGillivary and Ritz, that describe, for instance, the first charge of indecent exposure on which he had already been convicted, included the allegation on which he was convicted that at an intersection in West Baltimore in a neighborhood that could only be -- I don't remember the street names off the top of my head, could only be characterized as residential,

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that at an intersection in which there was a light and at that light there was parked a marked blue and white police vehicle with a police officer driving it, that catacorner to this to the street where the police officer was, was a person and this person ultimately identified, stood calmly at that intersection and removed every stitch of his clothing, outer wear, underwear, shoes, socks, folded them, piled them neatly next to where he was and then began streaking totally naked in front of the police officer's view.

They investigated. They lost sight of this naked person. They didn't find him. However, they went back to retrieve the clothing that they saw this person remove and on the clothing was a name tag sown into the left pocket of the shirt that said Alonso, and underneath that was an identification that it was a uniform belonging to some department of Coppin State University.

THE COURT: Ms. Gutierrez, have you subpoenaed this witness or are you in the process of subpoenaing this witness?

MS. GUTIERREZ: Yes, Judge.

THE COURT: So this --

MS. GUTIERREZ: And I had him subpoenaed

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when he was at the jail.

THE COURT: But he is available?

MS. GUTIERREZ: Well, I think he's available, Judge. I think he will honor a subpoena.

THE COURT: You can't proffer that he's unavailable at this time, that we can't have him in here subject to cross examination, that he is not in some way an unavailable witness then?

MS. GUTIERREZ: Well, Judge, I think I am. My experience is that we had him here. We had him for the first trial. He was subpoenaed and we attempted to speak to him through his lawyer while he was in jail. We never really thought that we would --

THE COURT: Did he testify in the first trial?

MS. GUTIERREZ: No, Judge.

THE COURT: You didn't get to that point?

MS. GUTIERREZ: No, Judge, they had no intent of ever calling Alonso Sellers.

THE COURT: I mean, he was available for you to call?

MS. GUTIERREZ: Yes, I did but we never got past the State's case in the first trial.

THE COURT: Understood.

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MS. GUTIERREZ: So that never came. Although we had spoken to his lawyer, gotten the permission that he requested, was assured by his lawyer that he consented to speak to us. We then made several attempts to speak to him in the jail and he absolutely refused. It is my belief that he will not speak willingly --

THE COURT: Well, he doesn't have any constitutional rights against -- I mean, there is no charge pending against him, correct?

MS. GUTIERREZ: Not that I know of, Judge, and I agree with your assertion that probably he doesn't have a Fifth Amendment right that's legitimate. Certainly, I would challenge that, but I can't tell the Court that I would believe that he will testify, that he will be available.

The history of this man's life, everything I know about it is odd. His behavior has been odd under any number of circumstances. So I do not hold a legitimate belief that I will be able to produce him and make him available.

THE COURT: If he becomes unavailable, then we move into another arena, do we not?

MS. GUTIERREZ: Yes.

THE COURT: Where the Court has far more

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leeway than it has right at this moment when at this juncture I have someone who is truly available and under the rules I have to deal with the statements made or that this witness may say he made in a different fashion than if I knew and you could proffer to me that he is now unavailable.

MS. GUTIERREZ: Except, Judge, I think that the case law that I cited to you and if you give me a minute I can go grab it --

THE COURT: Chambers versus Alaska and --

MS. GUTIERREZ: And Foster, and there is a couple of other case names, because they stand for the proposition that I've cited, Judge, I think that the Court is compelled to give view to that and again not apply, particularly under the circumstances that I have outlined to you in good faith, that there is no reasonable expectation now of getting Mr. Sellers on the stand opening his mouth, and that particularly in light of that this Judge is armed and I believe under due process is charged with honoring that request through this witness now without mechanistically applying a rule of law designed for entirely other purposes.

THE COURT: Do you know whether or not this witness actually took a formal statement from Mr.

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Sellers that is written, recorded?

MS. GUTIERREZ: Yes, Judge, I have those statements. I've been given those statements.

THE COURT: It is recorded by an audio device or --

MS. GUTIERREZ: I don't know.

THE COURT: Or are these notes?

MS. GUTIERREZ: I don't know. I have the transcript of it.

THE COURT: Was he under oath at the time the statements were taken from him?

MS. GUTIERREZ: No, Judge, police officers can't administer oaths.

THE COURT: No, but I don't know --

MS. GUTIERREZ: No, I don't know --

THE COURT: -- the circumstances under which the statement was taken.

MS. GUTIERREZ: No, what I have is two separate interviews with this witness that I have a hard copy of a written transcript of. I just frankly don't remember whether or not we have a tape. May I be excused for a minute?

THE COURT: Yes, you may.

MS. GUTIERREZ: Judge, I don't believe we have any tapes. We have tapes of all other kinds of

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witnesses, and maybe Mr. Urick can help if he gave me one. I certainly don't, if I did review it, I don't recall hearing a tape. So I don't think that there were, but the circumstances under which the statements read are that they are made by Mr. Sellers at a time where he is taken to police Headquarters, I think the date is February 18th and February 24th of 1999 that they were tape recorded, they concern the events regarding the discovery of the body, and there are two separate statements, both of them I believe are conducted by both Detective MacGillivary and Ritz and there may have been another detective present, obviously, there was no oath.

Judge, in regard to, for instance, whether or not this witness can take the Fifth, and I really haven't thought this all of the way through, but it's my belief that like public exposure of one's genitals, public relations type of crime, and to my knowledge he's never been prosecuted about that crime, but that may well give rise to a legitimate expectation, absent a grant of immunity for that crime from Mr. Urick and --

THE COURT: Let us hear from the State and see what their position is.

MS. GUTIERREZ: There may well be something

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THE COURT: It may be something that can resolve itself. I don't know but let's find out. They're objecting to the testimony of this witness as to what Mr. Sellers told Detective MacGillivary, and who would like to respond?
MR. URICK: Do you wish me to respond to the defendant's argument, defense's argument on this issue?
THE COURT: Well, yea, I mean, we have -- unless you want me to let Detective MacGillivary talk about what Mr. Sellers said, then we don't have any reason to have this discussion.
MR. URICK: That was a very dumb question I ended up asking.
THE COURT: Very well.
MR. URICK: The State's position is we talked about due process. What do we mean by due process? Well, one of the major components of due process is fairness of evidence presented. Both sides are subject to the same evidentiary rules and protections and safeguards. The reason for this is that the trial has to be on the merits and our rules of evidence are designed to get us to the merits and to keep out things that do not add to our truth

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finding function. They have a certain strictness to them for that reason to make sure that the finder of fact addresses the merits.
We have rules that admit evidence. Both sides are subject to that. Both sides know what they are. There are rules that keep evidence out. Both sides are subject to it. Both sides are aware of that. That's what we talked about with due process. Hearsay is inadmissible because of our problems with the truth finding function.
The defense has not and I do not -- I believe cannot assert that Mr. Sellers is not available or would not testify if he is called. Even if he didn't, I'm not certain that the statements could be admissible in his absence. They can get into what Detective MacGillivary did as a result of the information. All of that exhonerates Mr. Sellers. There's been no evidence found that incriminates him in any manner in this way.
THE COURT: Well, doesn't --
MR. URICK: We were going to --
THE COURT: Doesn't 5-804, the exceptions, actually direct itself to the specific situation? I mean, doesn't the rule under subsection A, excuse me, B 3 under hearsay exceptions, even if I were to

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consider this an exception to the hearsay as counsel has argued, doesn't it specifically preclude such a statement? I mean, the rule seems to be very clear.
It says, and I would say that in some degree this is a statement against interests, that Mr. Sellers saying if he is going to say that he was urinating or that there was a way to get it in and he was urinating, a statement tending to expose the declarant to criminal liability and offered to exculpate the accused is not admissible unless corroborating circumstances clearly indicate the trustworthiness of the statement.
And in order to get the statement in, we would first have to find that the declarant was unavailable. We haven't gotten there yet, but let's assume for the sake of this hypothetical that he is unavailable. Because if he's available then he should be here. The rules say that but if he is unavailable, doesn't the rule even say that even when he's unavailable that if the statement's sole purpose is to be offered in such a way that unless I find under Subsection 5 that it meets all of the criteria, that is the statement is offered as evidence of a material fact and that this statement is more probative on the point on which it is offered and

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that the general purposes of the rules and the interests of justice will be best served by its admission, isn't that really how the statement comes in, the catchall for the hearsay exception?
MR. URICK: That would be the only manner in which it could come in and the catchall has never been affirmed by any appellate court in this state. They have consistently ruled out the general requirement of justice with corroborating indicia of truthfulness.
THE COURT: I don't know that that's true that it's never been affirmed. I recently read a case where exactly it was affirmed. In fact, what they did was they set forth so many hoops that you had to jump through in order to guarantee the trustworthiness and the truthful nature of the statement that it really does make it very difficult to utilize the catchall, but it does allow that the catchall be used and it has not been removed from the books. But don't we first have to have a clear indication to this Court that the declarant is unavailable to even reach that?
MR. URICK: Yes, we do.
THE COURT: And isn't that really the State's best argument?

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MR. URICK: Yes.
THE COURT: Because from what we're saying I haven't heard yet from anybody that the man is not available. He is being subpoenaed, correct?
MS. GUTIERREZ: Yes, Judge.
THE COURT: But he has not yet been subpoenaed. So I don't have anything in front of me saying that we couldn't find him with due diligence. That he isn't where he said he was going to be, that he isn't at his home, that he is out of the jurisdiction, or in any other way has disappeared.
MS. GUTIERREZ: Well, Judge, he was subpoenaed for the first trial.
THE COURT: Yes but --
MS. GUTIERREZ: He was still in jail.
THE COURT: I understand so it was a writ that was issued for him probably?
MS. GUTIERREZ: Well, I actually had him served personally.
THE COURT: Oh.
MS. GUTIERREZ: In addition to a writ by my investigator who went to speak to him while he was in jail, and I don't quite remember but sometime between the end of the first trial, which was I think on the 19th of December, and the first of the year he got

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out of jail.
THE COURT: In the interim?
MS. GUTIERREZ: Because of the expiration of the sentence.
THE COURT: So in the interim he was released.
MS. GUTIERREZ: Yes.
THE COURT: Counsel, let me tell you what I'm inclined --
MS. GUTIERREZ: Yes.
THE COURT: -- to do. At this juncture I'm going to sustain the objection as to Detective MacGillivary testifying as to what Mr. Sellers may have said during the interview or statement. However, I will ask that this witness when he is finished not be released so that the defense if it chooses to call him in its case once you are able to establish, if you are able to establish some unavailability of Mr. Sellers, then I'll allow you to reopen your argument that MacGillivary should be permitted to testify. And I'm not saying that I'm convinced of the trustworthiness and reliability of the statement because I don't know the circumstances under which it was given but at this juncture --
MS. GUTIERREZ: The Court is not precluding

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me from asking other questions around Mr. Sellers?
THE COURT: Correct.
MS. GUTIERREZ: Just not ones that call for him to say what Mr. Sellers said.
THE COURT: Exactly.
MS. GUTIERREZ: Okay.
THE COURT: As a result of information received, what did you do. You spoke to Mr. Sellers. As a result of that conversation, what did you do? That's fine, but if you start asking, well, what did he say and what did he say, well, didn't he say, then you're going to get an objection and it will be sustained.
MS. GUTIERREZ: Okay.
THE COURT: Any problem with that, Mr. Urick?
MR. URICK: No, Your Honor.
THE COURT: Very well.
MR. URICK: We would like to draw the Court's attention that at the start of the trial we made two motions in limine regarding Mr. Sellers. The Court basically granted them unless a foundation could be laid. I would point out that that foundation has not been made to date.
THE COURT: I think that that's precisely

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what Ms. Gutierrez is trying to do. She is trying to lay the foundation through which --
MS. GUTIERREZ: You have to tell me it's been so long since we started the trial, I don't remember which motions in limine we're talking about.
THE COURT: This is where you indicated that you wanted to offer as sort of Mr. Sellers as a suspect.
MS. GUTIERREZ: Oh, his background, his --
THE COURT: Correct, correct. So we are --
MS. GUTIERREZ: Yes.
THE COURT: I think, and I assume that is where you were going with this.
MS. GUTIERREZ: Well, yes, if I can get there.
THE COURT: Right.
MS. GUTIERREZ: Yes, and I do have true test copies of both convictions.
THE COURT: Which would be wonderful if we found him. It would make it very simple --
MS. GUTIERREZ: Yes.
THE COURT: -- to use it in that fashion.
MR. URICK: The State is going to ask you to reopen the issue of introducing that and I'm going to ask Ms. Murphy to argue that reopening of the

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issue.

