$750.00

IN THE CIRCUIT COURT FOR BALTIMORE CITY, MARYLAND

STATE OF MARYLAND,

vs. Indictment No. 199103042-46

ADNAN MASUD SYED,

Defendant.

_____/

REPORTER'S OFFICIAL TRANSCRIPT OF PROCEEDINGS
(Trial on the Merits)

Baltimore, Maryland

Tuesday, February 1, 2000

BEFORE:

HONORABLE WANDA KEYES HEARD, ASSOCIATE JUDGE
(and a jury)

APPEARANCES:

For the State:

KEVIN URICK, ESQ.
and
KATHLEEN C. MURPHY, ESQ.

For the Defendant:

M. CRISTINA GUTIERREZ, ESQ.

BRENDA D. TROWBRIDGE
Official Court Reporter
533 Courthouse East
111 North Calvert Street
Baltimore, Maryland 21202

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PROCEEDINGS

(Jury not present upon reconvening.)

THE CLERK: All rise. The Circuit Court for Baltimore City, Part 9, resumes in session, the Honorable Wanda Keyes Heard presiding.

THE COURT: Thank you. Please be seated. Mr. White, would you get our jury, please.

THE CLERK: Yes, Your Honor.

(Brief pause.)

(The jury returned to the courtroom.)

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

THE JURY: Good morning.

THE COURT: Welcome back to Part 9. Remember that one case I told you about? Well, they still haven't gotten it together this morning. Please have a seat. So in any event, what we have decided to do is to proceed with the trial. At some point this morning, I am going to take a break to resolve that other matter, and then I will come back to the jury trial, which will allow you a morning break that would normally occur anyway.

At this time, we want to remind you that we still have an officer who is on the witness stand. I need you to stand, for the record, and raise your right hand, since we do have a new stenographer, and be re-

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sworn.

ROMANO THOMAS

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

THE CLERK: You may be seated. Please keep your voice up and state your name and your assignment for the record?

THE WITNESS: My name is Romano Thomas, Crime Lab Technician, Baltimore Police Department.

THE CLERK: Thank you.

THE COURT: All right. The witness continues to be with Ms. Gutierrez.

MS. GUTIERREZ: Thank you, Your Honor. May I approach the witness?

THE COURT: Certainly.

MS. GUITIERREZ: Well, I guess I need to have Mr. Clerk mark this for identification as Defendant's Exhibit 1.

(Defendant's Exhibit No. 1 was marked for purposes of identification.)

CROSS-EXAMINATION (Continuing)

BY MS. GUTIERREZ:

Q Mr. Thomas, I'm going to show you what has been

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marked as Defendant's Exhibit 1 for identification. You graciously provided a copy of the map that you made back on January 13th.

A That's correct.

Q And if you would take a look at Defendant's Exhibit 1, is that what this is?

A Yes, ma'am, it is.

Q Okay. Now, this is what appears to be at least some drawings. There is a box, a rectangular like box outlined on the map. Is that the pulloff with the jersey walls that were shown in the photographs that we have already looked at?

A Yes, they are.

Q And there are some straight lines. Does that indicate the direction of Franklintown Road?

A The staight lines actually indicate the guardrails.

Q The guardrails that are on one side?

A Uh-huh.

Q And the guardrails as you have described in the earlier photographs?

A That's correct.

Q Okay. And then on here are what appear to be sort of snowflake-like figures, and those represent trees?

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A Yes, ma'am.

Q Okay. And you have a line in Defendant's Exhibit 1 to an ending point. Is the ending point the location of the body?

A Yes, ma'am, it is.

Q Is the fallen tree that we have discussed located by any symbol or marking of any kind on your map?

A No, ma'am, it's not.

Q And is there any symbol or marking indicating the exact locations of items that you have already told us you picked up?

A Yes, they are.

Q And where are they located?

A They are located along the map. They are outlined as "A" through "F" or, I'm sorry, "A" through "I", and then "1" through it should be "40".

Q Okay. Now, those letters and numerals are indicated in very small writing, are they not?

A Yes, they are.

Q Could you with your pen circle the locations of the items that you picked up?

A (Indicating.)

Q Now, two of the circles that you have made are where the words "victim" appears; isn't that correct?

A That's correct.

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Q And could you, to make it clear on this drawing, draw a box around where the victim's body was located according to the map that you made on February the 9th?

A (Indicating.)

Q Okay. The rest of the items that you have told us you recovered were recovered either from near the bed of the roadway or right near the guardrail on the same side that the jersey-walled pulloff appears, correct?

A That is correct.

Q And the remaining items that you picked up were actually picked up from across the roadway furthest away from where the body is; were they not?

A That would be correct.

Q Okay. And there is no indication of where the log was on this drawing?

A That is also correct.

Q Based on your recollection, sir, could you draw the log as to where you recollect it was in relationship to the rest of this drawing.

A May I use the photographs to refresh my memory?

Q Yes.

A Thank you.

Q I'm showing you what has been previously marked and admitted as State's Exhibit 9 and 11.

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(Brief pause.)

A Let's see. The log would actually --

A And I'm now showing you State's Exhibit 10.

A Okay. Thank you.

Q Are you done with this one?

A Yes, thank you. (Indicating.)

Q On the drawing you have indicated by a line. If you could -- I know I'm not a good drawer -- could you try to make it look like a log, and put the letters, printing the word "log" inside of it so that there is no dispute as to what you have drawn.

A (Indicating.)

Q Okay. And in your drawing, Mr. Thomas, the log appears not quite perpindicular to the road but much more perpindicular than parallel, does it not?

A I would probably say it runs more perpindicular than parallel.

Q More perpindicular. So the log, if it ran, it would then directly connect to the road if it ran as long as the road; would it not?

A Probably so.

Q And the victim's body, the burial site that you observed back on February 9th, was on the further side of that log further from the road than to the road; was it not?

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A That would be correct.

MS. GUTIERREZ: Okay. I would move Defendant's Exhibit 1 into evidence.

THE COURT: Any objection.

MR. URICK: No.

THE COURT: Let it be admitted.

(Defendant's Exhibit No. 1, previously marked for identification, was received in evidence.)

MS. GUTIERREZ: I have nothing further of this witness.

THE COURT: Anything further from the State?

MR. URICK: Just very briefly, Your Honor.

REDIRECT EXAMINATION

BY MR. URICK:

Q Mr. Thomas, is Leakin Park a public park?

A Yes, sir, it is.

Q And what is a pulloff used for?

A Normally a pulloff would be used to change a tire or something like that.

Q Does it also allow access into the park?

A Yes, sir, it does.

Q Are there any other pulloffs in that stretch of Franklintown Road?

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A Not to my knowledge.

Q Now, on the map that you prepared, you figured the distance from the road to the body; did you not?

A Yes, sir, I did.

Q And what distance did you come up with?

A Approximately 114 feet, eight inches.

Q And that includes or that is from the actual roadway surface?

A That would be correct.

Q So in other words, you have to get through the whole open area of the pulloff area --

MS. GUTIERREZ: Objection to the form of the question.

THE COURT: Continue with your question.

BY MR. URICK:

Q So that includes both the open area of the pulloff area and the tree area?

A That is also correct.

THE COURT: Overruled.

BY MR. URICK:

Q Did you ever measure how far the open space of the pulloff extends?

A Yes, sir, I did.

Q How far was that?

A I do not have that information available to me

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right now. That's also on the rough sketch.

Q And the items that you have on here as "G", "H" and "I", were those on the body?

A No, those were near the body.

Q They happened to be in the general vicinity?

A Correct.

MR. URICK: Nothing further.

RECROSS-EXAMINATION

BY MS. GUTIERREZ:

Q Mr. Thomas, you said you were aware that Leakin Park is a public park?

A Yes, ma'am.

Q Were you aware that, in fact, Leakin Park is a federal wildlife preserve inside the city limits?

A Not to my knowledge.

Q Were you aware that the stream that you said that you observed is, in fact, a tributary of the Gwynns Falls and is stocked every spring so that people using the park can fish?

A Not to my knowledge.

Q And were you aware that there are about twelve pulloffs in Leakin Park, all of which have been totally closed by jersey walls for at least the last nine years?

A Not to my knowledge.

Q And were you aware that citizens of this city

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and elsewhere regularly, when the stream is stocked, come to fish in the tributary that runs there?

A Not to my knowledge.

Q Thank you. You talked about your rough sketch. Is your rough sketch something different than the item that we have just identified and upon which you have just drawn?

A Yes, ma'am.

Q And making a rough sketch is something that you ordinarily do; do you not?

A That's correct.

Q And later you make a good sketch, correct?

A That's correct.

Q Putting in all of the information that you consider to be important based on your processing of a crime scene; is that correct?

A That would be all of the information that is contained on the rough sketch.

Q Okay. You didn't leave out anything from the sketch that has been identified and upon which you have drawn that was contained on your rough sketch when you made the final good sketch, did you?

A No, ma'am.

MS. GUTIERREZ: Okay. Thank you. Nothing further.

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THE COURT: Anything further, Mr. Urick?

MR. URICK: No, thank you.

THE COURT: And may this witness be excused?

MR. URICK: Yes.

THE COURT: Ms. Gutierrez.

MS. GUTIERREZ: Yes.

THE COURT: And released from the summons?

MS. GUTIERREZ: Yes.

THE COURT: Officer, you are now excused. I want to remind you that you are a sequestered witness. However, in light of the fact that you have been excused from the subpoena, you will be permitted to remain in the courtroom should you choose to do so, or you do not have to. At this point, you are released from your obligation to appear in this case.

THE WITNESS: Thank you, Your Honor.

THE COURT: And you may go.

THE WITNESS: Thank you.

THE COURT: Your next witness.

MS. MURPHY: Thank you, Your Honor. At this time, the State calls Ms. Sharon Talmadge.

(Brief pause.)

THE COURT: Ms. Talmadge, you may rest your belongings there on that chair next to you, if you would like. I need you to raise your right hand and listen to

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Mr. White as he provides the oath.

SHARON TALMADGE

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 may be seated. Please keep your voice up and state your name and your assignment for the record.

THE WITNESS: Sharon Talmadge. I'm in the Latent Print Unit for the Baltimore Police Department.

THE CLERK: Thank you.

DIRECT EXAMINATION

BY MS. MURPHY:

Q Ms. Talmadge, can you please explain to the ladies and gentlemen what your duties are in the Latent Print Unit?

A First of all, I supervise approximately thirty-six people. I evaluate partial latent prints to determine if they are suitable for comparison. I then compare suitable partial latent prints to the prints of victims, suspects or defendants. I process physical evidence to determine if there are any partial latent prints on that particular piece of evidence. I maintain the unit statistics, the unit budget. I prepare reports in reference to my examinations. I testify in court. I

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also prepare and present lectures to various people.

Q Do you also, as part of your duties, provide technical assistance to the Office of the Medical Examiner?

A I render technical assistance to the Office of the Medical Examiner when it is needed and also at crime scenes.

Q What sort of training and experience do you have in order to perform these duties?

A I was trained by the Federal Bureau of Investigation in the identification field. I was employed by them as a Fingerprint Technician for approximately two years. After leaving there, I came to the Baltimore Police Department and was hired as a Fingerprint Technician. I also received a three-month classroom conducted by the Federal Bureau of Investigation and three months of practical experience provided by the Federal Bureau of Investigation. I attend seminars twice a year to keep abreast of new techniques in the field.

Q Approximately how many prints do you think you have examined in your career with the Baltimore City Police Department?

A It would be in the hundreds of thousands.

Q Have you ever testified as an expert in Circuit

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Court, District Court, Federal Court?

A Yes, I have testified numerous times in each of those courts.

MS. MURPHY: Your Honor, at this time the State would offer Ms. Talmadge as an expert in the development, examination and identification of both latent and inked prints.

THE COURT: Any objection?

MS. GUTIERREZ: No, Your Honor. We would have already stipulated to her qualifications.

THE COURT: All right. Let this witness be accepted as an expert in the development, examination and identification of fingerprints.

You may proceed.

MS. MURPHY: Thank you, Your Honor.

BY MS. MURPHY:

Q Ms. Talmadge, can you please tell the jury, what is an inked print?

A An inked print is the reproduction of the ridge detail that is found on your fingers, your palms, the soles of your feet, and it's made by placing a thin film of printer's ink on the area and then rolling that area on a contrasting background.

Q What is a latent print?

A A latent print is the reproduction of the ridge

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detail in the same areas that I mentioned, only it is left behind in oils and perspiration and at times in a foreign matter on the object when you touch the object.

Q What are the methods used to process these prints?

A If you have a porous surface such as paper, cardboard boxes, raw unfinished wood, you would use a chemical. The chemical that we use is ninhydrin, and that reacts to the amino acids that are left behind in the perspiration. If it's a hard smooth surface that is a non-porous surface, which means that the print will not be absorbed into that surface, it remains on the top, most of the time we use a zephyr brush and graphite powder to process those types of surfaces.

Q What sort of factors affect whether a print is left on a particular surface?

A First of all, you do have to have a pretty good surface. It has to be relatively smooth and clean and a hard surface to use the zephyr brush on. The condition of the hands, you have to have enough oil and perspiration to leave on the object so that you can leave a print. Naturally, if you are wearing gloves, you are not going to leave a print. The method or manner in which something is touched can destroy a latent print that would be left on a surface. For instance, a door

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handle, I can touch the door handle, open it, and then someone comes behind me and touches it, and when they are turning it, they could be destroying the prints that were put on there previously.

Q Did you have reason around the time of February 10th to respond to the Office of the Medical Examiner? This would be 1999.

A I did respond to the Medical Examiner.

Q What was the purpose for you going there that day?

A To attempt to obtain fingerprints and palmprints if possible from a person that was unidentified.

Q Could you please describe what you saw there, the condition of the body that you were asked to identify?

A There was a young lady with long black hair and she had already been autopsied and her hands were rather decomposed.

Q If you know, why was the autopsy done before the identification?

A Normally the autopsy is done before we try to get inked prints from the fingers so that we don't destroy any evidence that might be on the hands or underneath the fingernails.

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

THE COURT: Yes, you may.

(State's Exhibit No. 3(a) was marked for purposes of identification.)

BY MS. MURPHY:

Q Ms. Talmadge, I'm showing you what has been marked for identification as State's Exhibit 3(a), and I'll ask you to study that. Do you recognize that photo?

A Yes, that is the photo of the young lady that I fingerprinted.

Q Does this photo fairly and accurately depict the way she appeared on February the 10th?

A Yes.

MS. MURPHY: Thank you. Your Honor, I would ask that State's Exhibit 3(a) be admitted at this time.

THE COURT: Any objection?

MS. GUTIERREZ: No, Your Honor.

THE COURT: Let it be admitted as State's Exhibit 3(a).