THE COURT: Do we need to do that at this time since we don't -- I mean, I think we should wait until we get Mr. Sellers.

MS. GUTIERREZ: Right.

THE COURT: Because you certainly can't get that in through this witness.

MS. GUTIERREZ: Right.

THE COURT: Detective MacGillivary.

MS. GUTIERREZ: I don't plan to do that.

THE COURT: So -- and we can do that maybe perhaps at a time when there's a lull in the proceedings.

MS. GUTIERREZ: That's fine.

THE COURT: -- and we can --

MS. GUTIERREZ: The earliest we can get Mr. Sellers is likely to be Tuesday anyway.

MR. URICK: The second motion concerned lie detector tests that Mr. Sellers took, which is totally inadmissible and we made a motion.

THE COURT: Counsel has been instructed on that and counsel is aware --

MS. GUTIERREZ: I'm not --

THE COURT: I'm not concerned --

MS. GUTIERREZ: I am not conceding that it

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is inadmissible --

THE COURT: You preserved that.

MS. GUTIERREZ: -- under all circumstances. I certainly understand the Court's instruction and I have no intention of violating it.

THE COURT: I also pointed out, you know, given the scenario that although you made that remark in opening that I could, using my imagination could see a scenario where that statement might come in. However, I had not -- I have not seen anything even close to it as of yet.

MS. GUTIERREZ: Judge, given the course of this trial --

THE COURT: You never know.

MS. GUTIERREZ: Right, it's like about Jay, you never know.

THE COURT: In any event, can we continue with Detective MacGillivary at this time?

MR. URICK: Can we take five minutes since we have been going through since 1:30?

THE COURT: You may take five minutes and in five minutes what I'm going to do is have the jury come back so if Detective MacGillivary could come in and have a seat. So that in five minutes, five minutes I can have the jury back. This Court will

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stand in recess for five minutes.

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

THE COURT: Deputy Church, could you get the jury for us, please. Thank you. Detective MacGillivary, as the jury is coming in, let me advise you that as you are being asked questions, do not tell us what someone said to you but you will be able to testify as to what you did or what you said.

THE WITNESS: Yes, ma'am.

THE COURT: And I'm just noting that was specifically with reference to Mr. Sellers, all right, and the questions will be continued with Ms. Gutierrez.

(Whereupon, the jury entered the courtroom, after which the following proceedings ensued:)

THE COURT: Detective, you may be re-seated. Let me remind you that you are still under oath. Ms. Gutierrez, witness is with you, counsel.

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

Q Detective MacGillivary, I was directing a question to you about one Alonso Sellers?

A Yes, ma'am.

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Q You were given information even before you got to the scene where the body was that supposedly Alonso Sellers --

MR. URICK: Objection.

Q -- was the one that found the body?

THE COURT: Overruled.

Q Correct?

A Correct.

Q And based on that information, it was you that made the decision to ultimately have Alonso Sellers brought down to Homicide?

A Correct.

Q To await your return there?

A Correct.

Q After you finished all of the business that consumed you at the burial scene?

A Correct.

Q Including the complete disinterment of the body?

A Correct.

Q And the carrying away of the body to the Medical Examiner's Office, correct?

A No. Once the body leaves, I leave.

Q Okay. But when the body left you knew that where it was going was to the Medical Examiner's

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Office, right?

A That is correct.

Q Not Dr. Rodriquez's office, the Medical Examiner of Baltimore City, is that right?

A That is correct.

Q And at that time, sir, you didn't -- you still didn't know whose the body was, correct?

A Excuse me?

Q You didn't know who the body was?

A Correct.

Q And you didn't know how it had died?

A That is correct.

Q Or when it had died?

A Correct.

Q Or what the circumstances of it were?

A Correct.

Q Even though you had been assigned it because it was a dead body, you didn't even know if it was a homicide that you would be investigating?

A Well, typically it's uncommon to find remains buried within a park.

Q But it hadn't --

A Of a young individual.

Q -- it hadn't been declared to be a homicide, had it?

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A I at that time decided that it was a suspicious death.

Q Okay. And it was sent to the medical examiner so that it could be autopsied and identified, correct?

A That is correct.

Q And then you returned to the Homicide Unit, correct?

A After the remains were removed to the Office of -- the Chief Medical Examiner office --

Q Yes.

A -- I responded to Homicide.

Q And Mr. Sellers was there waiting for you; is that correct?

A Correct.

Q As you expected since you had given directions that he should be there, right?

A Correct.

Q And to your knowledge, he was brought there by someone from the Police Department?

A That is correct.

Q And when you got down to the Homicide Unit, you interviewed him, did you not?

A I did.

Q And at some point you advised him of his

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rights, did you not?

A I did.

Q You had him fill out an advice of rights form, did you not?

A I did.

Q And that advice of right form is a preprinted form in your department, is it not?

MR. URICK: Objection.

THE COURT: Overruled. Is it a preprinted form?

THE WITNESS: It is a preprinted form.

Q And the advice of rights is to advise someone of their right to counsel?

A It is.

Q And the procedures that if they can't afford counsel, that counsel will be provided for them?

A That is correct.

Q And an advice telling them that they are not required to speak to you?

A Excuse me?

Q The advice of rights form advises them that they are not required to speak to you?

A That is correct.

Q And that they could just decide to not

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speak to you at all?

A Correct.

Q And that they have the absolute right to do that; is that right?

A Correct.

Q And that's an advice of rights form that you have executed many times before that date, is it not?

A That is correct.

Q And it's executed and given to, both in the sheet and orally, to anyone who might be charged with a crime?

MR. URICK: Objection.

THE COURT: Repeat that last question.

Q That sheet, either the sheet itself or orally advised, is given to anyone who might, by you, that you are interviewing who might be charged with a crime?

THE COURT: Overruled.

A Not always.

Q Not always. But generally?

A I wouldn't say generally.

Q Well, you don't give the advice of right forms to just a witness, do you?

A No.

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Q And you interview lots of witnesses, do you not?

A If an individual comes down to Homicide and I don't know whether the individual could be a witness or a suspect, I'll make that decision to give the individual his rights in the beginning so I don't have to worry about it later on.

Q As a precaution?

A As a precaution.

Q Because lots of times people present themselves as witnesses but really they're suspects?

MR. URICK: Objection.

THE COURT: Lots of times do they present as witnesses but they may be suspects was the question? That's overruled. You may answer it.

A I wouldn't say a lot of times.

Q Well, what you've just told us is that when you don't know whether somebody is a real witness or a real suspect, you go ahead and often times give them that advice of rights just so that you're not interrupted and have to do it later?

A Correct.

Q And the later would be when the bell goes off in your head, wait a minute, this might be a suspect?

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A Correct.

Q Is that right?

A Yes.

Q And you understand as a police officer that that advice of rights form really only comes into it when somebody becomes a suspect?

A Correct.

Q Okay. And that's why your department prints it up as a form, does it not?

A It's one of the forms that we use within the Police Department.

Q But the form advises you exactly what words to tell a suspect, right?

A Correct.

Q Or to have a suspect read; is that right?

A Correct.

Q And by suspect that terms includes people who might be suspected of involvement in a crime?

MR. URICK: Objection.

THE COURT: Sustained.

Q Now, Detective MacGillivary, Mr. Sellers was there. You advised him formally of his rights on the form, right?

A Yes.

Q And you had him read the form and initial

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that he understood it, did you not?

A I did.

Q And you had him sign the portion where he waived -- he understood those rights, he waived them and agreed to talk to you; is that correct?

A That is correct.

Q And you then conducted a formal interview of him, did you not?

A I did.

Q And was that on the record? Did you turn on a tape recorder?

A Initially, no.

Q But at some point you did?

A I did.

Q And then you conducted the rest of the interview while a tape was running; is that correct?

A That is correct.

Q And that tape remained on the whole time you interviewed him after that time?

A That is correct.

Q Is that right? Now, as a result of or after that interview, you caused there to be some investigation of Mr. Sellers, did you not?

A Yes.

Q You got his employment records?

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Note:

Pages 223 is missing.

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Note:

Page 223 was missing from the files sent to /u/stop_saying_right, who filed for, and paid for the missing pages.

The reason why these same pages of testimony are missing from the UndisclosedWiki is that they get their documents from us, not from Undisclosed, or anyone on Adnan's defense team.

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A No, I can't answer that.
Q Pertaining to the events concerning the finding of the body?
A Detective Brown asked specific questions.
Q Related to the finding of the body?
A Correct.
Q When all of that was done you were still the primary investigator on what turned out to be a homicide, right?
A Yes.
Q Okay. That never waivered, did it?
A No.
Q That you were always the guy in charge?
A Yes.
Q And that was in charge of any investigation that might relate to that, right?
A I don't understand what you mean any other investigation. There is one investigation going on here and it is the homicide investigation of Hae Min Lee.
Q The homicide investigation of Hae Min Lee included your questioning of Alonso Sellers, the man who found the body, right?
A Yes, it did.
Q About the circumstances of his finding the

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body?
A Yes.
Q And then investigating those circumstances?
A Yes.
Q And then investigating him?
A Yes.
Q Including investigating his background?
A Yes.
Q And during that investigation Alonso Sellers came to be listed somewhere as a suspect in the murder of Hae Min Lee, did he not?
A Everyone's a suspect until they're eliminated.
Q So the answer to my question is yes?
A Yes.
Q Yes. After you interviewed Mr. Sellers formally, you came to do so a second time, did you not?
A Yes.
Q And so you interviewed him on the 9th, the day the body was found, right?
A Yes.
Q And at some point you turned on the tape recorder, right?
A Correct.

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Q And then on the 18th of February you again caused him to be brought down?
A Yes.
Q On the 18th of February you actually showed up to the maintenance department of Coppin State College and picked him up, or had him picked up, did you not?
A Actually, I did.
Q You did. And you personally picked up the man you had previously interviewed nine days before, right?
A Correct.
Q And you caused him to be interviewed again about the same events down at your office?
A Yes.
Q And was that interview a formal one?
A Yes.
Q And did you again advise him of his rights?
A I did.
Q And have him execute the same form?
A I did.
Q Giving up the rights that he might have and agreeing to talk to you?
A Correct.
Q And did you tape record that interview?

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A Yes.
Q And you caused him to be brought down to the offices of the Homicide Unit, your office, and interviewed once again about his knowledge and information concerning the body that was found on February 9th?
A Yes.
Q And that third time occurred on the 24th of February, 1999, did it not?
A I can check my notes here.
Q Sure, but I have a copy of your memo. Would that help?
A I'd love to see it.
MS. GUTIERREZ: May I approach the witness?
THE COURT: Yes, you may. For the record, you're showing the witness a memo.
Q Do you recognize that memo, detective?
A Yes.
Q And that's the memo that you made, did you not?
A Correct.
Q In conjunction with this investigation, right?
A This investigation.

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Q And this investigation was an investigation into the homicide of what at that juncture was already known to be Hae Min Lee?
A Correct.
Q Because her body had been identified on the 10th of February, correct?
A Correct.
Q The day after that it was found.
MS. GUTIERREZ: And can I have this just marked for identification.
THE COURT: Thank you, counsel.
MS. GUTIERREZ: So it is clear.
Q On that third time that you interviewed him (inaudible), right?
A Correct.
Q That was a third time that you formally advised him of his rights, right?
A Yes.
Q And he was still considered a suspect, right?
A Correct.
Q And you again formally interviewed him by turning on the tape recorder?
A Yes.
Q And recording what your questions were?

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A I mean, the third statement are you saying?
Q Yes.
A I believe we only have two statements.
Q Well, I'm asking you now about the one on February 24th?
A We have one taped statement on the 18th.
Q On the 18th of February that was the second time that you saw and questioned him, right? I'm not trying to trick you. You told us that you spoke to him on the 9th, correct?
A Correct.
Q And then you had occasion to bring him down on the 18th?
A Correct.
Q Correct? And then you had an occasion to bring him down on the 24th?
A Correct.
Q And at each time it was at your direction or you had actually did it, correct?
A Correct.
Q And each time it was connected to the investigation into the death of Hae Min Lee, correct?
A Yes.
Q And on each occasion you advised him of his

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rights formally, right?
A Yes.
Q And on each occasion he was still in the pool of suspects, correct?
A Yes.
Q And on at least two of those occasions you tape recorded it?
A Yes.
Q You may have actually tape recorded the third time, too?
A I don't remember taking a third statement, no.
Q But you recall that there was a tape recorded statement that was made on the 18th?
A I've got a tape recorded conversation on the 18th. That's the interview.
Q And the tape recorded conversation that occurred on the 24th?
A If you have that statement.
THE COURT: Counsel, why we don't give Detective MacGillivary a chance to check his notes.
Q Yes. Detective MacGillivary, I did not bring Alonso Sellers' statements with me. He is not testifying today, I gather. My notes indicate that the tape recorded statements, the two of them

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occurred on the 18th and on the 24th?
A I got one on the 18th.
Q Yes.
A There was not a taped statement taken on the 24th.
Q Now, on the 9th when you spoke to him, after you finished speaking to him he still remained in the pool of suspects, did he not?
A On the 9th?
Q Yes.
A Yes.
Q And on the 18th after you spoke to him, he still remained in the pool of suspects, did he not?
A Yes.
Q Okay. Now, Detective MacGillivary, when the body was identified on the 10th of February by fingerprints, you became aware that there was an open investigation by Baltimore County, did you not, as to the victim?
A A missing persons.
Q Yes. And you got all of that information, did you not?
A I spoke with Detective O'Shea the 9th.
Q Okay. And because even before the body was identified the suspicion was that it was Hae Min Lee?

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A Correct.
Q Is that right? And once that got confirmed Detective O'Shea from Baltimore County shared all of his information with you, did he not?
A He did.
Q All of the information that he had collected when there was a formal missing persons investigation initiated into the disappearance of Hae Min Lee?
A Yes, he did.
Q And that included all of the substance of it, not the actual papers regarding every information, every bit of information he had collected from whatever source?
A I received reports that he had written and information that he had obtained.
Q And all of that information was related to tracking down Ms. Lee's last known whereabouts?
A Some of it.
Q And the people who had last spoken to her?
A Some of it.
Q And anyone known to be close to her who might have seen or observed something about her either the day she was last seen or the days leading up to it?

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A Yes.
Q And her relationships with people and what they were?
A Yes.
Q And you received information about Adnan Syed, did you not?
A Yes.
Q You were made aware that unrebutted information suggested that he had been Hae Min Lee's ex-boyfriend?
MR. URICK: Objection.
THE COURT: No, that will be overruled just for the purposes of laying the foundation --
MS. GUTIERREZ: Yes.
THE COURT: -- to your next question.
MS. GUTIERREZ: Yes.
A Yes, I learned that the victim had been dating Adnan.
Q But that they were broken up as of the 13th of January?
A I didn't know when they had broken up. All I know is that they had dated.
Q Okay. Well you became aware about the existence of another name of someone who was dating her, did you not?

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A I did.
Q As of the 13th?
A As of the 9th.
Q Well, she was last known to have been seen on the 13th of January, was she not?
A Correct.
Q And the information that you got about the other person's name was that she was dating him as of the 13th of January?
A Yes.
Q And that person's name was Donald Klinedinst?
A Yes.
Q And you were made aware that it's not like she was dating the two of them at the same time?
MR. URICK: Objection.
THE COURT: Sustained, sustained.
Q Now, in regard to Adnan Syed you were made aware that he had previously spoken to Officer Adcock?
MR. URICK: Objection.
Q Were you not?
THE COURT: Officer?
MS. GUTIERREZ: Adcock.
THE COURT: As part of your investigation

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responsibility, did you get that information?
THE WITNESS: I did.
THE COURT: All right, very well.
Q You were made aware of what it is he said to Officer Adcock?
MR. URICK: Objection.
Q Were you not?
THE COURT: Yes or no. Don't tell us what was said. Just tell me whether you got the information?
THE WITNESS: Yes.
Q And you were also made aware that he had spoken directly to Detective O'Shea, were you not? That Adnan Syed had spoken directly to Detective O'Shea?
A I don't recall.
Q If he had, would you have been made so aware?
MR. URICK: Objection.
THE COURT: No, overruled. Was that a normal information you would have received?
THE WITNESS: Yes.
Q Okay. And whatever information Baltimore County had, did you believe was turned over to you?
A The information from Baltimore County

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concerning the missing persons report --
Q Yes.
A -- was turned over to me.
Q And you believed that, didn't you?
MR. URICK: Objection.
THE COURT: Overruled.
A There wasn't any reason for me not to.
Q And I mean, you believed that they would turn over all of their information to you, did you not?
A Correct.
Q About anyone that they had interviewed?
A Concerning this matter?
Q Hae Min Lee.
A Correct.
Q And anyone -- any other information that they had gotten about her whereabouts?
A Correct.
Q Or the last persons that had seen her?
A Correct.
Q Now, after you became primary detective, and Detective O'Shea remained available to you, did he not?
A He did.
Q You would call him and you did, did you

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not?
A I did.
Q Even after it was a Baltimore City matter exclusively?
A Yes.
Q It became a Baltimore City matter because the body was found inside the city limits, correct?
A That is correct.
Q But the autopsy didn't help you answer the question of where the murder had occurred?
A No, it did not.
Q Even after Dr. Korell told you that she had been strangled and ruled it a homicide; is that correct?
MR. URICK: Objection.
THE COURT: Overruled.
A Correct.
Q The autopsy couldn't give you even the hint of where it was that the strangulation had taken place?
A Correct.
Q Or whether or not the strangulation had actually taken place in the Baltimore City limits?
A Correct.
Q. Correct? And once you received that

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information, you then continued it as a Baltimore City homicide investigation, correct?
A That is correct.
Q Okay. Now, once that investigation began and you remained the primary detective, all information about it collected from any source, no matter by whom, should have gone to you?
A That is correct.
Q And in your office there is a procedure for information that might be gotten by other detectives either because they just happened to be there and get information or because you had directed them to get some would always return to you the primary, would it not?
A Happened to be where?
Q Well, for instance, if a detective was in the Homicide Unit and answered the phone and over the phone came some information relayed by someone about the death of Hae Min Lee, that information would be routed to you, would it not?
A It would.
Q Even though you weren't the one answering the phone?
A It would.
Q And it's because you're the primary, right?

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A Correct.
Q And the way the system works is no matter who answers the phone if the information is about a case on which you're the primary you get it?
A Correct.
Q Isn't that correct?
A Correct.
Q And you received other information -- you received information that related to this investigation from other detectives, did you not?
A I did.
Q Including detectives who just happened to be answering the phone when someone would call with information?
A Correct.
Q Okay. And there was nothing unusual about that, was there?
A No.
Q That procedure wasn't set up just for you, was it?
A No.
Q Or just for this case, was it?
A No.
Q That was the protocol of the office, was it not?

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A It is.
Q And you counted on that protocol working because it was important that any information that came in about anything connected to the disappearance of or death of Hae Min Lee, it was important that it get routed to you, the primary; is that correct?
A That is correct.
Q So that you could take in all information in evaluating and conducting your investigation, isn't that correct?
A Correct.
Q Now -- and when that information would get to you, generally it would be reduced in writing, would it not?
A Sometimes. We would like it to be reduced to writing.
Q And you like it to be reduced so that there is a record of it, right?
A If the detective who gets the information doesn't put it in a report, then I take the responsibility and I write it in a report.
Q You write up a report indicating what information you received, correct?
A Correct.
Q So that there is a formal written record of

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all of the information that comes in; is that right?
A Correct.
Q So that the information is set down accurately?
A As accurate as possible.
Q And that there isn't an opportunity to forget something in the midst of all of the other information that you receive?
A Correct.
MS. GUTIERREZ: May I approach the witness, Your Honor?
THE COURT: Yes, you may.
Q Detective MacGillivary, I'm going to show you what's been marked as defendant's exhibit three, could you take a look at that?
A Yes.
Q That is a memo to you that's dated on the 12th of February, 1999, is it not?
A It is.
Q And that memo concerns the -- it's titled the Hae Min Lee investigation?
A It is.
Q Followed by a number?
A Yes, that's the --
Q And that is the number of your office's

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designation of the Hae Min Lee homicide investigation?
A Yes.
Q And that memo is directed to you from Detective Darryl Massey?
A It is.
Q And Detective Darryl Massey is another Homicide detective or he was back then?
A He was back then.
Q He was back in February of 1999?
A He was.
Q And you know who he is, do you not?
A I do.
Q And that's a memo that you had previously received, is it not?
A It is.
Q And it is a memo concerning information received by call to the Homicide Department, is it not?
A Yes.
Q And that, in fact, it's more than one call, is it not?
A Correct.
Q It details two calls within, in close time proximity to each other?

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A Correct.
Q Right? I think it's about seven minutes or six minutes apart.
A Correct.
Q And both of those calls, according to Detective Massey --
MR. URICK: Objection.
Q -- who took them and made the notes were received by callers who were not identified, were they not?
THE COURT: Sustained. May I have the exhibit for one moment? Ms. Gutierrez, are you seeking to get --
MS. GUTIERREZ: Yes.
THE COURT: -- the sum and substance of defendant's exhibit number three into evidence?
MS. GUTIERREZ: Ultimately, Judge, but not right now and not all through this witness, some. Right now I'm seeking to get in the initial identifying information, not what the information was, but who it is that is identified as making the calls.
THE COURT: Are you objecting to this?
MR. URICK: Not to that but as to any of the content of the item.

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MS. GUTIERREZ: I have summonsed Detective Massey. I expect him on Tuesday to get the rest of it, but right now I just want to get that initial --
THE COURT: The foundation questions with regard to the exhibit itself?
MS. GUTIERREZ: Yes.
THE COURT: Very well. With regard to any additional questions you want to ask with regard to those foundation, you may ask those questions at this time. The Court is not, and you have not asked for the document to be admitted into evidence, nor has the State indicated their position on that, so with regard to any other foundation questions you are free to ask.
Q Detective MacGillivary, a copy of this exhibit is in your homicide file, is it not?
A It is.
Q As would a copy of any memo containing information be, correct?
A If the memo has anything to do with this case.
Q And this memo did have something to do with this case, did it not, or at least potentially?
A It did.
Q And Detective Massey indicated to you in

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his memo to you on this case that he received two calls?
MR. URICK: Objection.
Q Both of which --
THE COURT: Now that I'm going to sustain. The content of the exhibit is not yet in evidence and in light of the fact that some of it could arguably be hearsay, at this juncture, counsel, no questions related to the content, nor the content itself is in evidence and so I'm going to ask that it be sustained.
Q Did Detective Massey indicate that he had received information --
MR. URICK: Objection.
Q -- relating to this case, not what it was?
MR. URICK: Objection.
THE COURT: Overruled.
A He gave me this.
Q Okay. But did he indicate that he had received information that related to your case?
MR. URICK: Objection.
THE COURT: Sustained.
Q Does the Homicide Unit, Detective MacGillivary, are you ever assigned to the duty of answering the phones in the Homicide Unit?