(State's Exhibit No. 3(a), previously marked for identification, was received in evidence.)

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BY MS. MURPHY:

Q Ms. Talmadge, what did you do in your efforts to identify the body?

A I applied the printer's ink to the fingers. First of all, I had to find a finger that was not too severely decomposed so that I could see some ridge detail. I would then blot that finger dry because there is a lot of moisture on the fingers at that point in time. So I would blot it dry and then apply the printer's ink and place it on a contrasting background.

Q Were you able to identify this person?

A Yes, I was.

Q What was used for the comparison for the identification?

A I received a permanent resident card from the Department of Immigration and Naturalization, and it contained the right index finger of Hae Lee.

Q And that was, in fact, the identification you made?

A Yes, it was.

Q Now, shifting gears a little bit, did you have occasion to receive a report from Crime Lab Technician Frank Sanders?

A Yes, I did.

Q Did you receive lift cards with that report as

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well?

A Yes.

Q What did you do with these items?

A The first thing I would do with the lift cards is examine them to see if we have any partial latent prints that are suitable for comparison, which means that I would be able to compare them either to a victim, a suspect, or a defendant.

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

THE COURT: Yes, you may.

(State's Exhibits Nos. 18, 21 and 25, respectively, were marked for purposes of identification.)

BY MS. MURPHY:

Q Ms Talmadge, I am showing you what has been marked as State's Exhibits 18, 21, and 25. Can you please review these documents?

(Brief pause.)

A These are all documents that were prepared by me in reference to the homicide case of Hae Lee, Case Number 8B5801.

Q And this is your handwriting on these items?

A Yes.

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Q I'll ask you to hang onto these.

A Okay.

Q Ms. Talmadge, did you have occasion to receive evidence under a property number which was 99008994?

A Yes, I did.

Q And referring to specifically your report which is marked Exhibit 21, what were you requested to do?

A I was requested under property number 99008994 to process papers from the trunk of a vehicle.

Q What were the results of your findings?

A I processed the evidence and I developed partial latent prints on an envelope and a card which I marked as Exhibit 1 and 2. I then compared the partial latent prints that were developed to the prints of Adnan Syed and Jay Wilds and made the following identification. A partial latent print developed on the envelope marked Exhibit 1 and the card marked Exhibit 2, under property number 99008994, were identified as impressions of the right middle finger, the left thumb, and the left index finger of Adnan Syed.

Q Are those results fairly and accurately represented in your report which is marked as Exhibit 21?

A Yes, they are.

MS. MURPHY: Your Honor, I would ask to move that report as State's Exhibit 21 at this time.

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THE COURT: Any objection?

MS. GUTIERREZ: No.

THE COURT: Let it be admitted at this time as State's 21.

(State's Exhibit No. 21, previously marked for identification, was received in evidence.)

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

THE COURT: Yes, you may.

BY MS. MURPHY:

Q Ms. Talmadge, I would ask you to review this item in evidence as State's Exhibit 20(a).

(Brief pause.)

A Okay.

Q Are you familiar with these items?

A Yes. The envelope is marked Exhibit 1, with the complaint number and the property number, my initials, and the date, and the card is marked as Exhibit 2, with the case number, the property number, my initials, and the date.

Q The notations, Exhibit 1 and Exhibit 2, did you make those marks?

A Yes.

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Q And the purplish color that you see on the envelope and the card, was that there when you first examined the items?

A No, this is the reaction of the chemical ninhydrin with the amino acids that were left behind in the perspiration.

Q Thank you. When you state the conclusion that the item was negative as to Jay Wilds, what does that mean?

A I had one print remaining on the envelope and it was compared to Jay Wilds with negative results.

Q Were you also asked to process evidence under property number 99008995, referring specifically to State's Exhibit Number 25 for identification?

A Yes, I was requested to process papers from the glove box.

Q What were the results?

A I developed suitable partial latent prints on Exhibits 1 through 5, which were various paper items that were found in the glove box. Those suitable partial latent prints were then compared to Adnan Syed and Jay Wilds with the following results: A partial print developed on the Nationwide insurance identification card, which is marked Exhibit 2, under property number 99008995, was identified as an impression of the right

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little finger of Adnan Syed. The --

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

THE COURT: Yes, you may.

BY MS. MURPHY:

Q Was your answer complete?

A I was going to say that the remaining partial latent prints were compared to Jay Wilds with negative results.

Q I will now show you what is in evidence as State's Exhibit 24. Could you examine these items, please?

(Brief pause.)

A This is Exhibit 1 and Exhibit 2 under property number 99008995. Exhibit 1 is an MVA registration certificate, and Exhibit 2 is the insurance identification card.

Q The results that you have just described, are they accurately depicted on State's Exhibit 25, your report?

A Yes, they are.

MS. MURPHY: Your Honor, I would ask that that report be moved into evidence at this time.

THE COURT: Any objection, Ms. Gutierrez?

MS. GUTIERREZ: No, Your Honor.

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THE COURT: Okay. Let it be admitted at this time.

(State's Exhibit No. 25, previously marked for identification, was received in evidence.)

BY MS. MURPHY:

Q And again, Ms. Talmadge, the purplish tint that you see on these items, was that there when you first examined them?

A No, it was not.

Q Can you explain that, please?

A It's as a result of the chemical ninhydrin reacting to the amino acids in the perspiration.

Q Okay. Now, referring to your report which is identified as State's Exhibit 18, did you receive property under property number 99008998?

A Yes, I did.

Q And what were you requested to do?

A I was requested to process a map that was recovered from the vehicle to determine if there were any partial latent prints.

Q And what were your results?

A Several partial latent prints were developed from the map that were suitable for comparison. A

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comparison was made to Adnan Syed and Jay Wilds with the following results: A partial latent print developed on the back cover of the map marked Exhibit 1(i) under property number 99008998 was identified as an impression of the left palm of Adnan Syed.

The remaining partial latent prints were compared to Jay Wilds with negative results.

Q Are those results accurately depicted in your report marked Exhibit 18?

A Yes.

MS. MURPHY: Your Honor, I would move Exhibit 18 at this time.

THE COURT: Any objection?

MS. GUTIERREZ: No, Your Honor.

THE COURT: Let it be admitted as State's Exhibit 18.

(State's Exhibit No. 18, previously marked for identification, was received in evidence.)

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

THE COURT: Yes, you may.

BY MS. MURPHY:

Q Ms. Talmadge, I show you what is in evidence as

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State's Exhibit 18. Do you recognize this item? I'm sorry, State's Exhibit 17.

(Brief pause.)

A Yes, it's marked as Exhibit 1, along with the case number, the property number, my initials and the date.

Q And those notations were made by?

A Myself.

Q Is this the item that you examined in your report, State's Exhibit 18?

A Yes.

Q Could you, holding this item, show the ladies and gentlemen where the palm print was that you detected?

A The palm print is actually underneath where the State's exhibit number is (indicating).

Q Ms. Talmadge, unlike the exhibits you have already identified, there are black smudges on this item. Were they there when you first examined the item?

A No, they were not.

Q Can you account for those smudges?

A Yes. As I said before, porous surfaces are processed with the chemical ninhydrin because the oil and perspiration is absorbed. If you can see, this is a glossy, basically hard surface, so the print is going to stay on top of the surface. So the black graphite powder

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along with the zephyr brush was used to process the cover.

MS. MURPHY: Thank you.

(Brief pause.)

(State's Exhibit No. 23 was marked for purposes of identification.)

BY MS. MURPHY:

Q Now, referring to the other report which is marked as State's Exhibit 23, were you asked to examine evidence under property number 99009000?

A Yes, I was requested to process what was labeled as personal items from the back seat of the vehicle.

Q And what were your results?

A I developed partial latent prints on floral paper, which was marked as Exhibit 1. I then compared those partial latent prints to the prints of Adnan Syed and Jay Wilds with the following results: Partial latent prints that were developed on the floral paper marked Exhibit 1 under property number 99009000 were identified as impressions of the left index finger, the left thumb and the left palm of Adnan Syed.

Q Are those results fairly and accurately reflected in State's Exhibit 23, your report?

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A Yes.

MS. MURPHY: Your Honor, I would ask that State's Exhibit 23 be moved into evidence.

THE COURT: Any objection.

MS. GUTIERREZ: No, Your Honor.

THE COURT: Let it be admitted.

(State's Exhibit No. 23, previously marked for identification, was received in evidence.)

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

THE COURT: Yes, you may.

MS. MURPHY: Thank you.

BY MS. MURPHY:

Q Ms. Talmadge, I now ask you to examine what is in evidence as State's Exhibit 22. Please study that item and tell us if you recognize it.

(Brief pause.)

A Yes, this is the floral paper, and it's marked Exhibit 1 with the case number, the property number, my initials and the date.

Q And this is the item which your report refers to as having a positive identification?

A That's correct.

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Q Thank you. Ms. Talmadge, you examined a number of items in connection with this case. Did they all have prints on them?

A No.

Q What other efforts, if any, did you make to determine the source of remaining prints that were not identified?

A Well, there were several prints that were remaining from everything that was processed and also from what Mr. Sanders recovered from the vehicle. The remaining partial latent prints, if they were suitable to go into our computer system, I did enter sixteen prints into the Morpho computer system to see if we could come up with any identifications, and we did not make any identifications off of those remaining prints.

Q How are prints obtained for your computer system?

A The data banks?

Q Yes.

A We have a data base of approximately 1.5 million fingerprint cards. It's a State system and it contains in excess of 800,000 criminal prints and it also contains the prints of anyone who might have anything to do with childcare. State troopers prints are in there. When these prints are received at the State Police, they

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are entered into the computer system and retained in the data base. Then if I get prints from a crime scene or from evidence that is good enough to go into the computer, we enter those into the computer system and compare it against that data base of 1.5 million.

MS. MURPHY: The court's indulgence, please.

THE COURT: Yes.

(Brief pause.)

MS. MURPHY: Thank you, Your Honor. We have no more questions.

THE COURT: Thank you. Witness with you.

MS. GUTIERREZ: Mr. Clerk, could I have, I think it's State's Exhibit 16.

THE CLERK: Yes.

MS. GUTIERREZ: Thank you. Ms. Talmadge, I have a couple questions to ask you.

CROSS-EXAMINATION

BY MS. GUTIERREZ:

Q You were asked about you examined a lot of other pieces of evidence for which there were no latents developed, correct?

A That's correct.

Q And you were asked to examine other pieces of evidence for which you couldn't develop latents, correct?

A That's correct.

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Q Let me show you what has been previously marked as State's Exhibit 16. Is that one of those such pieces that you were asked to examine?

A Yes.

Q And that is a map page?

A Yes.

Q And did you establish whether or not that map page correlates in any way to the map book that you have identified under the sticker in the back, the palm print of my client, Adnan Syed?

A This goes in that book, right.

Q And did you establish where it goes in the book?

A It has the page on it, yes.

Q Well, did you check to see if, in fact, there is a page number that matches that page number already in there?

A No, I did not.

Q Okay. And did you conduct an investigation on this page?

A Yes.

Q Okay. And what is it that you did?

A I sprayed this page with the chemical ninhydrin.

Q And that's the chemical that would produce and

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produced on the other exhibits the purplish-like appearance?

A Yes.

Q Okay. And that's because as paper, unlike the cover, the glossy cover, this is a porous surface?

A That's correct.

Q And this (indicating) is a non-porous surface?

A The cover is, yes.

Q Right, the cover is, and that's why you process them differently, correct?

A That's correct.

Q Were you told any information about this exhibit, i.e. where it came from and what if any significance it had to the case?

A I was told that it was from the back area of the vehicle.

Q Okay. And that's all that you were told, correct?

A Yes.

Q And having processed it, did you recover any latent prints from any portion of this page?

A No.

Q The front --

A No.

Q -- or the back?

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A No.

Q Okay. And so you were not able to lift any prints that would then allow you to then compare them with any other prints?

A That's correct.

Q And you, Ms. Talmadge, I'm sure, in your expertise, did your best to find prints on this page, did you not?

A That's correct.

Q Okay. Now, in regards to the map book, Ms. Talmadge, the surface, as was described, it is a glossy cover; is it not?

A Yes, it is.

Q It's thicker, it's cardboard of some kind, and it's covered with some kind of film or coating that presents a flat, glossy, non-porous surface; is that correct?

A That's correct.

Q The best kind of surface to collect a fingerprint; isn't that correct?

A That's correct.

Q If it's capable of collecting it and if something else doesn't remove it by a later touching, one should be able to get a latent print from this surface fairly readily, correct?

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A It's possible, yes.

Q Okay. Now, you did not search the inside of the map book either from the front or from the back cover to see if you could recover any other latent prints from any internal page?

A Yes, I did.

Q And what pages did you search?

A I searched approximately forty pages and the --

Q Okay. And by searching, did that include processing with the chemical that produces the purplish-like --

MS. MURPHY: Your Honor, I would ask that the witness be allowed to finish her answers.

THE COURT: Fine. I would ask, as I asked earlier, that the question be asked and that there be a little bit of a pause so that the witness can answer. I would ask you, if you have not finished your answer, that you let me know, and you can continue finishing your answer if at anytime another question comes in. We can use that process with all of the witnesses, not only Ms. Gutierrez's but the State's as well. I think that will be helpful.

BY MS. GUTIERREZ:

Q Okay. Had you finished answering my very simple question, Ms. Talmadge?

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A I was trying to get my photos out --

Q Your photographs.

A -- to answer.

Q Because you record what you do, do you not?

A Yes.

Q And you keep track of it by both numbering it and photographing exactly what you do, correct?

A That's correct.

Q And what you have drawn out are the photographs that you made contemporaneous with any examination regarding these specific property numbers, correct?

A That's correct.

Q And if you could review for a minute, Ms. Talmadge, those photographs and see if you could identify the map page numbers which you processed back in February of 1999?

(Brief pause.)

A As I said, I did approximately forty pages and I developed prints on Exhibit 1(b), Exhibit 1(c), another one from 1(c), another one from 1(c).

Q Now, the (a), (b) and (c) are your notations, are they not?

A That's correct.

Q You give a letter to everything that you examine under a specific property number, correct?

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A That we develop --

Q And then you would go ahead and assign your numbering system?

A That we develop suitable partial latent prints on.

Q Okay.

A So Exhibit 1(b) would relate to the table of contents.

Q Okay.

A 1(c) is page thirty-eight of the map book. 1(d) is page forty. That's another one from page forty. 1(e) is page forty-two, another from page forty-two. 1(f) is page forty-six. 1(g) is page seventy-eight. 1(h) is page eighty-three. 1(i) is the back cover. 1(i), another one from the back cover. And then I also had Exhibit 1(a) which was the front cover.

Q Okay. And that means that you obtained a latent print that belonged to someone on each of those page numbers and locations that you have just listed?