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A That's part of the task of being a detective.
Q All of the detectives do, do they not?
A When the phone rings, we answer it.
Q Okay. And whatever information if there's information to be relayed, is received by whoever answers the phone?
A Generally when you speak to someone and they give you information, you give the information to the detective.
Q The detective involved in the case?
A Correct.
Q Whatever the source of the information is?
A Correct.
Q Whether or not the identity of the person on the other end of the phone can be ascertained or not?
MR. URICK: Objection.
THE COURT: Overruled.
A Actually, we go through a process. If a call comes in the homicide and an individual has information concerning a homicide, actually, we have 300 plus murders and each of the detectives may not know specifically about the case that the caller is talking about, so you take the information down as

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best as possible and ask the caller for their identity. A great number of times the individual does not want to tell the detective who they are.
Q You mean the individual on the phone?
A Correct.
Q Okay, go ahead.
A And after the phone call is disconnected, we hit star 57 which marks for the phone company a specific time and which line the call comes in and at that point we can actually find out who made the call sometimes.
Q You can at least find out what number the call came from sometimes?
A Sometimes.
Q Because there is an effort to find out, even when people make an attempt to anonymously forward information?
A Correct.
Q Because lots of times the identity and the source of the information is as important as the information itself?
A Correct.
Q Is that right? And on the memo that you received from Detective Massey, did it indicate whether or not the number the call was made on could

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be ascertained?
MR. URICK: Objection.
THE COURT: I think we're getting into the content of the memo at this point.
MS. GUTIERREZ: I'll withdraw the question.
THE COURT: So -- all right, very well.
Q Detective MacGillivary, let's -- let me direct your attention to February 26th. That's the date that you remember that you were asked about just on direct February 26th, 1999?
A Yes, I remember the date.
Q Now, at the time that you were at Woodlawn, and that's in Baltimore County, right?
A It is.
Q And the time that you were on McAdoo, is that an avenue or a street?
A Correct.
Q You had information regarding the subscriber of a number where the phone was listed at being at a certain address is that correct?
A Correct.
Q And the address where the phone was located was 1208 McAdoo, was it not?
A It is.
Q And the subscriber had the last name of

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Pusateri, did it not?
A It did.
Q But the subscriber wasn't named Jennifer Pusateri, was it?
A It was not.
Q It was someone that turned out to be her parents?
A Her father.
Q Her father. And you didn't know that then, right?
A No, I did not.
Q But at the time that you were going to 1208 McAdoo, you were first looking to talk to the subscriber, right?
A Correct.
Q And then to find out who had made a call that the phone records that you had revealed had been made to that phone?
A I was trying to find out who had called into 1208 McAdoo.
Q Right. And you also wanted to know who answered, didn't you?
A Yes, I did.
Q Because according to the records that you had, the receiver was at, meaning the receiver of the

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call, was at 1208 McAdoo?
A Correct.
Q At the time that the call was made, right?
A Correct.
Q But the only name that you had received was the name of the Mr. Pusateri. I don't remember his first name but --
A It was Jennifer's father.
Q Okay. But you had never received the name of Jennifer?
A No.
Q And on the 26th of February, you hadn't received the name of Jay Wilds, had you?
A No.
Q Jay Wilds, you had already received a lot of information about Hae Min Lee's friends, had you not?
A I had.
Q Including a long list of names of students at Woodlawn?
A Correct.
Q And others?
A Correct.
Q Girls and boys?
A Yes.

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Q But among none of the names did Jay Wilds' name appear?
A Not that I'm aware of.
Q Not anyone related to or in the circle of friends or acquaintances of Hae Min Lee?
A I had learned one of the individuals at Woodlawn High School.
Q A student?
A A student.
Q Okay?
A Had been dating Jay Wilds.
Q A person by the name of Jay Wilds?
A Correct.
Q And that person was Stehanie McPherson?
A Correct.
Q And Stephanie McPherson was not in the inner circle of students at Woodlawn related to Hae Min Lee, was she?
A She was one of the friends.
Q That's the information that you had?
A I believe.
Q Did you have information that put her as one of the inner circle?
A I didn't really get into inner circle, outer circles. They were just friends.

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Q But you had not spoken to Jay Wilds?
A I had not.
Q And you hadn't focused on Jay Wilds?
A Excuse me?
Q Before the 26th when you arrived at 1208 McAdoo, you hadn't focused on Jay Wilds?
A No.
Q And you hadn't caused anybody else to interview him, right?
A No.
Q So when you went up to the house, you weren't asking for a Jennifer Pusateri, were you?
A No.
Q And you had not received any information that linked this Jay Wilds, who was the boyfriend of the student that you had identified for you, with a Jennifer Pusateri, had you?
A Could you repeat that again?
Q At the time you had not received information that linked Jay Wilds with somebody by the name of Pusateri?
A No.
Q And at the time that you approached, and this was a Friday night, was it not?
A I believe it was.

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Q Do you remember what time it was?
A Eight-thirty.
Q Eight-thirty at night. And this was in February, right?
A The 26th.
Q By eight-thirty it would have been dark already?
A Yes.
Q Okay, just like sort of now, okay? And was that your first stop in Woodlawn?
A No.
Q And that wasn't your first stop related to this case, was it?
A No.
Q You made other stops in Baltimore County that evening, did you not?
A Yes.
Q Both before you went to 1208 McAdoo?
A Yes.
Q And after?
A After?
Q After you went to McAdoo 1208?
A After I went to McAdoo, I responded to Homicide.
Q To Homicide, okay. So all other stops that

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you made in relationship to this case in or around the neighborhood of Woodlawn occurred before you arrived at 1208 McAdoo?

A I don't understand what you mean all stops.

Q Well, before you arrived there, you had done other things in the Woodlawn area related to the Hae Min Lee investigation, had you not?

A I had.

Q All right. And then you went to 1208 McAdoo, right?

A I had.

Q Where you had a short conversation with this woman that identified herself to you?

A Correct.

Q Not a person you even knew existed before then, right?

A Correct.

Q And after you finished that conversation in which you invited her downtown, you then went downtown, right?

A That is correct.

Q And shortly thereafter she then came downtown, right?

A Correct.

Q She accepted your invitation?

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Note:

Pages 255 is missing.

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Note:

Page 255 was missing from the files sent to /u/stop_saying_right, who filed for, and paid for the missing pages.

The reason why these same pages of testimony are missing from the UndisclosedWiki is that they get their documents from us, not from Undisclosed, or anyone on Adnan's defense team.

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Q And his father was home, was he not?
A He was.
Q And his mother was home?
A I believe she was.
Q I think his older brother was home?
A I don't recall seeing the older brother.
Q And his baby brother?
A I believe so.
Q Okay. Had you met Adnan Syed before then?
A I had not.
Q Had you met his father before then?
A I had not.
Q His father is a sixtish young man?
A No, sixtish.
Q Sixtish, yes. And he has a long beard?
A Yes.
Q And his mother dresses as she appears today?
A Correct.
Q In traditional Muslim dress?
A Correct.
Q It was your choice to go there, correct?
A Yes.
Q And it had not been prearranged?
A Had not.

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Q You had not invited Mr. Syed or given him an invitation down to see you?
A No.
Q Not at the Homicide Unit?
A No.
Q You saw him in connection with the investigation into the death of Hae Min Lee, did you not?
A Yes.
Q And Detective Ritz was with you?
A He was.
Q And he was -- at that point he was the secondary, right?
A He was second.
Q And you and Detective Ritz asked for permission to speak to Adnan about the events surrounding Hae Min Lee's death?
A No.
Q Did you speak to him?
A Yes.
Q And did you ask to speak to him?
A Yes.
Q And he agreed to speak to you, did he not?
A He was standing in the foyer.
Q Well, he did speak to you, didn't he?

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A He did.
Q So he agreed to do so, did he not?
A With his father.
Q He didn't quote -- and his father was present, right?
A Yes.
Q And you knew that he was seventeen, did you not?
A Yes, I did.
Q And you got his father's permission for that interview, did you not?
A We both just came in, identified ourselves as Homicide detectives, and we were investigating the homicide of Hae Min Lee and he was -- Adnan was a student at Woodlawn High School and we had learned that he was her former boyfriend and we --
Q Former boyfriend meaning ex-boyfriend?
A Correct.
Q And they agreed to speak to you, did they not?
A And we wanted to talk to him.
Q And that's what you wanted, was it not?
A Correct.
Q When you went to that location you wanted to speak to him, right?

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A That is correct.
Q And the father was present when you spoke to him, was he not?
A He was.
Q You asked him questions about what was his relationship to Hae Min Lee, did you not?
A Yes.
Q And he answered those questions, did he not?
A He did.
Q That he had know her for several years?
A Yes.
Q That he called her a friend?
A I believe that I generated a report.
Q What?
A I generated a report.
Q Do you need that to refresh your recollection?
A Sure.
MS. GUTIERREZ: May I approach the witness, Your Honor?
THE COURT: Yes, you may.
MS. GUTIERREZ: May I have this marked?
Q Would you review what has been marked as defendant's exhibit four to refresh your recollection

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and let me know if you've had an opportunity to finish reviewing it?
A (Witness complied with request.) Yes.
Q Now, Detective MacGillivary, having refreshed your recollection, you wrote a report about this interview, did you not?
A I did.
Q And the report that you wrote is dated September 14th, 1999, is it not?
A It was.
Q The interview, however, was conducted on February 26th?
A Correct.
Q Was it not?
A Excuse me?
Q February 26th?
A Yes.
Q 1999?
A Yes.
Q And it indicates that it happened at about 1900 hours, does it not?
A It did.
Q And then in lay people's terms that would be seven o'clock?
A Seven o'clock.

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Q Seven o'clock. Seven o'clock at night?
A Right.
Q Is that right? And it indicates that when you went to the house that you did ask him a lot about his relationship with Hae Min Lee, did you not?
A I can tell you what I asked him. I've got the memo right here.
Q Well, no, sir, if you will just answer my questions. You asked him about --
A I wouldn't say a lot.
Q Well, you asked him if he knew her?
A Correct.
Q You asked him to describe his current relationship, did you not?
A No, I don't believe I did.
Q Well, he answered one question that you put and he described her as a friend, did he not?
A I asked --
Q No, sir, please answer --
MR. URICK: Objection.
Q -- my question.
THE COURT: Sustained.
Q Detective MacGillivary, you also asked him how long he had known her, did you not?
A Yes.

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Q Okay. And he indicated he had known her for several years, did he not?
A He did.
Q And you asked him if he had a relationship with Hae Min Lee, did you not?
A I did.
Q And you wrote in your report that he replied in a very soft voice, yes, did you not?
A Yes, and while doing so --
Q No, sir, so --
THE COURT: No, one moment. Ms. Gutierrez, the witness will be permitted to finish his answer.
MS. GUTIERREZ: Judge, the question only required a yes or no answer.
THE COURT: Well, unfortunately sometimes witnesses want to say more and they believe it's part of their answer and it needs more than a yes or no and the witness said?
THE WITNESS: Well, he said yes in a soft voice. He motioned with his eyes in the direction of his father, indicating to me that he didn't want his father to hear.
Q What he said?
A What he said.
Q About acknowledging the relationship with

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Hae Min Lee?
A Correct.
Q And you put in your report the softness of his voice, did you not?
A I did.
Q And you also put in your report you clearly understood that he didn't want his father to know?
A That he was uncomfortable talking about Hae Min Lee in front of his father.
Q In the presence of his father?
A Correct.
Q Is that correct? But he answered your question, did he not?
A Yes.
Q And you asked him further questions connected to Hae Min Lee's car, right?
A I asked him if he had ever been a passenger in the car.
Q And he told you he had, hadn't he?
A Correct.
Q Many times, hadn't he?
A I asked whether he had the occasion to be in the car. However, he indicated not on that date.
Q But he did say he had had occasion to be in her car, did he not?

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A Yes.
Q And when you specifically asked him about the 13th of January, which was of concern to you, he said he hadn't been in her car that date, correct?
A I didn't specifically ask about that day.
Q Well, sir, your memo reflects that he said however in regard to whether or not he had been in the car, however not on the date in question, correct?
A He told me however not on that date.
Q Now, the date that was in question to you was January 13th, was it not?
A I believe.
Q At the end of asking -- and he answered all of your questions, did he not?
A We wanted to ask a lot more questions. However, by the motioning of his eyes, he did not want to talk in front of his father. Clearly, I understood that. So as a result, myself -- I asked his father if we could speak with him at a later date at school.
Q Meaning Adnan?
A Adnan.
Q Not the father?
A Correct.

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Q So because of what you believed you were making arrangements to be able to speak to Adnan outside of the presence of his father?
A I was requesting -- the body language Adnan was giving to me at that moment I felt that he did not want to talk about the relationship with Hae Min Lee in front of his father. As a result, I asked the father if he had any problems with myself and Detective Ritz speaking with Adnan at school.
Q So the answer to my question, sir, is yes --
MR. URICK: Objection.
Q -- you were making arrangements to speak to Adnan outside the presence of his father?
THE COURT: Sustained.
Q And, sir, Adnan's father indicated that that would be okay, did he not?
A He did not.
Q He told you you couldn't speak with his son?
A He told us if we wanted to speak with his son he wanted to be present.
Q He made it clear that you were perfectly entitled to speak to his son again, did you not?
A With he being present, the father.

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Q There was nothing unlawful about a father exercising his right to be present when you're questioning a seventeen year old son?
MR. URICK: Objection.
Q Was there?
THE COURT: Sustained.
Q Now, in fact, your memo reflects you asked him if it would be possible to speak with Syed at school on a later date and his father indicated that it would be possible as long as the father was present?
A Correct.
Q So you didn't ask the father directly or tell him what you thought that Adnan was uncomfortable speaking about these things in front of his father, did you?
A In a round about way we had indicated or suggested that Adnan may be comfortable talking to us.
Q The round aboutness of your way --
A Alone.
Q -- did that include telling the father that you wanted to speak to his son outside of his presence?
A We wanted to talk to Adnan, but it was

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clear that he was uncomfortable talking in front of him, his father so --
Q My question --
A -- we wanted to speak with Adnan at school.
Q Did you -- when you tell him that you want to speak to him at school that's twice, is it not?
A It is.
Q And it's not a place that his father is banned from, is it?
A Not that I'm aware of.
Q Did you ever tell the father that you didn't want him present when you spoke to the son?
A No.
Q No. And your memo reflects that, doesn't it?
A Correct.
Q Your request was that you speak to him at a different location than where you were speaking to him then, right?
A No, my request was actually at school.
Q A different location than you were then speaking to him, right?
A There's a great number of locations. I'm saying school.
Q That is what you requested of the father?

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A Correct.
Q And the father said that's okay, didn't he?
A In his presence.
Q But he said that it was okay speak to his son at school, did he not?
A In his presence.
Q He said it was okay that you speak to his son at a later time?
MR. URICK: Objection.
Q Did he not?
THE COURT: Sustained.
MS. GUTIERREZ: I would move defendant's exhibit four into evidence.
THE COURT: The statement?
MR. URICK: Objection.
THE COURT: The statement?
MR. URICK: Objection.
THE COURT: May I see it? The State objects to this?
MR. URICK: Yes, the State objects.
THE COURT: Overruled. I'm going to allow it in.
MS. GUTIERREZ: Thank you, Judge. Can I have that published to the jury?
THE COURT: Certainly.

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(Received into evidence
Defendant's exhibit 4.)
Q Now, Detective MacGillivary, back on the 26th of February when you were asking Adnan a question about what kind of relationship he had with Hae Min Lee, it was clear from your question that you were asking for more information than his description of friends, was it not?
A I asked a question and he answered it.
Q And he did answer, did he not?
A Yes.
Q Although, as you say, you noticed that it appeared he was pretty uncomfortable on that subject in the presence of his father?
A It appeared that was the case.
Q And that was the conclusion you arrived at based on your own observations, right?
A The observation of myself looking at Adnan and him motioning with his eyes at his father, it was clear that he didn't want to talk in front of him.
Q And you asked to meet him at school hoping that that would mean you could interview him when his father wasn't there, right?
A I asked to interview him at school knowing that would be a location that I could actually go to

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where I knew he would be there and I could talk to him.
Q And that his father wouldn't be there, right?
A It didn't matter to me whether his father was there or not.
Q Even though it was apparent to you that what made him uncomfortable was the presence of his father?
A It made him uncomfortable.
Q Yes.
A It didn't make me uncomfortable.
Q Yes, his being at a comfort level however mattered to you, did it not?
A I certainly didn't want him to be upset.
Q Because the more comfortable he was perhaps the easier it would be to get him to answer questions?
A If he wanted to answer the questions, he could have.
Q Well, you wanted him to answer your questions, didn't you?
A Yes.
Q And he did answer your questions, didn't he?

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A Yes.
Q He didn't stop the interview, did he?
A There were very few questions.
Q He didn't stop it though, did he?
A It was very apparent to me that he did not want to talk in front of his father.
Q Sir, did he ever refuse to answer your question?
A He indicated he didn't remember what happened on the 13th.
Q And did he ever refuse to answer your questions?
A The questions that I asked he answered.
Q Okay. So the answer to my question, sir, is no he didn't refuse to answer questions, isn't it?
MR. URICK: Objection.
THE COURT: Sustained.
Q Detective MacGillivary, after you noticed that he was uncomfortable answering your question about Hae Min Lee in front of his father, that's when you then asked if you could interview him at a later time in school, correct?
A Correct.
Q You were the one that ended the interview,

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were you not?
A I was.
Q His father didn't end the interview, did he?
A No.
Q And Adnan didn't exercise and do anything to end the interview, did he?
A No.
Q And you helped to set up another time that he might -- you might get more information from him?
A I asked Adnan's father if I could talk to him at school, feeling that Adnan didn't want to talk in front of his father. However, his father told me that he didn't want us talking to his son unless he was present.
Q But the request that you made to his father was not, Mr. Rahman, I want to talk to your son while you're not there, was it?
MR. URICK: Objection.
THE COURT: Sustained, and please move on.
Q You never --
THE COURT: I mean, we've been over this fifteen different ways, counsel.
Q When you got that answer and you saw Adnan's eye movement that indicated to you that he

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was uncomfortable talking about that in front of his father, that was consistent with all of the information that you had received before, was it not?
A Consistent with what information?
Q Well, you had received information, you already knew that Adnan and Hae Min Lee had been boyfriend and girlfriend, had you not?
A Yes.
Q And you were already made aware from many other sources that they had broken up primarily because of the difficulties raised by Adnan being a Muslim?
MR. URICK: Objection.
THE COURT: Did you know that at the time of the interview when you asked whether he would see you at school, did you know that?
THE WITNESS: Yes, Detective O'Shea had indicated that.
THE COURT: Very well. Next question.
Q And that it was his religion that forbade him to date, isn't that correct?
A Correct.
Q And that his parents were upset about the fact that he was dating Hae, isn't that correct?
A I believe that's correct.

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Q And that the essential and really only issue that broke up the relationship was that conflict around his religion's forbidding that; isn't that true?
A That is not correct.
Q You had received information that his parents were uptight about it?
A Yes.
Q But that in spite of that Adnan had continued to date Hae Min Lee since April of 1998?
A Yes, the spring of '98 is when they actually started going out, I believe.
Q And that his Muslim religion is something that preceded that time?
A Yes.
Q That wasn't a new phenomenon or a new issue?
A Not that I'm aware of.
Q And that the tenet that forbade him from dating had always existed?
A I can't answer that.
Q Well, you had not received information that that was some new issue that had come up or been made a rule after he started dating Hae?
MR. URICK: Objection.

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Q Had you?
THE COURT: Sustained.
Q Well, Detective MacGillivary, the information that you had received is that his parents had always been opposed to this relationship, did you not?
A I received information that he was not supposed to be dating anyone at his age.
Q You received -- period, any girl, right?
A Yes.
Q Not just Hae but any girl, right?
A Correct.
Q You had received information about an incident that you were told happened at the homecoming dance in late October of 1998?
MR. URICK: Objection.
THE COURT: Sustained.
Q Had you not?
THE COURT: Sustained.
Q In any event, when you got there you saw Adnan you believe communicating to you his uncomfortableness about talking about Hae in front of his father, it didn't surprise you?
MR. URICK: Objection.
Q Did it?

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THE COURT: Sustained.
Q Now, after his father said you could interview his son at school as you requested as long as he was present, did you do so?
MR. URICK: Objection.
THE COURT: Overruled. Did you interivew him with his father present?
A No, I did not. I didn't have an opportunity.
Q And when you left, there came a time when you left that address that night, right?
A Correct.
Q From there you went to McAdoo?
A Sometime after I left Johnnycake, I ended up at 1208 McAdoo.
Q Before you left they had not asked you to leave, had they?
A No.
Q Not Adnan?
A No.
Q And not his father?
A No.
Q And before you left you had, of course, made arrangements to see him at a later date?
A No.

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Q No. You hadn't set up any time for any other interviews?
A No.
Q Now -- and he wasn't arrested that night, right?
A No.
Q And you didn't read to him any advice of rights?
A No.
Q You didn't have him sign that advice of rights?
A No.
Q And when you left there where did you go?
A 1208 McAdoo.
Q And that was the Pusateri residence, right?
A The Pusateri residence.
Q And because you didn't know who had made or received calls about which you knew from cell phone records that you had, you went up with the intent of knocking on the door and gaining as much information as you could, correct, as much information as you could, correct?
A I pulled up in the car, got out of the car and I was approaching the house when --

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Q 1208?
A 1208 McAdoo, had not even gotten to the driveway yet when a young lady in the car rolled down the window and asked me, can I help you.
Q And where the car was was right in front of the house 1208?
A Yes.
Q And you had not identified yourself yet?
A At the point the young lady rolled down her window, I identified myself as a Baltimore City Homicide detective.
Q In response to her asking you a question?
A Can I help you.
Q You hadn't approached her?
A No. I was actually walking to 1208 McAdoo.
Q And at that point you didn't know that she had any connection to that address?
A Correct.
Q And you weren't looking for her?
A No.
Q And you didn't know the name Jennifer?
A No.
Q And you didn't know that there was such a person with the name of Jennifer Pusateri, did you?
A Correct.

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Q All you knew was that the number that appeared on the records that you had was listed as existing inside that piece of real estate?
A That is correct.
Q And the subscriber name that you had was a man's name?
A Correct.
Q And your intent on approaching that door was really to find out as much information as you could?
A Correct.
Q Relating to that phone?
A Related to the individual in that house that may have had some connection to Woodlawn High School, Adnan Syed, or Hae Min Lee.
Q And when this young lady rolled down her window, I imagine you were pretty surprised, weren't you?
A No.
Q And you then immediately identified yourself?
A Yes.
Q As a Baltimore City Homicide detective?
A Yes.
Q And did you tell the young lady that you

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were there to investigate the murder of Hae Min Lee?
A Yes.
Q And did you ask her what the phone number was inside?
A No, I asked her if anybody within the home had gone to Woodlawn High School.
Q And she told you she had?
MR. URICK: Objection.
Q Is that right?
THE COURT: Overruled.
A She went to Woodlawn.
Q And at that point you didn't know the name of Jay Wilds, right?
A No.
Q So you didn't ask her about Jay Wilds?
A No.
Q You had no idea what her relationship with Jay Wilds was, right?
A No.
Q And you then asked her about January 13th, did you not?
A No.
Q You didn't get any further than that, she was still in the car, right?
A Correct.

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Q She was still speaking to you with a rolled down window, right?
A Correct.
Q And there was another young lady also in the car?
A Yes.
Q Driving?
A Passenger.
Q A passenger?
A Yes.
Q So it was the woman that identified herself as Jennifer that you spoke to?
A Yes.
Q And the passenger, did you identify?
A No.
Q No. And did you speak to that passenger at all?
A No.
Q So once you knew that this woman sitting in the driver's seat of the car with the window rolled down was Jennifer Pusateri and you then ascertained that she had gone to Woodlawn, right?
A Correct.
Q You knew that she was the one that you needed to speak to, right?