A That's correct.

Q But that you were not able to compare them to the fingerprints that were submitted to you of Adnan Syed?

A They were compared but they were not identified.

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Q Okay.

A Except for the one print that was on the back cover.

Q The back cover of the map magazine that you have told us was the palm, that actually appeared right under this little red sticker; is that correct?

A That's correct.

Q Now, the inside page numbers, Ms. Talmadge, were not selected for you, were they?

A No, they were not.

Q You just randomly selected some pages, correct?

A That's correct.

Q Your attention was not directed either in the request of you to examine them or orally by anyone involved in the case from the Police Department to look at a specific page number?

A No, it was not.

Q Other than the flat sheet that was submitted to you separately?

A That's correct.

Q Now, the surface as was described of the map book is a pretty good surface for collecting and sustaining a fingerprint or palmprint or footprint for that matter that is placed there at any given time; is that correct?

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A It's possible, yes.

Q And there are, as you have told us, there are certain surfaces that are better for the collection of fingerprints than others, correct?

A Yes.

Q Even on surfaces that are better than others, your expertise can only identify whatever print it is, correct?

A I'm not sure I understand what you are asking me.

Q Your expertise looks at a latent print and identifies it and compares it to other latent prints, correct?

A And also processing of the evidence.

Q Okay. You see if, in fact, there are prints there, right?

A Yes.

Q Your expertise, however, never attempts, nor can it, to establish when the print that you lift and compare got where it was from where you looked, can it?

A Scientifically, we cannot determine the age of a latent print.

Q Unscientifically, you can't determine the age of a print, can you?

A It would depend upon the circumstance.

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Q There was no circumstantial information that was submitted to you to establish when the palmprint that you lifted from this back cover was placed there, was there?

A No, there was not.

Q And you, of course, make no attempt, nor do you in your expert opinion render any opinion as to when it was placed, do you?

A No, I do not.

Q Nor can you?

A No.

Q Okay. And you, of course, in your expertise also can't tell us under what circumstances the palmprint that you subsequently compared was placed there?

A No, I cannot.

Q You, of course, were only given information where this book was recovered inside a car that was relative to a crime, correct?

A That's correct.

Q You were not given any information that might help you establish when this book was placed at the place from where it was recovered, were you?

A No, I was not.

Q Nor would that information affect your expert opinion in regard to when and under what circumstances it

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might have been placed there?

A No.

Q And you, of course, don't know who owns this book?

A That's correct.

Q And how often it was used?

A That's correct.

Q And whether or not it had recently been put in the car or whether it had been put in the car at the very time that the owner or driver acquired the car?

A I do not know those things.

Q And you don't know if the map book was kept or taken out on a regular basis?

A I do not know that.

Q Or lent to someone else totally unrelated to the owner?

A I don't know that.

Q Or placed in the car right before the car was found?

A I don't know that either.

Q And in regard to State's Exhibit 16 though, you lifted no prints that were suitable for comparison, correct?

A That's correct.

Q That doesn't mean that nobody touched either

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side of this page, does it?

A That's correct.

Q It only means that you couldn't lift prints, right?

A I was not able to develop any prints, yes.

Q And you are an expert at trying to develop prints from things submitted to you; are you not?

A That's correct.

Q That's why you are the supervisor of so many people; is it not?

A That's correct.

Q But it doesn't mean -- for instance, a hundred people could have touched this page at any given time; could they have not?

A Yes.

Q And each person's touching could have wiped out the other person's print, correct?

A That's possible, yes.

Q And your examination can't tell us whether that happened or whether this was a completely untouched perfectly flat page before it was recovered from wherever it was recovered? Your expertise can't tell us that, can it?

A No.

Q Your expertise, Ms. Talmadge, can't tell us how

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long the prints had been there, can it?

A That's correct. No, I cannot.

Q Even the palmprint?

A No, I cannot.

Q Now, Ms. Talmadge, it is not unusual to find fingerprints of persons around their own space, is it?

A Actually, developing a partial print in itself is rather rare. Most of the time when we process, we do not get suitable prints.

Q And that's because a lot of surfaces are touched by a lot of people under a lot of circumstances, correct?

A That's correct.

Q And every touching might alter the existence of every other fingerprint that may have been left there under other circumstances?

A That's correct.

Q Okay. But it is not unusual, for instance, for you to be able to find, if at all, my fingerprints in a car that I drive everyday?

A If your hand contained enough oil and perspiration --

Q At the time?

A -- at the time --

Q Right.

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A -- and touched an object, it's possible that you could leave a latent print.

Q Okay. My question was though, it would not be unusual in and of itself -- it might be unusual to recover prints, period -- to recover my own prints in a car I operated and drove everyday?

A Yes, it's possible.

Q Okay. And not only is it possible, it would not be unusual to do so, would it?

A No.

Q Okay. And if, for instance, I had a car and not only did I drive it to work everyday but I regularly picked up my neighbor and she drove in my car everyday, it would also, if there were suitable oils and suitable conditions at any given time that she touched any surface inside my car, it would again not be unusual for you to be able to identify her prints under those circumstances, would it?

A No, it would not.

Q And if I had a child who didn't ride in the car everyday but was in my car often, and again had suitable oils on their hands, it would again not be unusual if those conditions existed to be able to retrieve and then identify his or her prints, would it?

A No, it would not.

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

THE COURT: Yes, you may.

BY MS. GUTIERREZ:

Q You were shown State's Exhibit 20(a), which is admitted into evidence. Do you recall that?

A Yes.

Q Now, other than the purple discoloration, you didn't do anything to that envelope, did you, in making your marks? You didn't obliterate anything on it, correct?

A No.

Q Now, if you take a look at the front of the card that's stuck in it, it appears to relate to the envelope, does it not?

A Yes.

Q Okay. On the front of the envelope, there is a date; is there not?

A That's correct.

Q Okay. And you recovered a fingerprint from the envelope itself; did you not?

A Yes.

Q And was that from the front or the back of the envelope?

A If you could give me a moment.

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Q Sure.

(Brief pause.)

THE COURT: While she is looking, Ms. Gutierrez, may I inquire about how much longer you will be?

MS. GUTIERREZ: Not very much longer, Your Honor.

THE COURT: Okay.

MS. GUTIERREZ: Take your time.

THE WITNESS: Okay.

(Brief pause.)

THE WITNESS: I have a print from the front of the envelope.

BY MS. GUTIERREZ:

Q The front, meaning where the addressee's name is listed; is that correct?

A Yes.

Q Okay.

A And the back of the envelope.

Q The back of the envelope because your picture actually shows the crease of the envelope flapover cover; does it not?

A That's correct.

Q Okay. And both were on the outside of the envelope; were they not?

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A That's correct.

Q If you notice, Ms. Talmadge, the envelope is dated by the post office October 3rd, 1998; is it not?

A That's correct.

Q You, of course, don't know when any of that envelope was received by any particular person; do you?

A No, I do not.

Q Including the addressee on the envelope, correct?

A That's correct.

Q And you, of course, don't know how it got from the address on the envelope to the location from where it was retrieved, if it got to that location; do you?

A No, I do not.

Q Or under what circumstances?

A No, I do not.

Q And you, of course, don't know how long it had been in the place from where it was recovered before it was submitted to you?

A No, I do not.

Q And you, of course, conducted no investigation into the circumstances of the finding of this envelope; did you?

A No.

Q Or as to how it got to where it was?

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A No, I did not.

Q You merely took what was submitted to you and sought to see if you could recover fingerprints?

A That's correct.

Q And you can tell us what fingerprints you could match, what you could recover and/or match, but you can't tell us anything about them?

A Other than --

Q That they existed where you saw them, correct?

A Yes, and that I did identify them.

Q And whether or not they identified and matched with other fingerprints submitted to you, correct?

A Yes.

Q In regard to the flowered paper, is this how it appeared when it was submitted to you?

A It was actually a little more rolled up.

Q Folded up?

A Yes.

Q Okay. Now, from its size and shape, does it not appear to be paper and tissue that may have once surrounded flowers?

A Yes.

Q You can't tell from your examination if, in fact, it did; could you?

A There were a little bit of stems, flower stems,

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and things that were inside there laying around it.

Q That corroborated your impression that there were once flowers in there, correct?

A That's correct.

Q But you couldn't tell from your examination what those flowers were; could you?

A No, they were dead.

Q Or for whom they were intended?

A No.

Q And if they were received by the person for whom they were intended?

A No, I couldn't tell that.

Q And the fingerprint that you located was on the outside of the paper (indicting); was it not?

A Yes, in the manner that you --

Q In the manner that I'm doing.

A Yes.

Q And whether or not the fingerprint that you identified was placed there by the giver of the flowers to the receiver of the flowers; could you?

A I don't know that circumstance.

Q Or was placed there by the receiver of the flowers, having been given them by someone other than the owner of the print?

A I can't tell who was given the flowers from the

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print.

Q And you can't tell when they were given?

A That's correct.

Q And whether or not that was a happy or a sad occasion?

A That's correct.

Q And anything else about the circumstances as to how that print got there?

A No, I cannot.

Q Or how long it had been there?

A No.

Q Or how long after the print had been placed that this particular evidence of what appears to be flowers inside had been at the place from where it was recovered?

A I cannot tell that.

Q And in your expertise, you wouldn't attempt to tell us that; would you?

A Not from that paper, no.

(Brief pause.)

THE COURT: Ms. Gutierrez, we are going to pause at this point.

MS. GUTIERREZ: I just really have one more question, Your Honor.

THE COURT: Well, you are going to have some

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followup; are you not?

MS. MURPHY: Just briefly, Your Honor.

THE COURT: Okay. We are going to take a break then. Ladies and gentlemen, we are going to recess for probably about twenty to twenty-five minutes so that I can handle my morning docket. At this time, I need to advise you not to discuss the testimony you have heard in this case. I need to ask that you not talk about it amongst yourselves or with anyone else. I also need to ask you to place your notepads face down on your chairs and leave them here. They will be secured. No one will read them. You will be coming back in about twenty to twenty-five minutes and we will continue with this case. I would also ask that at the time that you go back, keep in mind that this is a break and we are going to resume with this case. Then once you come back, we will go on until about 12:30, a quarter of 1:00, take a luncheon recess, and resume about 2:00 or so to finish with the testimony for the rest of the day.

During the break, also keep in mind that I expect to go today to about 5:00. So if you need to make any arrangements to make sure that you can get home in the evening hours or if your vehicle is in a location that you need to make an adjustment during the luncheon recess, you are welcome to do that. Also, if you would

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like to use the twenty to twenty-five minutes to do that, you may also use that time as well because it will be at least twenty to twenty-five minutes before we can resume this case.

At this time, I'm going to ask that you all go with Ms. Connolly, who will escort you back to the jury room. Also, as you are going out, there is a canteen on the second floor of this building. Please feel free to go down and get yourselves a cup of coffee or a cup of tea and bring that back up to the jury room because, again, you will be sitting there for about twenty to twenty-five minutes before we will be able to resume. Thank you.

(The jury was excused from the courtroom.)

THE COURT: Okay. This court stands in recess for the next twenty to twenty-five minutes for this case. However, all those that are on my docket, do not go anywhere. I'm just going to let everyone clear out, and then we will resume this case promptly.

I need some assistance first. I need to find out whether or not any of the jurors, in fact, left the jury room. If you could just secure them in the jury room until Officer Gilmore finishes doing what he needs to do. Officer Church, if they have left, let Officer Gilmore know that as well. If they have not left, tell

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them to wait one second before they go anywhere. Officer Gilmore, if you will just coordinate with Deputy Church, I'm going to be asking that you bring up three co-defendants so that we can handle another matter.

OFFICER GILMORE: Okay.

THE COURT: Okay. None of the jurors have left?

THE CLERK: No, I put them in the jury room.

THE COURT: Okay. Thank you.

MR. URICK: Your Honor, if I may address the scheduling issue, we have Don Cliendinst physically present as the next witness after Ms. Talmadge. We have Sal Bianca from the Crime Lab on call. I'm not certain but I think Mr. Cliendinst should fill until the lunch break.

MS. GUTIERREZ: I don't think so.

THE COURT: Well, Mr. Urick, it's your case. I have no idea how many witnesses you have. I don't know how long the witnesses are. I told you how long I expected that we would sit. You will have to figure out whether you think that that person's testimony is long enough to fill that void. I don't know how long that witness is and I certainly don't have any idea how long Ms. Gutierrez's cross is going to be. But I can tell you, if you finish with the witness and you don't have

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another witness available, and it's almost lunchtime, we will take a lunch break. I mean, we will accommodate you in that fashion.

MR. URICK: Thank you.

THE COURT: All right. Very well.

MS. MURPHY: Your Honor, may Ms. Talmadge take a break?

THE COURT: Yes. Ms. Talmadge, you are also free to take a break. We will be away for about twenty-five minutes. During that time, you may not discuss your testimony with anyone. You are on the witness stand, so you may not have a conversation with the State or the defense or anyone about your testimony until you have concluded.

All right. Very well. You may go about your business and return in about twenty to twenty-five minutes.

THE WITNESS: Thank you.

THE COURT: All right. I'm going to take a two or three minute recess while they bring the defendants up, and then I will handle the rest of our docket.

THE CLERK: All rise. This court will take a brief recess at this time.

(Brief recess.)

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(Jury not present upon reconvening.)

THE CLERK: All rise. This court resumes in session.

THE COURT: Please be seated. We are going to bring the jury back out and resume this case. Please be seated, counsel.

(Brief pause.)

(The jury returned to the courtroom.)

THE COURT: Please be seated. All right. Ladies and gentlemen, we are going to resume with our case today.

As our last witness was still on the stand at the time we took a recess, I will remind you that you are still under oath.

At that time, Ms. Gutierrez was conducting cross-examination and I believe she had a few more questions.

SHARON TALMADGE

resumed the witness stand and, having been reminded she was still under oath, was examined and testified further as follows:

CROSS-EXAMINATION (Continuing)

BY MS. GUTIERREZ:

Q Ms. Talmadge, essentially I only have one. Now, you told me in response to my questions, or you told

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us that, of course, in your expertise, even when you find a fingerprint, you can't tell when the fingerprint had been placed there, correct?

A That's correct.

Q And you can't tell, even when you get the best of a latent print or lift, how long it had been there, correct?

A That's correct.

Q And what, if anything, had happened to the place where the fingerprint was, whether it's a glass pane or a map book or a piece of paper, whether or not of those, other than the person who deposited the fingerprint or the palmprint there, had touched it afterwards?

A If they left no ridge detail, I would not be able to tell.

Q And that might occur not because they didn't touch it hard enough but they might not have had enough oil on their own hands at the time they touched that surface, correct?

A That's correct.

Q A fingerprint, regardless of its condition, or a palmprint, regardless of its condition, if it is placed on a good surface, can essentially, if it's not obliterated by something or someone else, can last

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forever; can it not?

A Under ideal circumstances, they can last indefinitely.

Q And sometimes under less than ideal circumstances, they can last a very long time?

A It's possible, yes.

Q Years, in fact?

A It depends upon the surface, yes.

Q But it is possible, yes?

A Yes.

MS. GUTIERREZ: Thank you.

THE COURT: Thank you, Ms. Gutierrez. Any redirect?

MS. MURPHY: Thank you, Your Honor.

REDIRECT EXAMINATION

BY MS. MURPHY:

Q Ms. Talmadge, do your reports which we have entered into evidence indicate where specifically in the car the items were recovered?

A It's designated as back seat or the glove box or the trunk.

Q Ms. Talmadge, in your experience, would it be unusual, if someone was not the owner of a particular vehicle, to identify prints on items located not just in the car but in the trunk, in the glove box, and in the

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back seat? All of those areas, and identification of a print, would those things be unusual?

A Well, as I said before, it's rather unusual that you do develop a print at all because it is very hard to leave a print that is suitable for comparison. But in this particular instance, as you pointed out, we have prints from the glove box, prints from the items in the back seat, and we have prints from the trunk of the vehicle that are all identified to the same person.

Without that being the owner of the vehicle, I would say yes, that would be unusual.

Q While you were able to develop a number of prints, were you able to positively identify any prints other than those of Adnan Syed?

A No, I was not.

MS. MURPHY: Thank you. I have no other questions, Your Honor.

RECROSS-EXAMINATION

BY MS. GUTIERREZ:

Q Ms. Talmadge, do you even know who the owner of the car was?

A No, I do not.

Q And do you even know whether or not the actual owner of the car was ever actually inside the car?

A No, I do not.

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Q And you don't know, in fact, from your own personal knowledge, who were the persons and/or persons, in the plural, who drove the car on a regular basis, correct?

A I have no idea.

Q Or who were in the car, whether it was being driven or while it was parked, correct?

A That's correct.

Q And you, of course, were not given any other prints, ink prints, to compare with whatever lifts or latents you got; were you?

A Only the prints of --

Q Jay Wilds.

A -- Jay Wilds.

Q And Jay Wilds was listed on your form as a suspect; was he not?

A He is in that section of the report, yes.

Q The section of the report. It comes to you as a form, does it not, requesting you to do your analysis?

A Yes.

Q And on that form, before you got it, the name Jay Wilds was listed in the portion that identifies suspects; was it not?

A Yes, it is listed there.

Q And there was no other name in there other than

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Adnan Syed and Jay Wilds?

A No, there was not.

Q Now, you, of course, in your expertise, do not know why and under what circumstances Jay Wilds came to be regarded as a suspect; do you?

A No, I do not.

Q Nor do you know how Adnan Syed came to be regarded as a suspect?

A No, I do not.

Q Or if, in fact, Adnan Syed only became a suspect when Jay Wilds said he was? You wouldn't know that; would you?

A No, I wouldn't.

Q That's not part of your expertise; is it?

A No, it's not.

Q And you, of course, were not asked to determine if, in fact, that car contained any fingerprints that might match the owner of the car?

A I don't know who the owner of the car is.

Q But in any event, you weren't asked to match anything that you found with prints identified to you as belonging to the owner of the car; were you?

A No.

Q Nor were you asked to identify any lifts of latents together with anyone who may have driven or been

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in the car on a regular basis?

A The only thing that I had was a couple of prints that I managed to obtain from Hae Lee to compare.

Q And did you do so?

A Yes, I did.

Q Okay. And did you fill out a report?

A No, I did not.

Q Were you asked to do so?

A That's done automatically.

Q Okay. And, again, you have never been provided any factual information as to who else's prints might be expected to appear inside or outside that car?

A No, I have not.

Q In regard to the items that Ms. Murphy just asked you, there were certain items recovered from the trunk of the car, correct?

A That's correct.

Q And they were identified to you as to where they were recovered, correct?

A That's correct.

Q And you, of course, not only were not provided any information, you could not ascertain when, under what circumstances, or by whom those items had been placed from where they were retrieved?

A No.

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Q Nor how long they had been there?
A That's correct.
Q And the items in the glove box, they were identified to you regarding their location when they were submitted to you; were they not?
A That's correct.
Q And in regard to those items, you can't tell us when they were placed in the glove box?
A No, I cannot.
Q Or where they came from before they were placed there?
A No.
Q Or by whom they had been placed there?
A No.
Q And you can't, of course, tell us how often, from the time that you cannot determine that they were placed there, they were removed from the glove box?
A No, I cannot.
Q For legitimate purposes --
A No.
Q -- or illegitimate purposes, right?
A That's correct.
Q You, for instance, can't tell us if the registration and the insurance card were removed by a driver who had the permission to drive the car from

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someone with the apparent authority to give it who retrieved the registration and the insurance information because of a minor fender-bender that occurred while they were driving; can you?

A No, I cannot.

Q Or whether or not the person you have identified as having the prints on the latents lifted from those items retrieved those items from the glove compartment because they were asked to do so by the driver for similar reasons such as an accident?

A I have no idea.

Q Or a traffic stop --

A No.

Q -- by a police officer --

A No.

Q -- who legitimately stopped the driver for say speeding?

A I have no idea.

Q You have no idea of when those prints were placed there, right?

A That's correct.

Q Only that they appeared when you attempted to lift them, correct?

A That's correct.

Q And that date is on February 9th?

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A (No response.)

Q I'm sorry. That date was after February 9th; was it not?

A That's correct.

Q And you can't tell us anything about that print or prints or palmprints other than that, that it appeared, correct?

A The only piece of evidence that has a date on it at all that would indicate a time would be the envelope that is postmarked October 3rd.

Q October 3rd, 1998, correct?

A That's correct.

Q And if, in fact, that is a real post office franking symbol on the envelope, then you can tell us that anything should have occurred after then, correct?

A Yes.

Q Correct?

A That's correct.

Q Okay. Except you can't tell us who mailed the letter; can you?

A No, I cannot.

Q And you can't tell us whether or not the letter was mailed before October 3rd, the franking date, by the exact person whose print you identified; can you?

A No, I cannot.

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Q So as I just asked, you really can't tell us anything definitive about when any print that you have identified was placed where you lifted it from; can you?

A No.

MS. GUTIERREZ: Thank you.

THE COURT: Anything further on recross?

MS. MURPHY: Just briefly, Your Honor.

THE COURT: No, I mean from Ms. Gutierrez.

MS. GUTIERREZ: No, Your Honor.

THE COURT: All right.

MS. GUTIERREZ: Thank you.

THE COURT: Then re-redirect.

MS. MURPHY: Thank you, Your Honor.

RE-REDIRECT EXAMINATION

BY MS. MURPHY:

Q Ms. Talmadge, just to clarify something, your comparison with respect to these specific items which we have been discussing, they were not compared only to Jay Wilds; is that correct?

A As I stated before, the ones that were good enough to go into the computer system were searched through the computer system. They were checked with Adnan Syed and Jay Wilds.

Q And also to clarify, your results do definitively tell us one thing about four of these items,

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and that is whose print is on those items; is that correct?

A That's correct.

Q And you were able to identify whose prints?

A Adnan Syed.

MS. MURPHY: No other questions, Your Honor.

THE COURT: Very well.

MS. GUTIERREZ: Nothing further.

THE COURT: May this witness be excused from the State?

MS. MURPHY: Yes, Your Honor.

THE COURT: And from the defense?

MS. GUTIERREZ: Yes, Your Honor.

THE COURT: And released from subpoena?

MS. GUTIERREZ: Yes.

THE COURT: Very well. You are free to go at this time, and you are released from subpoena at this time.

THE WITNESS: Okay.

THE COURT: I must admonish you that you may not discuss your testimony with anyone in that you are technically a sequestered witness, but because you have been released from subpoena at this time, you are welcome to stay in the courtroom if you would like.

THE WITNESS: Thank you.

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THE COURT: Very well. And please leave that exhibit. It will have to remain since it has been marked.

THE WITNESS: Okay.

THE COURT: Your next witness?

MR. URICK: Donald Cliendinst.

THE COURT: Please ask Mr. Cliendinst to step in.

(Brief pause.)

THE COURT: Sir, I need you to remain standing there. Raise your right hand and listen to Mr. White as he gives you the oath.

DONALD ROBERT CLIENDINST, III

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

THE CLERK: You may be seated. Please keep your voice up and state your name for the record?

THE WITNESS: Donald Robert Cliendinst, III.

THE CLERK: Please spell your last name for the record?

THE WITNESS: C-L-I-E-N-D-I-N-S-T.

THE CLERK: And state your address for the record, please?

THE WITNESS: I live at [redacted], Bel

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Air, Maryland.

THE CLERK: Thank you.

THE COURT: Sir, I'm going to ask you that during the course of the questioning you keep your voice up. All the ladies and gentlemen of the jury have to hear you. This is a small courtroom but sometimes you don't really speak up, thinking that everyone can hear because it is a small courtroom. The device in front of you is, in fact, a mike. The one sitting up is a recording device but the one laying down flat is a microphone, and if you lean forward, your voice will be amplified.

Witness with you.

MR. URICK: Thank you, Your Honor.

DIRECT EXAMINATION

BY MR. URICK:

Q Good afternoon, Mr. Cliendinst. Did you know Hae Min Lee?

A Yes, sir.

Q How did you come to know her?

A Through work at Lenscrafters.

Q When did you start working at Lenscrafters?

A At the store she was in, I started in October.

Q And which store was that?

A Owings Mills.

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Q And when did she start there, if you know?
A It was around the same time that I began working at that store.
Q Was she actually working there when you started?
A I'm not really sure.
Q And what, if any, relationship developed between you and Ms. Lee?
A We began dating.
Q When did you begin dating?
A In January.
Q Of 1999?
A Yes, sir.
Q Okay. Now, have you ever met the defendant in this case?
A Yes, sir.
Q When would you have first seen him, or how did you first see him?
A It would have been in December. He started coming in the store in the late evenings.
Q And what would he do?
A Stand around and wait for Hae to get off work.
Q And did there come a time when her car was unavailable and he came to pick her up?
A Yes, sir.

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Q What were you doing at that time?
A I was leaving work.
Q And describe what you did as you were leaving work?
A I was leaving work and my car was parked out at the end of the parking lot, so I was walking up to my car and when I got there, he had driven up to where I was and, you know, rolled down his window to speak with me.
Q What did he say?
A I can't really recall offhand exactly what he said. He was basically just making small talk to start with.
Q And then what happened?
A He got out of the car and we were talking for a while until Hae came out.
Q And what, if anything, did he tell you at that point?
A What he told me at that point is that he was -- he said he was just checking me out to make sure that I was okay.
Q And do you see the person who said that to you in the courtroom today?
A Yes, sir.
Q Would you please point him out?
A He is sitting right there (indicating.)

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MR. URICK: For the record, indicating the defendant.

BY MR. URICK:

Q Now, drawing your attention to January the 13th of 1999 -- well, no, let me back up. When was your first date with Hae Lee?

A It was the first of the year in '99.

Q And drawing your attention to January the 13th of 1999, where were you that day?

A I was working at another store to help out.

Q Which store was that?

A Hunt Valley.

MR. URICK: Your Honor, may I approach the witness at this time?

THE COURT: Yes, you may.

(State's Exhibit No. 29 was marked for purposes of identification.)

BY MR. URICK:

Q I am going to hand you State's Exhibit 29 and ask you to look at the second sheet of paper there.

A Yes.

THE COURT: It has been marked for identification purposes at this time.

MR. URICK: Yes.

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BY MR. URICK:

Q Can you identify that?

A Yes, sir.

Q What is that?

A It would be the time card printed from the computer at that store.

Q When you say that store, do you mean the Hunt Valley store?

A The Hunt Valley store, yes.

Q And does that indicate the hours that you worked at that store that day?

A Yes, sir.

Q What times did you punch in and punch out on that day?

A I punched in at 9:02 a.m. and I punched out at 1:10 p.m. and punched back in at 1:42 p.m. and then out at 6:00 p.m.

MR. URICK: At this time I would offer, as State's Exhibit 29, the certified business records of the Lenscrafters Corporation.

THE COURT: Any objection?

MS. GUTIERREZ: No.

THE COURT: Let it be admitted.

(State's Exhibit No. 29, previously marked for

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identification, was received in evidence.)

BY MR. URICK:

Q How did you come to find out that Hae Lee was missing?

A When I arrived home at 7:00 that afternoon from work and received a call from my Lab Manager asking me if I knew where she was.

(Brief pause.)

MR. URICK: Witness with the defense.

CROSS-EXAMINATION

BY MS. GUTIERREZ:

Q Your Lab Manager, Mr. Cliendinst, then knew that you had some kind of relationship with Hae Min Lee, correct?

A Yes.

Q And that's why you were called, to see if you had any idea of her whereabouts that day, correct?

A Yes, ma'am.

Q And you worked at Hunt Valley and that was unusual because normally you worked at Owings Mills all day during the daytime of January 13th, correct?

A Could you restate that, please?

Q You worked at Hunt Valley that day all day on the 13th; didn't you?

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A Yes, ma'am.
Q Isn't that what you just told us?
A Yes.
Q Is there any dispute about that?
A No.
Q Is there anything to remember or not remember?
A No, ma'am.
MR. URICK: Objection.
THE COURT: Overruled.
BY MS. GUTIERREZ:
Q And later, after you got home, you were called by your Lab Manager, and that was the Lab Manager from the Owings Mills store, correct?
A Yes, ma'am.
Q All right. And that person knew then on January 13th, the day the call was made, that you and Hae Min Lee were girlfriend and boyfriend, correct?
A Yes.
Q And ultimately you were contacted by the police, correct?
A Yes.
Q And you were spoken to on that very day or the next day?
A On that day.
Q On the 13th?

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A Yes.
Q Is that correct?
A Yes.
Q At your home; is that correct?
A Yes.
Q And, sir, you were made aware, were you not, that in fact someone from Woodlawn had told the police that Hae Min Lee had said she was going to hook up with you after she left school?
A (No response.)
Q Were you not told that?
A No.
Q And were you asked about any plans you may have had to be with her then?
A Yes, I was asked that.
Q All right. And you told them you had no plans to see her that day, correct?
A I do not recall what I told them.
Q You don't recall what you told the police who contacted you about the disappearance of your then girlfriend?
A No, ma'am.
Q I would assume, Mr. Cliendinst, that is an unusual event, your girlfriend disappearing, and then turning up murdered and buried?