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A I believed at that time.
Q And that's why you extended the invitation for her to come down to Homicide and speak to you?
A Correct.
Q And you made the invitation for that night; is that right?
A Yes.
Q And did she accept that invitation?
A She indicated that she needed to go to a location first to see her boyfriend and --
Q The person that she identified as her boyfriend?
A Correct.
Q Did she give a name to that?
A No.
Q And did she identify the location where she was going?
MR. URICK: Objection.
A No.
Q And did the woman sitting in the passenger seat offer any information?
THE COURT: One moment. Was that an objection, Mr. Urick?
MR. URICK: That's an objection.
THE COURT: Overruled. You may proceed.

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A I think I answered. What was the question again?
Q I'm trying to remember. Did the woman sitting in the passenger seat, did she get into the conversation at all?
A No.
Q You, of course, never identified who she was?
A No.
Q You, of course, didn't write down who Jennifer Pusateri said her boyfriend was?
A No.
Q Because at the time you really didn't care?
A No.
Q And nothing else except Jennifer seemed to be important to you based on what you knew at that time?
A There were a lot things that are important to me. However, that aspect of the investigation, I needed to speak with Ms. Pusateri.
Q Okay. And you, of course, have not heard Ms. Pusateri's name before, had you?
A No.
Q And out of all of -- you had already interviewed some students at Woodlawn, right?

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A I believe I had.
Q Okay. And you had not heard her name brought up by any of Hae Min Lee's friends, had you?
A Not that I'm aware of, no.
Q And when you invited her down and she said well, first, she had to go see her boyfriend, you then left? You gave her a card and you left?
A Actually, I don't believe -- I believe I gave her a card. I may have. I asked her to come down to 601 East Fayette, park at the building, go up to the security booth and tell them --
Q They would find you, right?
A Right.
Q In any event, you made it clear that she knew how to get to you, right?
A Correct.
Q And then you left?
A I left.
Q You didn't follow her, did you?
A No.
Q You didn't distrust what she said about going to see her boyfriend?
A No.
Q Did you? And she didn't indicate the specific location where she was going, did she?

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A Not that I'm aware of.
Q Or what her purpose was?
A Not that I'm aware of.
Q And when you left you expected her to arrive that night?
A Yes.
Q So when she later arrived you were not surprised?
A No.
Q And how long -- and that was -- now I've gotten confused. You appeared at Mr. Syed's house at about seven o'clock, right?
A Yes.
Q And how long did that conversation take?
A Not very long.
Q Under an hour?
A Under an hour.
Q Under a half hour?
A I don't remember.
Q Closer to an hour or closer --
A I really don't remember. It wasn't that long.
Q And you had earlier told us that you thought you arrived at Jen Pusateri's at eight-thirty or so?

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A I believe.
Q And based on what you've described that interchange through the window did not take very long, did it?
A No.
Q A couple of minutes?
A A couple minutes.
Q And then you left?
A Correct.
Q And when did she arrive down Homicide?
A I began to interview her at 2111 hours.
Q I'm sorry, at what time?
A 2111.
Q Is that 11:21?
A No, 9:21.
Q 9:21?
A Correct.
Q So an hour and twenty -- an hour later?
A Correct.
Q And did she have anybody with her?
A Yes, she did.
Q And that was the same young lady who was in passenger car -- the passenger side of the car when you first saw her?
A Yes.

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Q Not her boyfriend?
A No.
Q And you still don't know any information about her boyfriend, did you?
A No.
Q And did you ask her where she had been when you first started to interview her?
A No.
Q And when you started to interview her, it was up in the Homicide office?
A Yes.
Q And her friend stayed out in the lobby part?
A Yea, we call it the fish bowl.
Q The fish bowl, because everybody can sort of see in?
A Yes.
Q It's to keep an eye on people there, right?
A You can see the individuals.
Q Okay. And where you took Jennifer Pusateri was an interview room?
A No.
Q Over to your office?
A No, I took her into one of the lieutenant's offices.

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Q Okay. And that has a door on it?
A Yes, it does.
Q Where you took her made your conversations not audible to the young lady who was in the fish bowl?
A Generally, we try to --
Q I mean, that was on purpose, wasn't it, to have a private conversation?
A A private conversation.
Q With Jennifer?
A Correct.
Q And the location you took her was designed to allow you to do that, was it not?
A I don't believe -- I can't answer that. I don't think anybody designed --
Q You took her to a private office, did you not?
A Took her to an office that had a door on it.
Q And it was a space private from where you left her passenger?
A Yes.
Q And you still didn't know who her passenger was?
A Correct.

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Q And you didn't know what her name was?
A Not that I'm aware of.
Q You didn't know what her relationship was to Ms. Pusateri?
A I don't remember.
Q And you still don't -- didn't have any further information about who Ms. Pusateri was other than what she had given you when you were out there?
A When she arrived I had taken an information sheet.
Q But from her?
A Correct.
Q Okay. You hadn't gotten any other information from any other source in that hour about whom Ms. Pusateri was?
A No.
Q Now, at that point did you give her an advice of rights form?
A No.
Q Did you advise her of what her rights might be?
A No.
Q In the event she might be a suspect?
A No.
Q And you didn't pull out the form of advice of rights and have her read it, did you?
A No.
Q And you didn't read it to her?
A No.
Q And you didn't cause anybody else to read it to her, did you?
A No.
Q Or to have them give it to her so that she might read it?
A No.
Q When you took her in the room, did you take a tape recorder?
A No.
Q And you didn't take a formal statement?
A No.
Q And did you begin to ask her questions?
A We had a conversation, correct.
Q And did she answer your questions?
A Yes.
Q And did you take notes of that conversation?
A Yes.
Q Because that would have been your normal habit, would it have not?
A Yes.

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Q All right. And did you question her about the number that appeared on the cell phone records that you already had for January 13th of 1999?
A Excuse me?
Q Did you question her about how her number or about anything concerning her number as it appeared on the cell phone records that you had?
A I believe I started out the questioning as to getting her background.
Q Did that include getting her boyfriend's name?
A I asked her whether she had a boyfriend. She said no.
Q Even though she had just told you not an hour before that she was on her way to see her boyfriend?
A Correct.
Q Did you ask her about that?
A No.
Q Did you just consider she didn't want you to know her boyfriend's name?
MR. URICK: Objection.
THE COURT: Sustained. Next question.
Q You asked her personally for information about herself, did you not?

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A I did.
Q And she answered all of your questions?
MR. URICK: Objection. Can we approach?
THE COURT: Overruled. You may approach.
MR. URICK: May we approach?
THE COURT: Yes.
(Whereupon, counsel and the Defendant approached the bench and the following conference ensued:)
THE COURT: I'll hear from you.
MR. URICK: Your Honor, any statement given to this officer is an out of court -- is hearsay. The fact that some witnesses have testified before does not make them admissible just because they've testified. There still has to be an exception to the hearsay rule for any questioning about a statement not to be given as to what the statement contained. I would make a formal objection, or bring that to the Court's attention that unless Ms. Gutierrez has an exception to the hearsay rule she can't question the detective over the statements that Ms. Pusateri gave that Mr. Wilds gave. None of those people have denied anything that they've admitted. The State's talked about it. They've admitted that they made them. There's no basis -- no hearsay exception to

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allow out any questioning about those, the content of those statements.
THE COURT: Ms. Gutierrez.
MS. GUTIERREZ: Well, Judge, I don't believe that most of my questions called for hearsay, with the single exception of the identity of Jay Wilds. I mean, the identity of her statement as to who she identified as her boyfriend and his answer regarding that. He did answer with hearsay, but, Judge, this is a witness who refuses any opportunity unless he's absolutely forced to answer a question yes or no, even where it requires so. His answers may have contained hearsay.
My questions were not designed to elicit them. As to the identity of who she may have identified as her boyfriend, I believe that we would have been entitled to that for many other reasons already outlined in regard to what -- since we've already heard from the witness who's testified that she went, this witness that she went right from her house to see Jay Wilds. That was certainly a surprise, since they've presented the relationship as different, that she had told the police that she had gone to her boyfriend's house.
So I certainly did ask that specifically

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since both Jen Pusateri's credibility is at issue, her relationship to Jay Wilds is part of that credibility since she is being offered to buttress his credibility in part, not based on her own personal knowledge, but buttressing what he said, I believe that we are entitled to that and I ask the Court to incorporate all of the previous arguments I've made entitling us to that, notwithstanding the fact that that line of inquiry may have, in fact, called for hearsay.
THE COURT: Are you offering the statements for the truth of the matter or in an attempt to corroborate the statements or not corroborate the statement of a previous witness?
MS. GUTIERREZ: I believe it's an attempt to impeach a previous witness.
THE COURT: All right. The objection is overruled.
MS. GUTIERREZ: Thank you. How long are we going to go tonight just so I can structure?
THE COURT: Until 5:30.
MS. GUTIERREZ: Okay.
(Whereupon, counsel returned to the trial table and proceedings resumed in open court.)
THE COURT: Ms. Gutierrez, your next

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question.
MS. GUTIERREZ: Yes, Judge.
Q Detective MacGillivary, after you began to get personal information from Ms. Pusateri, you asked her a series of questions, did you not?
A I did.
Q And you started out asking her about the cell phone records that indicate her residence?
A I did not.
Q You did not. Well, she answered all of the questions you asked her about personal information, did she not?
A Yes.
Q She didn't refuse to answer any of them?
A No.
Q Correct? And the name Jay Wilds had not yet come up, did it?
A No.
Q Did you share with her the phone records?
A Actually, I started to get background information from Ms. Pusateri.
Q Okay. And but then you got it, right?
A I did.
Q She answered all of that. After that's all done you then began to ask her some questions?

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A Let's go back, okay?
Q Yes.
A I asked her whether she knew Adnan Syed. She did. She went to school with him.
Q She said she did?
A Yes.
Q Did she --
A Knew of him.
Q Did she indicate that she had met him before?
A I don't recall.
Q That she physically knew what he looked like?
A Yes.
Q Did she describe him as a friend?
A A student she went to school with.
Q Okay. At Woodlawn?
A At Woodlawn.
Q Okay. And after she gave you that information did you ever get around to showing her the cell phone records?
A I'm not finished yet.
Q Pardon?
A I'm not finished the questioning that leads up to that.

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Q Okay. Did you ever get around to showing her the cell phone records that you had?
MR. URICK: Objection.
THE COURT: Overruled. Did you?
THE WITNESS: Yes.
Q And the cell records that you had were to the phone that you knew to be registered to Adnan Syed?
A I asked her --
Q Sir, I'm just asking you a simple question. The cell phone records that you showed her, that you had, are registered to Adnan Syed, were they not?
A I never showed her any cell phone records.
Q Okay. Did you get around to questioning her about information contained in cell phone records?
A Yes.
Q You had cell phone records, did you not?
A I did.
Q And the cell phone records that you had belonged to Adnan Syed, did they not?
A They did.
Q And they concerned phone number 253-9023, did they not?