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A Yes.
Q Okay. Now, Mr. Cliendinst, were you ever asked to provide your fingerprints?
A No, ma'am.
Q Were you ever asked to provide your blood?
A No, ma'am.
Q Or your saliva?
A No.
Q Or your hair?
A No.
Q Or your picture taken?
A No.
Q And were you ever hauled down to the police station either in Baltimore County or in Baltimore City?
A No.
Q Not to answer during any interrogation?
A No.
Q Or any interview?
A No.
Q Or to have it taped?
A No.
Q Not then, back in January of 1999, right?
A Yes.
Q Not any day later, correct?
A Yes.

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Q And not any day up until and including today, correct?

A Yes.

Q Now, on January 13th, you would have fairly described your relationship with Hae Min Lee as girlfriend/boyfriend, would you have not?

A Yes.

Q Your first date had been less than two weeks before the day that you got the call from your manager, correct?

A Yes.

Q So you had been girlfriend/boyfriend with her for less than two weeks, correct?

A Yes.

Q Would you have described your relationship as one of soul-mates?

A No.

Q Had you seen her on dates in that two week time?

A Yes.

Q The first date was January 1st, correct?

A Yes.

Q And how often had you seen her as a girlfriend from the 1st up until the 13th, the day you said you never saw her?

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A It was quite frequent actually.
Q Quite frequently, almost every day?
A About every other day.
Q Every other day. And you would see her a lot because sometimes you worked the same shifts, correct?
A Yes.
Q But you had only known her at some point after you began working at the Owings Mills mall store, correct?
A Yes.
Q She may have worked there before then but you also don't recall that, right?
A Yes.
Q But you were not girlfriend and boyfriend and you had not had a date until the first day of 1999; is that correct?
A Correct.
Q Now, you said, you just told us that the first time that you met Adnan was the day on the parking lot at the Owings Mills mall, correct?
A No.
Q When is the first time that you met him?
A Back in December.
Q When he came into the mall itself?
A Yes.

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Q And on those days, it appeared he would come in and wait for Hae to get off; is that correct?
A Yes.
Q And you were aware back then in December and before that he was her boyfriend, correct?
A No.
Q And did you meet him?
A I had spoken with him.
Q And how is it that you had spoken to him? Did you know him?
A No, I just, as a courtesy, greeted him.
Q Did you know who he was?
A No.
Q So what courtesy were you extending to an unknown person?
A He was in the store and it was my job.
Q Okay. And did you serve him as a customer?
A No, he said he was waiting.
Q For Hae Min Lee?
A Yes.
Q He was very open about it; was he not?
A Yes.
Q And from what else you observed, he was expected; was he not?
A I really do not --

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Q Well, you observed Hae Min --

THE COURT: Wait a minute. I really do not --

THE WITNESS: Know if he was expected or not.

THE COURT: Okay. Next question.

BY MS. GUTIERREZ:

Q Hae Min Lee ultimately on those days would go with him; would she not?

A Yes, ma'am.

Q After her work, correct?

A Yes.

Q And that appeared to you to be willing; did it not?

A Yes.

Q She didn't appear to be coerced by this person to leave work with him; did she?

A No.

Q And you later found out from her, did you not, that that was her boyfriend, correct?

A No.

Q No. And, sir, did you ever make an attempt to get to meet or know who this person was?

A No.

Q At the time, in December of 1998, were you interested in Hae Min Lee romantically?

A Yes.

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Q Had you let her know that?

A No.

Q And had you intimated to her at all that, hey, when she got done with her current boyfriend, that you were available and interested in her for her new boyfriend?

A No.

Q When you had your first date with Hae Min Lee, had the day in the parking lot occurred already?

A I do not recall.

Q Okay. Now, sir, you recall that you told us what Adnan Syed said to you was that he was just checking you out to make sure that you were okay. Do you recall that?

A Yes.

Q You understood what he meant when he said that; didn't you?

A Not really.

Q Well, at that point you were already going out with Hae Min Lee; were you not?

A I do not recall.

Q Well, if he said that before you were going out with her, his remark really would not have made sense; would it have?

A No.

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Q No elaboration on what he was checking you out about, right?

A Correct.

Q But if the remark occurred after you were dating Hae Min Lee, that remark made all the sense in the world; did it not?

A Yes.

Q Because you were the new boyfriend, correct?

A Yes.

Q And when he made that remark, he was not hostile; was he?

A No.

Q When you saw him approach in his car, you were walking to your car; were you not?

A Yes.

Q And to your knowledge, because you had just left work, Hae Min Lee was still inside; was she not?

A Yes.

Q And you knew from your own knowledge that Hae Min Lee's car, as you stated, was unavailable?

A Yes.

Q And that was because she had had a sort of minor slide off the road, because of the weather, on her way to work, correct?

A Yes.

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Q And she told you about that, correct?
A Yes.
Q And that was in early January; was it not?
A Yes.
Q One of the snow days in that first week of January; was it not?
A I believe so.
Q And that is what had caused her to sort of slide off the road; wasn't it?
A Yes.
Q Okay. And, in fact, when Adnan Syed approached you, he was driving Hae Lee's car; was he not?
A Yes.
Q And it turned out, based on what he told you, that he was checking it out to see if it was safe for her to drive home; isn't that correct?
A Yes.
Q And, in fact, he came up to you because he knew you and asked you your opinion about the safety in regard to the driveability of her car; isn't that correct?
A Yes.
Q And you, in fact, discussed the condition of her car with Adnan before Hae Min Lee ever came out of the mall; did you not?
A Yes.

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Q And ultimately you both agreed that she shouldn't drive her car, correct?

A Yes.

Q Now, you became aware both from your own observations and subsequent events that it was Hae Min Lee that had called Adnan, her then ex-boyfriend, to come to her job to check out the safety of her car; isn't that correct?

A Yes.

Q And subsequent to Adnan coming up to you, and, by the way, during no time during any of your discussions with him on that parking lot was there any hostility between the two of you?

A No.

Q He was pleasant; was he not?

A Yes.

Q He identified himself readily to make sure you knew who he was; didn't he?

A Yes.

Q And he was pleasant and personable to you; was he not?

A Yes.

Q And that continued even after Hae Min Lee exited the mall and came to where now you, Adnan, and her car were, correct?

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A Yes.

Q There was small talk among the three of you, correct?

A Yes.

Q Not just about the driveability of her car, right?

A Yes.

Q And it was clear, based on what you heard, that there was no hostility between your now girlfriend and Adnan Syed, correct?

A Correct.

Q And that small talk continued for a little while; did it not?

A A few minutes.

Q Ultimately, Hae Min Lee agreed to follow the advice that was then jointly given to her, and that was leave the car there on the lot; was it not?

A Yes.

Q And she followed that; did she not?

A Yes.

Q And she then left with Adnan, her ex-boyfriend, in his car; did she not?

A Yes.

Q You would have taken her home if she had asked; would you have not?

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A Yes.

Q After all, she was now your girlfriend, right?

A Yes.

Q And in the week since you had first started dating, you and she of course didn't have an exclusive relationship yet; did you?

A (No response.)

Q You don't remember?

A I'm not sure exactly what our relationship was at that point, exclusive or not.

Q Back then because you all had just been dating for a week, right?

A Yes.

Q And although you had felt these things that you might be available to be her boyfriend, you had never expressed them before then, correct?

A Correct.

Q So your relationship dated from the first date, correct?

A Yes.

Q And in the week that you had been seeing each other, even if you had seen each other every single day, you hadn't really defined what this relationship was; had you?

A No.

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Q Had you yet been intimate with her?
A I do not recall.
Q Well, sir, you know that she is dead now, correct?
A Yes.
Q And you were made aware when her body was identified in February, correct?
A Yes.
Q Had you ever been intimate with her before her death?
A Yes.
MR. URICK: Objection.
BY MS. GUTIERREZ:
Q Yes. And so the intimacy occurred sometime after your first date, correct?
A Yes.
Q And sometime before her disappearance and death, correct?
A Yes.
Q How many times had you been intimate with her?
MR. URICK: Objection.
THE COURT: Sustained.
BY MS. GUTIERREZ:
Q Before you left the mall on that day sometime at the end of the first week in January, you said that

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you knew that her car was unavailable to her. Do you recall that?

A Yes.

Q By unavailable, you meant it was undriveable, correct?

A Yes.

Q And you, before you walked out, had gone previously and looked at the car?

A No.

Q Had she asked you to do so?

A Not at that point.

Q Had you volunteered to do so?

A Yes.

Q All right. But she didn't take you up on that, correct?

A Not until afterwards.

Q And the afterwards was after you had already left on your way home, correct?

A Yes.

Q When Adnan Syed drove toward you in her car, you were on your way to getting your car and thereupon to leave the mall for good, correct?

A Yes.

Q You were leaving without your girlfriend, correct?

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A Yes.

Q And you knew that she had already called her ex-boyfriend to come up and get her; did you not?

A I knew she called somebody.

Q You knew that somebody was coming to get her, correct?

A Yes.

Q And if you had known it was her ex-boyfriend, you of course would not yet have standing to object to that; would you have?

A No.

Q No. Because you and she weren't really sure what was going on in your relationship, right?

A Correct.

Q In the week after that, the week or maybe a day or so less than a week between that day and the day you got the call from the lab manager about did you know where Hae Min Lee was, had you and she further defined your relationship?

A We had talked about it.

Q Did you define it?

A Not totally.

Q Not totally. Were you yet exclusive?

A For the most part.

Q And did that mean that neither of you were

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dating or having any type of relationship with someone else?

A Other than friends, yes.

Q All right. Now, you were aware when, by your own observations, you observed the person later known to you to be Adnan Syed, when he was Hae Min Lee's boyfriend; were you not?

A Could you repeat that, please?

Q You were aware, were you not, of when he and Hae were boyfriend/girlfriend; were you not?

A After I had been dating her for a while, yes.

Q Now, a while, sir -- you only dated her for thirteen days, correct?

A Yes.

Q Because your first date was January the 1st, right?

A Yes.

Q And you got the call that she disappeared on January the 13th, right?

A Yes.

Q And you didn't see her after then, right?

A No.

Q So your dating relationship was only a total, at most, of thirteen days, correct?

A Yes.

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Q So how much is a while?

A Several days, a week.

Q Several days or a week is a while. So in the first week now, you have told us you really hadn't discussed the parameters of a relationship, right?

A Yes.

Q So sometime almost to the end of the second six days is when you discussed whether or not your relationship was going to be exclusive, right?

A Yes.

Q So that day or the day before you get the phone call is when you decided that this relationship was exclusive?

A Yes.

Q Had you seen her on the 12th?

A Yes.

Q During the thirteen days of this relationship, Mr. Cliendinst, had you ever discussed with Hae Min Lee the demise of her relationship with Adnan Syed?

A No.

Q No. And were you aware from any source prior to your first date what had happened to their relationship, if anything?

A No.

Q Had you quizzed her about it?

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A No.

Q Were you curious?

A No.

Q Were you aware from some other source, observing or talking to somebody else, for instance, as to whether or not her relationship with the man you had seen still existed?

A No.

Q Did it matter to you?

A No.

Q So would it be fair to say that on your first date you were not exactly serious about Hae Min Lee?

A I was serious about getting to know her.

Q You were serious about getting to know her, but you were undecided as to what that was going to be, correct?

A Correct.

Q And she, in that thirteen days, never trashed her old boyfriend; did she?

A No.

Q And you had no further conversation with her about him at all; did you?

A No.

Q And you say you didn't really even know if he, in fact, was her old boyfriend, correct?

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A Correct.

Q She still could have been seeing him, correct?

A Correct.

Q And during that period of time or before, were you aware how close their friendship was? Now, not their boyfriend/girlfriend status but other than that, their friendship?

A No.

Q And how deep it was?

A No.

Q And that they referred to each other as soul-mates?

A No.

Q Were you aware that Hae Min Lee, in that short thirteen day period, wrote about you using the same words in her diary?

A No.

Q Did you ever become concerned, because you started out I'm concerned, about what the relationship with Adnan was during any portion of that thirteen days?

A Yes.

Q Yes. And did you then confront her about that?

A No.

Q Did you ask her about that?

A No.

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Q Did you ever tell her you wanted to know?
A No.
Q Did she ever volunteer the information?
A Yes.
Q And she told you that it was over, correct?
A Yes.
Q But during that first week is when she called her ex-boyfriend to come get her from the mall, correct?
A Yes.
Q Did you find that odd?
A No.
Q When you observed them, because she came out, correct?
A Yes.
Q And then the three of you were together for a little while, right?
A Yes.
Q And then she left with him, correct?
A Yes.
Q You didn't ask for an explanation, right?
A No.
Q And she didn't offer any, did she?
A No.
Q And she appeared very comfortable with that; did she not?

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A Yes.

Q She didn't ask you to stop what you were doing and instead take her home once you all agreed that she shouldn't drive her car? She didn't ask you to change your plans; did she?

A No.

Q And you didn't volunteer to change your plans; did you?

A No.

Q And you didn't object to her riding off with her old boyfriend; did you?

A No.

Q And she appeared perfectly comfortable with that; didn't she?

A Yes.

Q She appeared very comfortable around Adnan; did she not?

A Yes.

Q It clearly corroborated the fact when you saw him and then saw her that he was the one that she had called, correct?

A Yes.

Q All right. And they didn't appear at the end of the first week of January to have any difficulty with being around each other; did they?

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A No.

Q And in the intervening week, did she ever display to you any distaste of Adnan?

A No.

Q Or an inability to see him or speak to him?

A No.

Q Did she ever indicate to you that she had cut out the friendship in addition to cutting out the intimate relationship?

A No.

Q You were aware, were you not, Mr. Cliendinst, that she went to school every day as a senior; were you not?

A Yes.

Q And that she saw Adnan every day in at least two of her classes every single day?

A Yes.

Q And you were aware that she was a good student; were you not?

A Yes.

Q And you were aware from her that she was also a good student, correct?

A Yes.

Q And you never made an issue about her relationship with her friend, now ex-boyfriend, Adnan

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Syed?

A No.

Q And you observed nothing in her behavior that made you concerned about that?

A No.

Q And she said nothing to you; did she?

A No.

Q And you observed nothing else from your own observations, including observing her speak to others, that made you concerned about that relationship --

A No.

Q -- in any way to be a threat to you, right?

A Yes.

Q And in any way to be a threat to her?

A Yes.

Q Incidentally, the car that was left there overnight, was she without her car for a couple days?

A I'm not sure.

Q Okay. And were you aware that the person she depended upon to get to and from, during the period of days after her car became unavailable, was in fact her friend, Adnan Syed?

A No.

Q If you had been made aware of that back then, would you have objected?

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A No.

(Brief pause.)

MS. GUTIERREZ: Nothing further.

THE COURT: Any redirect?

MR. URICK: Yes, thank you.

REDIRECT EXAMINATION

BY MR. URICK:

Q From the time you first met Ms. Lee, up until the incident you have described in January, did you ever have occasion to see her and the defendant in her car?

A No.

MR. URICK: Nothing else.

THE COURT: Anything further?

RECROSS-EXAMINATION

BY MS. GUTIERREZ:

Q Do you have any idea whether or not Adnan Syed was ever in her car?

A No.

Q You saw him in her car on that day at the end of the first week of January, correct?

A Yes.

Q He was driving it; wasn't he?

A Yes.

Q And it appeared, based on the circumstances, that you knew ahead of time and that you later observed

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that he was driving her car with her permission?

A Yes.

Q And were you aware, sir, that she drove to school every day?

A Yes.

Q And that she drove to school in that very car?

A Yes.

Q And that she parked her car on the parking lot at Woodlawn?

A No, I did not know that.

Q You didn't know where she parked her car; did you?

A No.

Q And you weren't aware that she had every single day a free period during the five periods during the day; were you?

A No.

Q Or that she and her friends would routinely gather in each other's cars sometimes to leave the school premises until their next period came up?

A No.

Q And that throughout the period of time from when she got her car in the fall, that she remained good friends with Adnan Syed even when they weren't boyfriend and girlfriend for any period of time?

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A Yes.

MS. GUTIERREZ: Nothing further.

THE COURT: Anything further?

MR. URICK: Yes.

RE-REDIRECT EXAMINATION

BY MR. URICK:

Q So if on January the 13th the defendant had asked Ms. Lee to give him a ride home, she would have made every effort to comply?

MS. GUTIERREZ: Objection.

THE COURT: If you know.

THE WITNESS: I really don't know.

MR. URICK: Nothing else.

THE COURT: Very well. May this witness be excused, Mr. Urick?

MR. URICK: Yes.

THE COURT: May this witness be excused, Ms. Gutierrez?

MS. GUTIERREZ: Yes.

THE COURT: And released from summonses?

MR. URICK: Yes.

MS. GUTIERREZ: Yes.

THE COURT: Okay. Sir, you are a sequestered witness. However, at this time, as you heard from counsel, your testimony will no longer be needed. For

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that reason, one, you may not discuss your testimony with anyone else who has been a witness in this case or will be a witness in this case, but you are also free to sit in the courtroom if you would like because at this time you are free to go.

THE WITNESS: Thank you.

THE COURT: Very well. Ladies and gentlemen, we are going to take a luncheon recess at this time. Please be advised that you must keep your notepads face down on the chairs during the luncheon recess. Mr. White will secure them and return them to your chairs after the luncheon recess. During this time, you must not discuss the testimony that you have heard in this case amongst yourselves or with anyone else. I must also ask that you return to the jury room no later than 2:00. I have a 12:45 meeting which will go to about 1:45 to ten of 2:00. It's really going to be strange how I will get to eat but somehow I will figure out a way. So I will ask you to return to the jury room though no later than 2:00. If you wish to eat lunch there, just knock on my chambers door if that door is not unlocked. Otherwise, you are free to bring your lunch back there.

I would note that there is a canteen on the second floor of this building if you choose not to go outside at all. Again, someone should be in my chambers

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to unlock that door so that you can go into the jury room during the luncheon recess.

We will resume at about 2:00. So at this time, if you will go with Ms. Connolly, she will walk you around.

(The jury was excused from the courtroom.)

THE COURT: Okay. And for all others, this court will stand in recess then until 2:00.

THE CLERK: All rise. This court will stand in recess until 2:00.

(Whereupon, at 12:40 p.m., a luncheon recess was taken.)

-o0o-

AFTERNOON SESSION

(2:25 p.m.)

(Jury not present upon reconvening.)

THE CLERK: All rise. The Circuit Court for Baltimore City, Part 9, resumes in session, the Honorable Wanda Keyes Heard presiding.

THE COURT: Please be seated. Are we going to bring the witness back or do we have a new witness?

MS. GUTIERREZ: New witness.

MR. URICK: New witness.

THE COURT: A new witness, okay, and the jury panel. I'm sorry, I'm out of breath. I just ran up the

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steps.

(Brief pause.)

(The jury returned to the courtroom.)

THE COURT: Ladies and gentlemen, we are going to continue with this case. Mr. Urick has his next witness he is going to call.

MR. URICK: Yes, thank you, Your Honor. We will call Sal Bianca at this time.

(Brief pause.)

THE COURT: Please raise your right hand, sir, and listen to Mr. White as he gives you the oath.

SALVATORE JOHN BIANCA

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 may be seated. Please keep your voice up and state your name for the record?

THE WITNESS: My name is Salvatore John Bianca.

THE CLERK: Spell your last name for the record, please?

THE WITNESS: B-I-A-N-C-A.

THE CLERK: And state your assignment for the record?

THE WITNESS: I work for the Baltimore Police Department. I'm assigned to the Trace Analysis Unit of

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the Crime Lab.

THE CLERK: Thank you.

MR. URICK: Good afternoon, Mr. Bianca.

THE WITNESS: Good afternoon.

DIRECT EXAMINATION

BY MR. URICK:

Q How long have you been employed by the Baltimore City Police Department?

A A little over twenty-six years.

Q And what is the Trace Analysis Unit?

A The Trace Analysis Unit is a section of the lab where we analyze physical evidence that has been recovered from victims, crime scene suspects, and the nature of our examinations are generally twofold. We are looking at biological evidence and evidence of a chemical nature. By biological, I mean things that come from the body, associated with the body, such as blood, saliva, hair, semen. By chemical, I mean things that are not alive such as fibers, glass, soil, the nature of damage to something, physical matches.

Those types of examinations are what we do in the Trace Analysis Unit.

Q What is your expertise?

A In trace analysis, I have a background in all the serology, all the bloodwork, and all the biological

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nature and most of the chemical analyses. I do everything in the chemical nature with the exception of gunshot residue and glass.

Q And how long have you been in the Trace Analysis Unit?

A Eleven years.

Q And what sort of education did you have?

A Well, it's an ongoing thing, education. Prior to my employment with the Baltimore Police Department, I was required to have a degree in a science. I have that. I have a degree from the University of Maryland, Baltimore County, in Biology. I have graduate studies at Towson State University. Once I was employed with the Baltimore Police Department, I received training on the job, training at the Maryland State Police, training at the Federal Bureau of Investigation, the FBI, at the Department of Treasury, the Bureau of Alcohol, Tobacco and Firearms, at the McCrone Institute in Chicago, Illinois in Forensic Microscopy, and the list goes on. Every year, I try to get into some type of training to further what I do.

Q From the time you joined the Baltimore City Police Department until you went to the Trace Analysis Unit, what did you do?

A I worked in the Mobile Crime Lab. I did that

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for fifteen years. What you do in the Mobile Crime Lab is you respond to crime scenes, take photographs, draw sketches, recover physical evidence, dust for fingerprints.

Q During your eleven years with the Trace Analysis Unit, have you ever been accepted for your expertise in trace analysis by any of the courts in Baltimore City?

A Yes.

Q Which courts have accepted you?

A These courts, circuit courts, and that's in Baltimore City. I have also been accepted in trace analysis in some of the surrounding counties.

Q And do you supervise any people?

A Only myself.

Q Okay. And have you ever trained anyone?

A Yes, I have trained several people, and I have trained people from other jurisdictions and trained people from out of the country.

MR. URICK: I would offer Mr. Bianca for his expertise and training in trace analysis.

MS. GUTIERREZ: We would have stipulated to same.

THE COURT: Very well. We will accept Mr. Bianca in his -- I need you to state the expertise for

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which you are offering him clearly.

MR. URICK: If I may have the court's indulgence for just a second.

THE COURT: Sure.

(Brief pause.)

MR. URICK: I would offer him for his expertise in trace analysis in the areas of biological and chemical analyses.

THE COURT: Very well. There is no objection, correct?

MS. GUTIERREZ: No, Your Honor.

THE COURT: Very well. Let him be accepted.

MR. URICK: If I may approach the witness at this time.

THE COURT: Yes, you may.

BY MR. URICK:

Q Mr. Bianca, at this time I'm going to ask you to examine what is already in evidence as State's Exhibit 26.

A Okay. I'm going to use my own gloves. I break out with the other ones. Can I open it?

Q Yes.

(Brief pause.)

A All right.

Q Can you identify that item?

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A Yes, I can. I can identify it two ways. First of all, by the number on the bag, which is the police property number. Items that are brought into the Police Department are given a unique number. This number, 99008991, is a number that I recorded when I examined this piece of evidence. Also, on the very bottom is a white piece of masking tape with an "SB" stapled to it, which are my initials. Items that I examine, I mark so that at some later time, if I need to, I can identify it in case it gets separated from the container.

Q What is serology?

A Serology is the study of blood and fluids, body fluids, and that would be semen and saliva in addition to blood.

Q Did there come a time when you were requested to look at and analyze that shirt?

A Yes, there was.

Q When you first looked at it, what, if anything, did you observe?

A I observed some red stains that would be on the back lower right in an area where you see three circles that have been cut away. This is where I observed three red stains on the back and a red stain on the front. I collected these stains. After I tested those and found out they were human blood, I collected them so that if we

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needed to do further testing, it could be done. That was the first thing I did with the shirt.

Q What else did you do?

A I also used a laser. I spread the shirt out on a table and used a neon argon laser. The reason why we use a laser, if we are looking for seminal fluid, semen, it glows in the dark when you excite it with a laser light. Then any area that glowed -- you see these red circles and magic marker -- well, because they glow in the dark, you really can't see them when you turn the light on. So you need to mark the area. Then if you notice, each one of these circles, there is a little snip of the material missing, and that's the areas that I tested later on to see if there was semen. They glowed and then I marked them and then tested them for semen. All these spots were negative.

Also, about the same time, when you test it with the laser, if there are strange fibers, some fibers will glow in the dark with laser light, so we look for those too. I didn't find any on this.

Q Did you find anything else on it?

A Two hairs and down here in the lower front and on the back there are some brown areas that have all the appearance of nasal mucous.

Q And what is nasal mucous?

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A When you blow your nose, the secretions from the lining of your nasal passages, when they come out they harden. Sometimes they harden inside the end of your nose. So when your nose is stuffy, you blow it out. What comes out is the solid materials.

Q Did you find anything else on that shirt?

A If I can refer to my report, I believe there was nothing else.

Q Yes.

(Brief pause.)

A That was the extent of it.

MR. URICK: With the court's permission at this time, I would like to have the witness approach the jury with the shirt and show them at a closer position where the various stains were.

THE COURT: You may.

THE WITNESS: (Indicating.) Okay. You are looking at the front of the shirt now. This area here with the small hole is a blood stain. It's human blood. It corresponds to the three stains in the back, the largest one. It represents a bleed through. That means that the stain is on the back, and it went through the outside layer and onto the inside layer of the front of the shirt and then came through.

There are other areas that are not circled that

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are not enumerated. These are stains on the shirt that I tested that were negative for blood and semen. On the back, you see areas circled with red dots. These are the areas that glowed in the laser light. A lot of things glow under laser light such as soda and anything with sugar in it. It's flavins that are in those that are excited by the laser light.

Okay. These three circles are the blood stains that I recovered. At the same time, I'll show you what else I mentioned. This is the nasal mucous in the back, if you can see it, in this area, and then on the front in the lower right. I'll point to the area and then hold it up again. It's in the lower right.

MR. URICK: Thank you.

THE WITNESS: May I return this to the bag?

MR. URICK: Yes, please.

(Brief pause.)

(State's Exhibit No. 27 was marked for purposes of identification.)

BY MR. URICK:

Q Now, I would like to refer you to what has been marked for identification as State's Exhibit 27. I think you have already referred to that. How did you refer to it?

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A This is a report that I typed up on August the 31st, 1999, which was a report of the findings of my examination of items I had been asked to look at.

Q And does that report list the items you were asked to look at by number?

A By property number, yes, it does.

Q And does it itemize each one by a number in the report?

A Yes, it does.

Q And are your conclusions in reference to the itemized numbers in the report?

A Yes, they are.

Q And does the report accurately state your conclusions as to each analysis that you made?

A Each analysis, and there is on the analysis of items sixteen through eighteen, there is a correction sheet that I put out. I had an omission on that particular analysis report.

Q Now, besides the shirt that you analyzed for blood, what sort of property did you analyze?

A I analyzed a pair of bluejeans, a raincoat, liquor bottle, the body bag that the body was recovered in. When the Medical Examiner's people recover a body from a crime scene, they use a white plastic bag that has a zipper on the front. They put the body in the bag

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along with any of the contents of the surroundings, especially on a person that has been buried. That was brought to me for analysis, along with the victim's clothing such as her panties, panty hose, her bra, her blouse, her shirt, jacket, and a plastic ring that was a hair ring that was in her hair.

Q When you analyze something, are you able to determine whether or not a stain is semen?

A Yes.

Q Did you analyze any property for possible semen?

A Yes.

Q What property did you analyze for possible semen?

A Okay. The victim's clothing, the striped shirt that I already mentioned which is item nine. Let me go down the line. Her panty hose, her panties, her bra, her jacket, her skirt, and the hair ring.

(Brief pause.)

(State's Exhibit No. 27(a) was marked for purposes of identification.)

BY MR. URICK:

Q I'm now going to show you what has been marked for identification as State's Exhibit 27(a) and ask if

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you can identify that?

A Yes, I can.

Q What is that?

A This is a report of mine dated 12/2/99, and it's a result of a hair comparison that I did in this particular case.

Q Was that the correction report that you mentioned?

A No, the second page is. The second page is dated 12/2/99 and -- no, that's not it either. That's my fiber comparison. It should be 10/14/99.

THE COURT: For the record, the witness has pulled a document from his pad. I don't know if it's the same document that the State's Attorney has given him. I would ask that it be shared with defense counsel.

(Brief pause.)

MS. GUTIERREZ: I will note I have seen this before and it's not the same document. So I would ask that it be marked.

THE COURT: It's not the same document?

MS. GUTIERREZ: It's not the same document.

THE COURT: That was handed to him?

MS. GUTIERREZ: That was just shown to him, yes.

THE COURT: Very well.

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MS. GUTIERREZ: Yes, but I have seen it, this document.

THE COURT: Very well.

MR. URICK: Could you mark this as State's Exhibit 27(b) for identification, please.

(State's Exhibit No. 27(b) was marked for purposes of identification.)

THE WITNESS: Okay. This is a report that I wrote on October 14th, 1999. It states in my conclusion that one of my conclusions on my initial report, I made an omission and I neglected to include that I recovered fibers from these items of clothing.

BY MR. URICK:

Q And 27(a) is what?

A 27(a) are two reports. One is a result of a hair comparison and the second report is the results of fiber comparisons that I made.

Q And that fiber analysis, was it based on the recovery of fibers that you mention in 27(b)?