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A They did.
Q And those were cell phone records that you had obtained?
A Correct.
Q Is that correct? Based on information that had been forwarded to you?
A Correct.
Q Is that right? And you were aware that the cell phone record revealed four separate phone calls to the land line phone connected to 1208 McAdoo?
A If I could have a copy of the records?
MS. GUTIERREZ: Your Honor, can I show him my copy?
THE COURT: No. Why don't we use the exhibit? I think Mr. White has found it for you.
MS. GUTIERREZ: Okay. This is the blank exhibit.
Q Detective MacGillivary, the said time I'll direct your attention to, if you look in the left hand column the numbers of calls would be 31, 30, 26, and 22?
A Yea, 22.
Q Okay.
A That was 4:12 p.m.
Q Okay. I didn't ask you the time. So --

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A 26.
Q There are records that indicate those phone calls?
A Correct.
Q Are to the Pusateri residence?
A Correct.
Q Correct? And if you would look for a minute, up to calls number 8, 9, and 12, sir, are those numbers that you recognize?
A Yes.
Q And those are not land line numbers, are they?
A Pager numbers.
Q Pager numbers. And pagers can be anyone, right? They're not tied and you don't have to be in a specific place to receive the page?
MR. URICK: Objection.
Q Are they?
THE COURT: Sustained.
Q Those pager numbers are not connected to the address of 1208 McAdoo?
MR. URICK: Objection.
Q Are they?
THE COURT: Sustained.
Q Prior Ms. Pusateri coming down to your

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office to accept your invitation on a Friday night to come to speak to you, were you aware of those numbers, of the pager number?
A I had after recognizing -- after getting subscriber information from the telephone numbers.
Q Subscriber information --
A No, after we subpoenaed the numbers, we got the numbers and you break down and find out whether the numbers are actual cell phone numbers, hard lines, pagers, and you have to send out subpoenas to the various companies to get that information.
Q To get that information, right?
A Correct.
Q When you invited her down were you aware that these numbers related to her pager?
A Not that I can recall.
Q Not then, later, right?
A Yes.
Q But not on the night of the 26th of February?
A Correct.
Q Correct? Now, after -- and you never showed her what records you had, did you?
A No.
Q And you never asked her to identify phone

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records, other numbers with which you might be familiar?
A No.
Q No. And you never asked her about a list of numbers, whether or not they were on the records or not, to identify if she was familiar?
A No.
Q You for instance didn't ask her about a land line or a hard line registered to the Furlows?
A No.
Q You didn't even know who the Furlows were, did you?
A Correct.
Q And you didn't know what, if any, relationship that they had with the person whose name was listed as the service user on the cell phone, did you?
A Correct.
Q And you didn't ask her to identify or ask if she knew and could identify the number or knew anything about the subscriber of the number that was listed as belonging to a person by the name of --
MR. URICK: Objection.
THE COURT: Sustained. We're going far afield now, Ms. Gutierrez.

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Q After you asked her whatever you asked her about --
MR. URICK: Objection.
Q -- the cell phone records you continued your interview?
THE COURT: Striking --
Q On the 26th?
THE COURT: Striking the first part of that question, did you continue your interview, Detective MacGillivary?
THE WITNESS: I have to clarify something. I never showed Jennifer Pusateri any cell phone records.
Q I understand that.
A None.
Q I do. And did you talk to her about the cell phone information, even though you didn't show it to her?
A What I'm trying to tell you is I asked her why somebody -- Adnan Syed's phone number came up at her house, 1208, could she explain that to me.
Q And you then asked her more questions about Adnan Syed, correct?
A Friends from school.
THE COURT: One moment, please. May I see

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counsel at the bench and Detective MacGillivary. Detective, would you step to the middle.
(Whereupon, counsel and the witness and the Defendant approached the bench and the following conference ensued:)
THE COURT: We have an unusual request. Your vehicle is in the way of an emergency. So we need the keys so that the other detective can move your vehicle. Do you have the keys on you?
THE WITNESS: Yes, I can move it.
THE COURT: No, you can't move it. We just need the keys.
THE WITNESS: I have my briefcase down in 308 and I can get the detective to go down and get the keys out of the --
THE COURT: Can you tell the sheriff where it's located?
THE WITNESS: Yes.
THE COURT: Tell him.
THE WITNESS: The briefcase is in 308. He's got to open up the briefcase. The digits all have to be zero on there and the keys are inside.
THE COURT: Very well. Thank you very much, counsel. Thank you very much, detective.
(Whereupon, counsel returned to the trial

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A Correct.
Q And you had gotten cell phone records listed to Adnan Syed that started before the date that she disappeared, had you not?
A I didn't make the request.
Q But you had reviewed the records, hadn't you?
A Yes.
Q And there were records of dates before the date that Hae Min Lee disappeared, were there not?
A There were.
Q And there were records for days after she disappeared, correct?
A Yes, when I make a request like that, I request --
Q You wanted all of the records, right?
A I want the records, correct.
Q You had not -- your attention had not yet been focused on January 13th as a date with some significance?
A There was a great significance to me.
Q It was to you?
A Correct.
Q My question was you had not been directed to that date by any source?

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MR. URICK: Objection.
THE COURT: Overruled. Had you been directed by any source prior to that date?
THE WITNESS: No, other than the fact that she had been missing on the 13th. Alarms would go off and I would be looking at the 13th.
THE COURT: Very well. Next question.
Q But you were at the point where you had records other than that?
A I don't recall.
Q Now, when you -- again, I'm still on the 26th of February, Friday night after 9:21, how long did you interview Ms. Pusateri?
A It wasn't very long.
Q Under a half hour?
A Half hour, forty-five minutes.
Q And she wasn't too forthcoming about things, was she?
A She had given me facts that she had gone to Woodlawn High School, that she knew of Adnan. She knew of Hae. She really didn't like Hae that much.
Q She thought she was pretty stuck up, didn't she?
A Thought she was stuck up.
Q Yes.

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A And then went on to name other friends of Hae that she knew of.
Q From Woodlawn?
A From Woodlawn.
Q Okay. And she never mentioned her boyfriend's name at any other time after you asked her?
A Her boyfriend?
Q Yes.
A No.
Q And she never mentioned Jay Wilds' name?
A Yes, she did.
Q That night?
A That night.
Q And did she describe who he was?
A She indicated that Jay Wilds was the girlfriend of Stephanie McPherson and Stephanie McPherson lived in Woodbridge Valley.
Q Stephanie McPherson was a student at the school?
A Correct.
Q And she didn't indicate that Stephanie McPherson had anything to do with Hae Min Lee's death, did she?
A No.

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Q She never indicated that Jay Wilds was in any way connected with that, did she?
A No.
Q His name was just attached to Stephanie McPherson, was it not?
A Yes.
Q And she ultimately indicated she didn't particularly like Stephanie McPherson either?
A I don't recall.
Q Now, did you answer my question, was it under a half hour that she talked?
A I said half hour, forty-five minutes.
Q Forty-five minutes. And during that time did she answer all of your questions, all of the ones that you asked her?
A Yes.
Q And did she indicate in any way, I'm sure you asked her, was she responsible for killing Hae Min Lee?
A I did not.
Q You didn't ask her that?
A No.
Q And did you ask her to account for her whereabouts on the 13th?
A Not that I'm aware of.

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table and proceedings resumed in open court.)
THE COURT: All right, let's proceed.
Q Detective MacGillivary, you answered my question. What you really asked her about you said were friends --
MR. URICK: Objection.
Q -- not about Adnan?
THE COURT: Sustained.
Q Did Ms. Pusateri ever describe -- Adnan Syed's name came up, did it not?
THE COURT: In the interview, is that the question?
MS. GUTIERREZ: Yes.
Q Did it not?
A Yes.
Q You brought it up, didn't you?
A Yes.
Q And you knew that the cell phone whose records you were aware of was listed, the service user was listed to be Adnan, right?
A Correct.
Q Okay. Did Ms. Pusateri in answer to any of your questions describe Adnan Syed as a friend of hers?
A Just as an individual that went to Woodlawn

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High School with her.
Q With her?
A Correct.
Q Is that right? And you had not received any information prior to then that indicated that the two of them were friends, had you?
A No.
Q No. Now, when you asked her after she indicated that Adnan was just an individual, did she offer you -- did she answer your questions explaining how come her number came up on as being contacted?
A She didn't know why.
Q She didn't know why?
A No.
Q She offered no explanation for why, did she?
A Maybe one of her friends were at her house when somebody called.
Q At the time, is that right?
A She couldn't offer any other explanation.
Q And you were aware, to your knowledge, that at least five calls to the residence that she had lived in had been made at the time period you were concerned about?
A There were several calls into that --

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Q Now --
A -- 1208 McAdoo.
Q You had got cell phone records for Adnan Syed's cell phone then, had you not?
A I had.
Q Then you, sir, had not been directed to any particular date that Hae Min Lee might have been killed, had you?
A No.
Q And you had already received the autopsy report from Dr. Margarita Korell, had you not?
A At what time?
Q On the 26th of February.
A I can't answer that.
Q Well, you were aware that Dr. Korell couldn't tell you exactly when the body that she had autopsied on the 10th of February had died, correct?
A A window.
Q A window; is that right?
A But specifically no.
Q But specifically not when it had occurred, right?
A Correct.
Q And that included from the time she had last been seen, right? Hae Min Lee had been seen,

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right?
A Hae Min Lee had been last seen on the 13th.
Q At about three o'clock?
A Correct.
Q Okay. And it included some days after that, did it not?
A I don't understand.
Q The window of when she would have died?
A She wasn't able to articulate a specific date.
Q And you tried hard to get her to do so, did you not?
A No.
Q And you had received no other information from any source that pinpointed the time of death of Hae Min Lee to have occurred on the 13th, did you?
A Other than the police reports saying that she was missing.
Q That she was missing on that date, right?
A Correct.
Q Well, that set a window that she could not have been killed before that date, right?
A Correct.
Q But not what date she may have been killed; is that right?

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Q Did you ask her if she buried Hae Min Lee?
A No, I asked her after that if -- that I was investigating the death of Hae Min Lee and what, if anything, could she tell me about that event.
Q And she could not have misunderstood what you said?
A No.
Q You were pretty clear about that, were you not?
A Yes.
Q And she really didn't give you any information about the death of Hae Min Lee, did she?
A No, other than the fact that she indicated to me that she had heard about it on the 14th.
Q On the 14th?
A Yes.
Q The 14th of February?
A That she had heard that Hae had been missing.
Q Okay. So you mean the 14th of January?
A Of January.
Q Right after Hae was missing?
A Correct.
Q Before her body was found?
A Correct.

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Q But she didn't indicate to you that she had any knowledge of any event that led up to the death of Hae Min Lee?
A No.
Q Or that she had heard from someone else some information about the death of Hae Min Lee?
A No.
Q Or about the burial?
A She had heard that Hae had been killed.
Q Before the body was found?
A No.
Q And did she indicate where she heard that from? You, of course, would have been interested in the answer to that question, would you have not?
A Yes.
THE COURT: One moment. Why don't we let him finish answering the first question. You can answer that question.
THE WITNESS: Yes. On the 26th when I was speaking to her, I asked her if she knew how Hae had been killed.
THE COURT: Next question.
Q And she answered you?
A Yes.
Q And?

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A She had heard that Hae was strangled.
Q Was strangled?
A Correct.
Q And she --
A She heard that information from a friend of hers by the name of Nicole.
Q Of?
A A friend of hers, Nicole.
Q That was important to you, was it not?
A Very important, since that information had not been released.
Q But you knew that, right?
A I knew that.
Q Because you had gotten the heads up from Dr. Korell?
A Correct.
Q So anybody that might know the details of Hae Min Lee's death, that got your ears perking, didn't it?
A Correct.
Q You, of course, got Nicole's full name and address?
A Just Nicole Parks.
Q And no phone number?
A Somewhere on Washington Boulevard,

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Elkridge, and a telephone number.
Q And a telephone number?
A Correct.
Q And you immediately went and called Nicole?
A No.
Q No. Did you ever call Nicole?
A No.
Q You might have except that Jen Pusateri came back, right?
A Yes.
Q And gave you more information, right?
A Correct.
Q And that information was different than the information that she gave you on the 26th in that forty-five minutes, right?
A Yes.
Q And you tried to inquire of who Nicole was to her, did you not?
A Excuse me?
Q You tried to ask Ms. Pusateri who Nicole was, did you not?
A It was a friend of hers.
Q Well, let's go back. You were very interested in Nicole when she said that she was the one who said that Hae Min Lee had been strangled,

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right?
A Yes.
Q And you did attempt to question her about Nicole, did you not?
A I'm sure I did.
Q And you would have wanted a way to get in touch with her, right?
A Yea, she gave me the phone number.
Q But Ms. Pusateri never indicated that she was the one that had heard?
MR. URICK: Objection.
Q She was the source of the information about strangulation, did she?
THE COURT: Sustained.
Q Now, did Ms. Pusateri leave because you kicked her out?
A Excuse me?
Q Did Ms. Pusateri leave, again on the 26th, leave because you kicked her out?
A No.
Q Were you done with her?
A At that point I asked before she left, I asked Ms. Pusateri if she had anything that she'd like to tell me before she left.
Q Did she say yes?