A Yes, it was the fibers that were recovered from items sixteen through eighteen. I compared them to a pair of gloves and a multi-colored tee-shirt.

Q And what, if anything, did you find out?

A The fibers did not match. They were different.

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Q And the first page of that, where did the property that you analyzed come from?

A Okay. The hair came from the victim's clothing. I compared those to the victim's hair sample and the hair sample recovered from Adnan Syed.

Q And what, if anything, did you determine through that?

A None of the hairs that were not the victims and not animal hairs that were left over that were suitable for comparison matched all the physical characteristics of Mr. Syed. None of them matched his hair exactly.

Q And when you refer to those hairs, how many are you referring to?

A Two.

MR. URICK: I would offer at this time State's Exhibits 27, 27(a) and 27(b).

THE COURT: Any objection?

MS. GUTIERREZ: No, Your Honor.

THE COURT: Let them be admitted.

(State's Exhibits Nos. 27, 27(a) and 27(b), respectively, previously marked for identification, were received in evidence.)

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BY MR. URICK:

Q Okay. Now, when you were doing your hair analysis, how many different hair samples did you start with?

A Forty-five to fifty hairs.

Q And how did you weed those out?

A Okay. The first thing you do is you put them under a microscope to look at them, and you look at their characteristics. Then you look at your victims and whoever you are comparing the hair to, to get a reference, a frame of mind as to which kind of hairs you are looking at. The next step is you pick all the hairs out that are non-human, animal hairs. A large percentage of the hairs that were looked at were animal hairs. So we ruled those out. The victim's hair accounted for a large part of the hairs recovered, and her hairs were long, black, with some brown dye, and they were easy to pick out from the remainder. Then the next step is to pick out the fragments from intact hairs; fragments not having a tip and a root, less than a complete hair. Then you come down to the complete hairs which there were two left, and I looked at those and looked at the characteristics of the victim's hairs and it was not her hairs. Then I looked at the characteristics of Mr. Syed's hair, and they did not match all of his

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characteristics or did not have all the characteristics. So, therefore, it was not his hair that I could say with any certainty.

The next step was to look at the hair and see if they had been pulled out or not. The reason for that is that if hair has been pulled out, you have what is called a follicular tag. There is no board or I would draw one. What happens, the hair is a follicle that comes out of your skin and it's a projection of these cells. They grow and they grow out. They have a life cycle and your hair grows. It doesn't stay there forever. Every three or four months they fall out. Every day we are losing a hundred hairs or more. Well, if hair is in their growing stage and in their mature stage, they are in there pretty tight and the cells are all attached. If you were to pull those out, you would pull out some cellular material at the bottom of the follicle, and that's important. If they are in their last stage of life, they are just being held in there by friction and they fall out. We are losing hairs at a hundred hairs a day. So those hairs really don't mean a lot except for a comparison to say, oh, yes, they look like somebody's hairs.

Hairs forcefully removed that have that little bit of tissue on the bottom of skin have DNA, and that's

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very important because follicular tag allows you to say with DNA testing whose hair they could be with some degree of certainty. Comparison by looking is nonspecific. My hair could look like a million other people's hairs and there is no way of telling, you know, my hair from any of those people. But if you have like DNA on it, the hair, from pulling it out, then it becomes very important and it becomes identifiable.

(Brief pause.)

(State's Exhibit No. 28 was marked for purposes of identification.)

BY MR. URICK:

Q I would ask you to look at what has been marked for identification as State's Exhibit 28.

A Okay.

Q Can you identify that?

A Yes, this is a report form that I filled out to request DNA analysis from the Maryland State Police on the blood samples that I had recovered from the shirt that I showed the jury.

Q And what blood samples were those to be compared with?

A To be compared with the victim, Hae Lee, Adnan Syed, and Jay Wilds.

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MR. URICK: I would offer at this time State's Exhibit 28, the chain-of-custody and request for DNA analysis form.

THE COURT: Any objection?

MS. GUTIERREZ: No objection.

THE COURT: Let it be admitted.

(State's Exhibit No. 28, previously marked for identification, was received in evidence.)

BY MR. URICK:

Q At this time, I would like to show you what is already in evidence as State's Exhibit 5. I would like you to just examine that for a few moments.

(Brief pause.)

A Okay.

Q Can you identify that document?

A Yes, I can.

Q What is that?

A This is a fiber comparison report written by Daniel VanGelder. He is a Criminalist in the Trace Analysis Unit, the same as myself, and it's his results from a comparison of fibers --

MS. GUTIERREZ: Objection.

THE COURT: One moment.

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MS. GUTIERREZ: I stipulated to the admissibility of the document itself, not to this witness being able to testify as to Mr. VanGelder's opinions.

THE COURT: The report is admitted.

MS. GUTIERREZ: Yes.

THE COURT: All right. There is no objection. What is the exhibit number again, for the record?

MR. URICK: This is State's 5. It was already in evidence.

THE COURT: All right. Is there some conclusion that you are seeking to have this witness make based on a review of that evidence, this particular report?

MR. URICK: No. I was about ready to ask the court's permission to publish the document by having the witness explain what is being analyzed and then reading the conclusions in the report.

MS. GUTIERREZ: Well, I'm going to object to that. I think that the document speaks for itself. That's what we stipulated.

THE COURT: Very well. May I see the document, please?

(Document proffered.)

THE COURT: Thank you.

(Brief pause.)

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THE COURT: Mr. Urick, your purpose is only for this witness to read the contents of this report as written?

MR. URICK: Yes.

THE COURT: In its entirety?

MR. URICK: I was just going to have him read the conclusions of the report.

THE COURT: And are you going to ask him to draw some other conclusion as a result of reading it?

MR. URICK: No.

THE COURT: All right. He may read it. The item is in evidence. The objection is overruled. For the record, what is being offered now as a stipulation is an item of evidence. That report you will get in its entirety. This witness is just being asked to read the final paragraph which is titled "Conclusion". Then on cross, Ms. Gutierrez, you may use that document and have someone else read the rest of it if you would like --

MS. GUTIERREZ: Thank you, Your Honor.

THE COURT: -- or use it in any fashion you would like. Sir, you may read the bottom paragraph where it says "Conclusion".

THE WITNESS: Okay, Your Honor. "Conclusion. A thorough search of the jacket and boots reveal no fibers comparable to the victim's skirt fibers. The red

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fiber found on the victim's body and the tuft of red fibers found on the victim's blouse have not been associated, each other, with the multi-colored tee-shirt or with the weightlifting glove."

MR. URICK: If I may approch the witness again at this time to gather the various exhibits now.

THE COURT: Yes, you may.

(Brief pause.)

MR. URICK: Witness with the defense at this time.

CROSS-EXAMINATION

BY MS. GUTIERREZ:

Q Mr. Bianca, the items that you have discussed with us were items that were submitted to you by someone else from within the Police Department; were they not?

A Yes.

Q Okay. And that is ordinary; is it not?

A Yes.

Q You are asked to analyze items that are submitted to you for you to use your expertise in analyzing trace evidence; are you not?

A That's correct.

Q All right. And generally those items that are submitted to you come from crime scenes, correct?

A That's correct.

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Q And generally you are not the person that goes out to the crime scene although once in a while you may; is that correct?

A That is correct.

Q And there is nothing unusual about that, correct?

A That is correct.

Q Now, in regard to the striped tee-shirt, you were submitted that striped tee-shirt and asked to analyze it to see if any evidence could be recovered from its fibers, correct?

A No, not exactly that.

Q Well, sir, was that tee-shirt submitted to you with a form from someone else in the Police Department?

A That is correct.

Q And were you made aware of the place, the location of where the tee-shirt was recovered?

A Yes.

Q Were you made aware of the possible significance of the tee-shirt?

A No.

Q Were you told what to look for?

A Not exactly.

Q And none of that is extraordinary; is it?

A That is correct.

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Q All right. Now, once you got the tee-shirt, you first examined it; did you not?

A That is correct.

Q All right. Now, sir, you wrote a report on this tee-shirt?

A Yes.

MS. GUTIERREZ: Mr. Clerk, if I could have those reports back, please. Thank you. I'm going to put these here in case you need to look at them, Mr. Bianca.

BY MS. GUTIERREZ:

Q First of all, can you tell us the date you examined the tee-shirt?

A Okay. I believe it's March 10th --

Q All right. Now, when you examined --

A -- 1999.

Q 1999, March the 10th. And, sir, when you examined it, were you provided the name of a suspect?

A At that time, I don't believe so.

Q And that wouldn't have been out of the ordinary; would it have?

A No.

Q All right. And you visually examined, as you explained to us, the striped tee-shirt, correct?

A That is correct.

Q And you were made aware that it was found in a

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1998 Nissan, not laid out, but bunched up, almost stuffed in the crack of the front driver's seat, correct?

A No.

Q Were you made aware of any information as to where it was recovered from?

A That it was recovered from the victim's vehicle.

Q Okay. And were you made aware that it was, in fact, recovered from the victim's vehicle driver's seat?

A That's the extent of the information that I had.

Q Just that it was recovered from the victim's vehicle; is that correct?

A That is correct.

Q And the first thing you did was look at the stains that appeared to you to be blood; is that correct?

A Yes.

Q And you looked at stains that you thought were blood that turned out, based on your presumptive test, not to be blood, correct?

A That is correct.

Q Because often times stains on fabrics for a variety of reasons may appear to the naked eye to be blood when, in fact, they are not?

A That is correct.

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Q And in order to determine if a stain, the appearance of a stain is, in fact, human blood, you must utilize a presumptive test; must you not?

A That is correct.

Q And that determines whether, in fact, the substance is blood, correct?

A No.

Q Does it determine presumptively that the substance is blood, yes or no?

A I can't answer that yes or no.

Q All right. Well, let me ask you another question, Mr. Bianca. The test that you performed on that shirt first clarified that some of the stains that you were looking at were not, in fact, blood; did it not?

A That is correct.

A And that some of the stains that you looked at were, in fact, blood and that they were presumptively human blood as opposed to animal blood?

A That test doesn't do that.

Q Well, sir, you performed more than one test on the shirt?

A Yes.

Q You ultimately determined in your expert opinion, did you not, that the substance, some of the substance that you looked at on that shirt was human

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blood; did you not?

MR. URICK: Objection.

THE COURT: Overruled. You may answer the question.

THE WITNESS: Yes.

BY MS. GUTIERREZ:

Q All right. Now, once you determined that some of those, what appeared to be blood, was human blood, you would then ordinarily try to determine if you could, based on your expertise, if there was anything else in that trace biological evidence that could give you any further indication as to the substance itself to identify it futher; would you not?

A I would perform no more tests. I would select the stain and freeze it.

Q And that is because, to determine anything further, as you have defined for us, such DNA would require expertise beyond your own, correct?

A That is correct.

Q All right. Now, after you looked at the things that appeared to you to be blood and it turned out some you were right on and some you were wrong on, you then looked for other substances that might appear on the shirt, correct?

A I don't -- when you ask it that way, I wasn't

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or I looked --

Q Well, did you, in fact --

THE COURT: One moment. You may answer the question.

THE WITNESS: I do not determine whether I was right or wrong. All stains had the possibility of being blood. Blood is not always red. Blood changes colors from the red that we see to almost black. It goes through a progression. It goes from red to brown to black over a period of time, depending on the environment, depending on where it has been, if it has been in sunlight, if it's been in shade, if it's dried, if it's moist. So any stain that I can see has the potential of maybe being blood.

So we do a test. The first test, you are right, is a presumptive test. It's not a right or wrong, was I right or wrong, was I guessing. It doesn't work that way. I test all the stains. If the test is negative, that tells me that it is definitely not blood. If the test is positive, and that's the presumption, it tells you it could be blood but you need to go further. And then the next test I do, I do an immunological test, and that test tells me two things. If it is positive, it tells me that it is blood, and not only that it's blood but that it's human blood. Then if that test doesn't

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work, that's it, unless I need to find out for sure if that could be animal blood. If that's the case, there is another test.

BY MS. GUTIERREZ:

Q Well, thank you, Mr. Bianca, but that really didn't answer my question.

MR. URICK: Objection.

THE COURT: Well, Ms. Gutierrez --

BY MS. GUTIERREZ:

Q You test to --

THE COURT: One moment, Ms. Gutierrez. If the answer does not answer your question, you may ask another question.

MS. GUTIERREZ: I'm going to do so.

THE COURT: And I would ask that you do that. The objection is sustained.

BY MS. GUTIERREZ:

Q Now, Mr. Bianca, the question I asked, the answer to which I seek, is to determine when you were given this striped shirt to examine, you viewed it physically with your own eyes; did you not?

A Yes.

Q And you determined where on the shirt, if at all, to test further to see if what might appear to be a stain that may be blood was, in fact, blood or not; did

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you not?

A (No response.)

Q Did you make that determination --

A Wait a minute, you lost me.

THE COURT: One moment, Ms. Gutierrez. You have asked a question. Allow the witness to answer the question.

THE WITNESS: When I tested the shirt with my own eyes, the areas that I believed were significant, and I got a positive preliminary test, I further tested those to make a determination if, in fact, they were human blood. Nobody told me where to go. I tested it myself.

BY MS. GUTIERREZ:

Q So once again, Mr. Bianca, thank you but that doesn't answer my question.

MR. URICK: Objection.

THE COURT: Sustained.

BY MS. GUTIERREZ:

Q You determined, sir, what you were going to do to that shirt; did you not?

THE COURT: Is there an objection?

MR. URICK: Objection.

THE COURT: Sustained.

BY MS. GUTIERREZ:

Q Did you determine what to do with that shirt,

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sir, yourself?

MR. URICK: Objection.

THE COURT: Sustained.

BY MS. GUTIERREZ:

Q Did anyone request that you do anything specific to that shirt in regard to blood?

THE COURT: The objection is sustained. The question has been asked and answered twice. Counsel, please move on.

BY MS. GUTIERREZ:

Q Mr. Bianca, when you determined to do either your presumptive test or any other test, you did so based on your belief that what your eyes showed you could possibly be blood, correct?

MR. URICK: Objection.

THE COURT: Sustained.

BY MS. GUTIERREZ:

Q Mr. Bianca, when you tested the shirt, did your presumptive or further testing reveal that your own observations that something might be blood in fact turned out not to be blood?

MR. URICK: Objection.

THE COURT: Overruled.

THE WITNESS: No. Everything that I tested presumptively that was positive and I checked and

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confirmed with a further test, those four stains that I pointed out on this shirt were, in fact, human blood.

BY MS. GUTIERREZ:

Q So four of the stains that you tested presumptively, you then went further on, correct?

A Four of the stains that I tested presumptively that gave me a positive result, I went on and tested further, and those four stains were, in fact, human blood.

Q And the four stains, sir, were out of how many stains that you initially tested?