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A She said no.
Q She said no. And so it was her decision to sort of end the interview?
A It was my decision.
Q Because she wasn't going to answer any more questions?
A That I felt that she had information and she wasn't telling me everything at that point.
Q And you confronted her with that, did you not?
A I asked her if she knew of anything to tell me before she left and she said no.
Q She answered no; is that correct?
A Correct.
Q All right, now, she then left, right?
A She left.
Q During any of that time you never turned on the tape recorder, right?
A Not that evening.
Q And you had never threatened her in any way?
A No.
Q Even though you thought that she had information that she wasn't sharing with you?
A Correct.

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Q You had no information from any other source that put her in on the murder, right?
MR. URICK: Objection.
A No.
Q Or on the burial?
THE COURT: I'm sorry, repeat that question again.
Q You had no other information that put her in on the murder or on the burial?
THE COURT: Overruled.
A No.
Q No. And you never -- and I know you've answered it at the beginning, you never did it, at no time during the interview did you pull out the advice of rights form?
MR. URICK: Objection.
THE COURT: Sustained.
Q After she indicated she didn't have information that you thought she did have, she then left?
MR. URICK: Objection.
THE COURT: Overruled.
A She didn't actually get up and walk out of the office.
Q She did not?

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A I concluded the interview at which time we walked out together.
Q Okay. And she left the garage and left the Police Department?
A She did.
Q Okay. And at that time had you made an appointment to see her again?
A No, I had not.
Q Had you set up any time at any place to talk to her again?
A No, I had not.
Q Had you made any appointment for you to come to her house and speak to her again?
A That evening?
Q On any day, yea, that evening did you make any plans?
A No.
Q No. And did you tell her that you thought she had some information but she wasn't sharing it?
A Nope.
Q And after she left, the next that you heard was when you got a call from a lawyer?
A The next day I got a call from one of the supervisors in the office of Homicide.
Q Okay. And the call indicated that a lawyer

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called?
A A lawyer had contacted Homicide indicating that the girl that I had spoken to the night before had information concerning the death of Hae Min Lee.
Q And wanted to come in and talk to you?
A Correct.
Q Is that right? And then you immediately contacted that lawyer?
A I immediately contacted Detective Ritz, correct.
Q And with instructions for Detective Ritz to contact the lawyer, right?
A Yes.
Q Because you believed she had had information when you had talked to her the night before, right?
A Correct.
Q And that she wasn't being forthcoming about it, right?
A Correct.
Q So you were happy that she was now seemingly prepared to talk, right?
A Yes.
Q Even though she was bringing a lawyer with her, right?

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A Correct.
Q Okay. And someone made contact with the lawyer to set up a time for that day, correct?
A Yes.
Q And at the time that was late afternoon on the 27th, was it not?
A It was.
Q And that was a Saturday, right?
A I believe it was.
Q And when -- and she did arrive with her lawyer?
A No, actually, if I may?
Q Sure.
A It was the 27th at 3:30.
Q And she did arrive with her lawyer?
A We arrived at the lawyer's house.
Q Oh, you went to the lawyer's house?
A Yes.
Q And at his house was her mother?
A Mother and Jennifer.
Q And her?
A Correct.
Q And you and Detective Ritz?
A Correct.
Q And was there any other detective there?

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A No.
Q No. And at that time did you pull out the advice of rights form?
A No.
Q Even though you felt that she had been concealing evidence, concealing information?
A All I knew is that she knew that Hae had been strangled.
Q And that was important to you, wasn't it?
A Yes.
Q Because that was information that the general public didn't have?
A Correct.
Q Right? And one of the sources was somebody who would know that Hae Min Lee had been strangled would be from the person who strangled her, would it not?
MR. URICK: Objection.
THE COURT: Sustained.
Q Another source was someone who might know that Hae Min Lee had been strangled would be someone who was present when she was strangled, would it not?
MR. URICK: Objection.
THE COURT: Sustained.

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Q Now, Detective MacGillivary, did you ever pull out the advice of rights form?
MR. URICK: Objection.
Q When you were at the lawyer's house on the 27th of February at any time?
THE COURT: Sustained. I believe the witness has already answered he did not advise her of her rights.
Q And on that date did you conduct a formal interview?
A Yes.
Q And the tape recorder was on, was it not?
A Yes.
Q You don't have a stenographer, you do it by tape recorder, right?
A Actually, took notes and took a taped statement.
Q Okay. And that's your normal procedure, is it not?
A It is.
Q All right. And that interview, that took how long?
A The interview or the taped statement?
Q All of it on the 27th?
A The taped statement at Headquarters -- we

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initially spoke at the attorney's residence and decided that what we would do is respond down to Homicide where we had the resources to tape the conversation and that interview started at quarter to four in the afternoon.
Q When?
A Quarter to four, three forty-five.
Q Three forty-five. And by the interview you mean that interview conducted at the lawyer's house?
A No, at Homicide.
Q At Homicide?
A In the conference room.
Q That's what you are calling the taped statement?
A Correct.
Q Now, you said you arrived at the lawyer's house at about three-thirty; is that correct?
A Now, I'm looking at the notes from that interview.
Q So first you had made arrangements to go to the lawyer's house?
A Right.
Q Right? And at the time that you got there the lawyer was there, the mother was there, Jen Pusateri was there, right?

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A Correct.
Q You had some kind of conversation or interview at the house?
A The attorney was indicating to us that she had information.
Q That Ms. Pusateri had information?
A Correct.
Q That she wished to convey?
A Right.
Q And it's at that point that you decided you really wanted a formal taped statement?
A Correct.
Q And that's why you left and you went down to Homicide?
A Correct.
Q All right, now, let me ask you what's the period of the time that you got to the lawyer's house up to the time that you left?
A We were there for a short time.
Q Half an hour?
A Let me check the notepad.
Q Sure.
A I don't recall what time we responded to the attorney's house. I didn't write that down in the notes.

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Q You reviewed your notes, however, that were made, during whatever you call the initial interview at the attorney's house, did you not?
A Excuse me?
Q You reviewed your notes that you made during the initial --
A Yea, these are the notes that I took at Homicide.
Q At Homicide?
A Correct.
Q Did you make any notes at all of the conversation at the attorney's house?
A No.
Q Is it unusual for you to go out to a private residence to interview a witness?
MR. URICK: Objection.
THE COURT: Overruled. Is it?
THE WITNESS: It's the first time I've ever gone to an attorney's house.
Q But it was important --
THE COURT: So it was unusual?
THE WITNESS: Yes.
THE COURT: Yes, next question.
Q But it was part of your investigation into the death of Hae Min Lee?

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A When we responded to the attorney's house, the attorney was representing Jennifer at that time and he was concerned about --
MR. URICK: Objection.
THE COURT: Sustained.
Q Detective MacGillivary, you knew that attorney was representing Jen Pusateri before you got there, didn't you?
MR. URICK: Objection.
THE COURT: Sustained. Let's move on.
Q And we go down, however long it was and you took no notes of the interview, all of you arrived down at Homicide that were at the attorney's house, right?
A Correct.
Q The lawyer the, mother, Jennifer, right?
A Correct.
Q And you and Detective Ritz?
A Correct.
Q And you then set up a formal interview of Jennifer?
A Correct.
Q With the tape recorder going?
A That is correct.
Q Recording every word and every question

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that's said, right?
A Correct.
Q A much more formal process than when you just ask questions and take notes, right?
A Correct.
Q And how long did that take in time?
A It was quarter to four when we started the tape.
Q Uh-huh.
A And it was ten minutes after five when we finished.
Q And during that time other than a very short break, did the tape recorder tape everything, didn't it?
A Yes.
Q Now, you asked some of the same questions that you had asked her the night before, did you not?
A I don't recall. I mean, you want to be specific.
Q Well, you would have, would you have not?
A I asked her personal questions about herself, name.
Q Did she give you the same information?
A Yes.
Q Did she name a boyfriend?

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A No.
Q Do you recall that during the interview you asked her to describe her relationship with Jay Wilds, did you not?
A Excuse me?
Q You recall that during that taped interview you asked her to describe her relationship with Jay Wilds?
A Would you like to direct me to that question in the statement?
Q I would like to but I don't have a copy of it.
MR. URICK: Objection.
THE COURT: I believe it was marked for identification purposes, was it not?
MS. GUTIERREZ: No, Judge, I don't believe I did.
THE COURT: All right, the objection is overruled as the question was posed and counsel does not have a copy. Is there a copy available?
MS. GUTIERREZ: Well, it is, Judge, but I didn't -- my law clerk left. I didn't --
THE COURT: You know, I note it's twenty minutes after five and this might be good place to break because we don't have the statement. So we

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will all know where we need to resume tomorrow with a copy of Ms. Puateri's statement and the question as to whether or not Detective MacGillivary asked Ms. Pusateri to describe her relationship with Jay Wilds. a very simple place to start off.
I remind you. Detective MacGillivary, that you are a sequestered witness. You may not discuss your testimony with anyone, with the State's Attorney, with the defense attorney, or with anyone, and that would include any of your colleagues on the Police Department because they may be called as witnesses and at this juncture you are now on the witness stand and there may be other officers that will be called and I would ask that you return here tomorrow.
I do have a docket but I'm told that all counsel has been advised that I'm still in trial which means that we should be able to start at ten o'clock and I ask that you be in that seat at ten o'clock because I will be here.
MR. URICK: They are predicting ice and sleet in the morning.
THE COURT: In the morning I'd ask that you listen to WBAL TV channel 11. In the event that the courthouse is closed. there will be an announcement

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that the Circuit Court for Baltimore City is closed. But if you're not sure, you may call, 396-3100 and ask for the city operator to connect you to Judge Heard's chambers where you will find a voice mail and it is my practice if I am told that the court is closed that I change the message on my voice mail and it says court is closed.
But if my message has not been changed, you will find that in all likelihood I at ten o'clock will be sitting right here and ask that you be seated in that seat. Ladies and gentlemen of the jury, I'm going to tell you please go home. Have a safe journey home. Leave your notepads face down. Do not discuss the testimony of Detective MacGillivary with anyone or the testimony of any other witnesses. The case is not over.
You have not heard all of the witnesses and you have not been instructed as to the law nor have you heard closing argument. So it would be inappropriate to discuss this case amongst yourselves or with anyone. Just for my information, can the State advise me how many more witnesses do you have? No more. This is the last witness. Very well.
Ladies and gentlemen, I will see you tomorrow. Go to the Jury Commissioner at nine

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o'clock and then be paid. One moment, before you leave. Mr. White, would you please get the number.

While we're getting for the note, you know the procedure, nine o'clock you get paid. Be in the jury room no later than 9:45. One second before you leave, the question is, where is the heat, and tomorrow I will -- I must advise you. You asked for heat, ladies and gentlemen. I will do what I can to adjust the temperature in the courtroom. Please have a safe trip home. I will see you tomorrow at 9:45. Please put this in the file.

Please be advised counsel that my docket will begin at 9:30 as normal. I will dispose of the one case I have, but I will try to start this case as promptly as ten o'clock. Be advised counsel that this is the State's last witness.

MS. GUTIERREZ: Yes.

THE COURT: Obviously, at the conclusion of the State's case, I would expect motion for judgment of acquittal to be argued.

MS. GUTIERREZ: We have lined up witnesses for tomorrow.

THE COURT: And if we could have a witness that will be available for us to proceed, assuming that the motion is denied. At this juncture I would

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ask that each counsel be mindful that tomorrow we will try to go to five-thirty again and we will take a lunch break the way we did today and I thank the correctional officers for their cooperation in having the defendant upstairs despite the fact that I know and am advised that both elevators are down at this point. So I appreciate the diligence that you're showing in getting him up back to court as we are attempting to resume as promptly as possible and I appreciate that. You should know that. Very well. This Court will then stand in recess until tomorrow morning at nine-thirty, ten o'clock for this case.

CONCLUSION OF PROCEEDINGS

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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 17, 2000 were recorded by means of video tape.

I do hereby certify that the aforegoing 335 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 3rd day of September, 2000.

Diane R. Walker
Official Court Reporter

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