A To give you an answer to that, I need to take the shirt out and count all the holes.

Q Would you agree, sir, that you tested more stains than the four, yes or no?

A I tested, yes, more than the four stains with the presumptive test.

Q In fact, a lot more than four; isn't that correct?

A I would have to count.

Q You don't need to get it out and count really, do you?

THE COURT: One moment, Ms. Gutierrez. The witness is asking that he count the stains, and he has indicated that he needs to do that in order to answer

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your question. The court is willing to have him do that if you would like that answer.

MS. GUTIERREZ: I'm not going to waste the time, Judge.

THE COURT: If not, move on.

MS. GUTIERREZ: I'll move on.

THE COURT: Very well. That's your option.

BY MS. GUTIERREZ:

Q Now, Mr. Bianca, once you tested the shirt presumptively and/or otherwise, you then examined the shirt to see if there was the presence of any other trace evidence; did you not?

A Yes, I tested further.

Q I didn't ask you that, sir. I asked you if you examined the shirt for any other trace evidence, sir?

MR. URICK: Objection.

THE COURT: Overruled. You may answer the question.

THE WITNESS: I examined the shirt further.

BY MS. GUTIERREZ:

Q Now, sir, when you examined the shirt further, you described for us your seeing what appeared to you to be nasal mucous in the lower right hand front of the shirt; did you not?

A That is correct.

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Q And as to that nasal mucous, sir, did you collect any other specimens or conduct any other tests?

A I looked at it under the microscope in place.

Q Bodily fluids, sir, what you have called biological evidence, often contain factors biologically that can establish identity; do they not?

A I do not know what you are referring to.

Q Well, sir, bodily fluids, you know what I am referring to; do you not?

A Could you be specific about what you mean by bodily fluids?

Q Well, sir, do you understand the term bodily fluids?

A Yes, I do.

Q That's a term that you have used since you have been on the stand; is it not?

A Yes.

Q And it's a term that you use in the use of your expertise in examining biological trace evidence; is it not?

A That is correct.

Q The mucous that comes out of the nose, is that a bodily fluid or not?

A Yes, it is.

Q And, sir, the mucous that you believe the stain

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on the shirt that you examined that you believe to be the bodily fluid that came out as mucous from someone's nose, did you submit that for further testing of any kind to any source?

A No.

Q And, sir, did you conduct any other test on that particular stain that appeared to you to be consistent with the bodily fluid of nasal mucous?

A Correct.

Q No, sir, that requires --

A I'm just saying that's what you are referring to, and the further test that I did was to look at it with a microscope, and I looked at it and determined that it was nasal mucous.

Q And, sir, having determined that it was nasal mucous, did you submit that to either further testing by yourself or by any other source to clarify the identity of the source of that nasal mucous?

A No.

Q Okay. Now, sir, in regard to the seminal fluid, you said that was one of the reasons that you submitted the shirt to being viewed under the lasers; is that correct?

A To examine it for the possible presence of seminal fluid, that is correct.

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Q And so you, I am sure, fully examined the striped shirt; did you not?

A Yes.

Q Looking anywhere that seminal fluid may have been deposited on that shirt, correct?

A That is correct.

Q From any source?

A I can't determine the source.

Q That's outside of your expertise; is it not?

A That is correct.

Q And under any conditions under which that possible seminal fluid may have gotten on the shirt; is that correct?

A That's something I have no control over.

Q So that's not your concern when you are making that examination, correct?

A I'm looking for the presence.

Q All right. Now, when you were looking for, and the lasers first lit up something, whether or not that's the correct term, lit up, it showed you that something might be; did it not?

A Some areas fluoresced.

Q Okay. By fluoresced, you mean like the fluorescent quality of what the laser produces on the shirt; do you not?

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A If I can have a minute, I can explain fluorescence and how it works.

Q Sir, did you not understand my question?

A Yes.

Q Okay. Let me ask you another one then, sir.

THE COURT: One moment. She asked you a question. Can you answer her question yes or no? I know you would like to explain, but her question doesn't allow for an explanation.

THE WITNESS: That's correct. And the way it was posed is not scientifically accurate.

THE COURT: Well, then you have to say that you cannot answer the question.

THE WITNESS: I'm sorry. I can't answer the question.

THE COURT: Or if you will rephrase the question, I can answer it, or I'm not sure that I know what you are talking about. Anyway, you need to answer her question as posed.

THE WITNESS: I understand, Your Honor.

THE COURT: Very well. You may continue.

BY MS. GUTIERREZ:

Q So, Mr. Bianca, let me understand. You can't answer the question that I posed; is that correct?

A I don't remember the question now.

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Q All right. Mr. Bianca, you subjected the shirt to the lasers. Are you with me so far?

A Yes.

Q And you got a reaction and you have used the term that it fluoresced; is that correct?

A That is correct.

Q And that fluorescing, the fact that it fluoresced, demonstrated to you that there might be seminal fluid there; did it not?

A That is correct.

Q And then you had to go conduct another test, right?

A That is correct.

Q And the other test that you conducted said to you, no, there is no seminal fluid on this shirt, right?

A Correct.

Q Deposited by any source, right?

A Correct.

Q Deposited under any circumstances, right?

A All I can tell you is whether it was there or not.

Q All right. And you told us when you looked, notwithstanding the fluorescence, that it wasn't there, correct?

MR. URICK: Objection.

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THE COURT: Sustained.

BY MS. GUTIERREZ:

Q Well, sir, the various reports you made, which are sitting in front of you, the first report that you, yourself, made is dated on August 31st, 1999; is it not?

A That is correct.

Q And that is State's Exhibit 27; is it not?

A Yes, it is.

Q That's the first trace analysis in this case; is it not?

A That's the first one that I wrote.

Q Okay. And the second one that you wrote is dated on 10/14/1999; is it not?

A Yes, it is.

Q That's your signature on that; is it not?

A Yes, it is.

Q And as you have already told us, the 10/14, that means that it was done a month and a half after the first one, and was to correct what you called an omission in the first one; isn't that correct?

A That is correct.

Q The same item numbers listed under the same property numbers are the same as to both your first report and your second report; isn't that correct?

A That is correct.

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Q And the purpose of the 10/14 analysis is to correct the omission in regard to items sixteen to eighteen; is that correct?

A That is correct.

Q And items sixteen to eighteen were items that were recovered from the victim's body in this case back on or about February 9th or 10th, 1999; is that correct?

A Not the 9th, the 10th.

Q The 10th of February?

A No, no, no, March. That was March 10th.

Q So it is your understanding that the clothing and the items from the victim were recovered on March 10th, 1999, correct?

A No, that March 10th, 1999 was when I started my analysis in this case.

Q Okay. And your report, sir, is dated August 31st, 1999, correct?

A That is correct.

Q And my only question, sir, is when were the items numbered sixteen through eighteen, the same items that are the subject of the October 14 report, recovered from the victim's body, if you know?

A The numbers that are reflected on the report, 8/31/1999, State's Exhibit 27, that's when I assigned those numbers.

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Q That's when you assigned those numbers, correct?

A Correct.

Q So those numbers are the numbers that you have identified, items that are related to the victim's body, whatever time they were recovered, correct?

A That's correct.

Q You didn't collect them from her body; did you?

A No.

Q They were submitted to you after they were collected; were they not?

A That is correct.

Q And they were then submitted to you in due course on a regular form, correct?

A That is correct.

Q All right. And, sir, when you analyzed those and reported them on August 31st, you omitted the information that, in fact, on her body fibers were recovered from the garments that were on her body and collected and removed by someone other than you prior to their submission to you; is that correct?

A No.

Q Well, sir, on August the 31st, 1999, did you indicate in regard to items sixteen through eighteen as to whether or not fibers transferred were negative or

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positive in regard to their recovery? Did you so indicate, yes or no?

A I indicated that on the report dated 8/31/99 and that was in error.

Q Sir, my question is, did you indicate it on your report, yes or no?

A Yes.

Q And what you indicted on August the 31st is that it was negative for transferred fibers as to items sixteen and eighteen; isn't that correct?

A That is correct.

Q And on October the 14th, '99, you indicated that, in fact, fibers of various colors were recovered from the garments numbered sixteen to eighteen; isn't that correct?

A That is correct.

Q And, sir, would you agree in analyzing -- you were aware, sir, that the body from which these garments had been recovered had been interred subsequent to its death; were you not?

A I was.

Q And your being so aware, there was nothing unusual about that, was there, your being made known that information?

A I was looking at the clothing to see if there

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was anything on it.

Q Sir, my question is, there wasn't anything unusual about your being told that the body had been interred; was there?

A It's not unusual.

Q All right. And having known that information, looking at the garments of a body that had been interred, partially covered after death, any evidence that could be recovered from that which was closest to the body when it was disinterred would have special significance; would it not?

A That would depend on the case.

Q Well, sir, you understand that it could possibly have special significance; do you not?

MR. URICK: Objection.

THE COURT: Overruled. Did you, yes or no?

THE WITNESS: It could.

THE COURT: Very well. Next question.

BY MS. GUTIERREZ:

Q In addition to fibers, things that are also trace evidence that are biological as opposed to non-biological, substances such as hair could also likely have great significance; could they not?

A They could.

Q Particularly if there is hair recovered on the

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clothing or the body of an interred person who subsequently was disinterred, when those hairs do not belong to that body, would also likely have great significance; would they not?

A They could.

Q And you understood that when you recovered them; did you not, sir?

A Yes.

Q Now, sir, in regard to the hair, you didn't collect the hair, correct?

A From the clothing?

Q Any of the hair.

A Yes, I collected the hair.

Q Did you collect any of the forty-five to fifty samples that were submitted to you that you then analyzed?

A I collected all of those.

Q Okay. And did you collect them directly from the clothing listed in items sixteen to eighteen that was the clothing of the victim submitted to you through a chain-of-custody that came directly from the Medical Examiner's office that took the clothing off of the dead body?

A Yes, I analyzed that.

Q No, sir, my question is, is where you collected

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the hairs from, did they come from your examination of the clothing of the body that you were told had been interred and disinterred as forwarded through the chain-of-custody from the Medical Examiner's office that took off the clothing?

A That is correct.

Q You were aware, sir, that great care was taken to disinter this body; were you not?

A That is something that I have no knowledge of.

Q Well, sir, would it make a difference to you to learn that great care was taken in disinterring this body to ensure that all available evidence that might appear closest to that body on her clothing, on her skin, on the soil that had interred her, had been taken to recover very carefully by experts? Would you be surprised to learn that?

A No.

Q Not in your expertise as a trace evidence analyst, correct?

A Correct.

Q You would want the most care taken; would you not?

A Exactly.

Q Because trace evidence can oftentimes tell all of us many things about what happened to a body that is

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found; can it not?

A It can.

Q And that's the whole purpose for your examination in cases such as this; is it not?

A That is correct.

Q All right. Now, sir, the forty-five to fifty hair samples, were they all collected from one of those items of clothing that had been removed from this body by someone in the Medical Examiner's office?

A Could you repeat the question, please?

Q You said that you examined forty-five to fifty samples, correct?

A Correct.

Q And that you, yourself, removed those forty-five to fifty samples yourself from items sixteen to eighteen, the articles of clothing identified to you as belonging to the victim, Hae Min Lee, correct?

A Correct.

Q And, sir, did you, yourself -- every single one of the forty-five to fifty hairs that you examined came from one of those articles of clothing, correct?

A They came from all of those items. There were some from each.

Q Some from each. And, sir, you said that Ms. Lee's hair, you could tell what it was; could you not?

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You could tell what Ms. Lee's hair was, correct?

A That is correct.

Q And her hair was fairly readily identifiable; was it not?

A Correct.

Q Because of both its length and the presence of what appeared to be brown dye on black hair?

A That is correct.

Q Okay. And so, sir, is it fair to say that it was a simple process out of that forty-five to fifty hairs to easily take out all the hairs that appeared readily to match Hae Min Lee?

A That is correct.

Q Now, you understood that the presence of the victim's own hair on any of her own clothing would not be unusual; would it?

A That is correct.

Q No matter where it appeared on her clothing, correct?

A No matter where?

Q Yes, sir. It would not be unusual for a victim's hair to appear on the outside of her clothing; would it?

A No.

Q It wouldn't be unusual for a person's own hair

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to appear on the inside of their clothing; would it?

A No, it wouldn't.

Q And it would not be questionable as to how it got there; would it?

A No.

Q Not under ordinary circumstances, correct?

A Correct.

Q And so you were able to easily distinguish those hairs and remove them from the forty-five to fifty hairs that you had, correct?

A Correct.

Q How many of the forty-five to fifty belonged to Hae Min Lee?

A The majority of the hairs.

Q And by a majority, if it was forty-five, that would be twenty-three plus hairs?

A I don't have an exact count.

Q And, sir, did you keep an exact count anywhere?

A No.

Q And did you photograph the hairs?

A No.

Q Did you separate out the hairs and put them in some other container to keep all the like hairs together?

A Yes, I did.

Q All right. And, sir, is there anywhere in your

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report where you notated how many of those hairs belonged to Hae Min Lee?

A No.

Q All right. Now, in regard further to the hairs, once you determined that a majority of them belonged to Hae Min Lee, how many in total other hairs did you determine were subject to being analyzed or compared?

A Approximately two.

Q Now, when you say approximately two, could that be one?

A No, it was two.

Q So it was exactly two, sir?

A Two hairs that were complete, that is correct.

Q Exactly two hairs that were complete, sir?

A Two.

Q Not more than two?

A Two.

Q So it is your testimony and your expert opinion, sir, that out of the forty-five to fifty, whether it was forty-five or fifty, minus the majority of hairs that you separated out, whatever number that might be, that there were only two possible hairs that were not Hae Min Lee's that were capable of being compared to see if they belonged to someone else?

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A That is correct.

Q And that there were no other hairs in the group of forty-five to fifty, minus the majority, whatever number that may be, that belonged to Hae Min Lee that were suitable for comparison?

A A large portion of the remaining hairs were animal hairs and they were not suitable.

Q All right. Well, obviously the animal hairs weren't suitable for comparison to human hair, correct?

A That is correct.

Q My question, however, still stands. Is it your testimony that only two out of the total number, whether it be forty-five or fifty, of the number of hairs that you, yourself, recovered and identified for any reason, that you excluded them notwithstanding whether they be human or animal or they be Hae Min Lee's hair, that only two remained that were suitable for comparison to anyone else who is human?

A Correct.

Q Okay. Now, you had two hairs and you were asked to compare the hairs with a sample head hair that had come from Adnan Syed; is that correct?

A That is correct.

Q And you, sir, were aware when samples are collected from a suspect, that that includes both cutting

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the hair and pulling it; are you not?

A Cutting the hair is not part of the procedure.

Q Okay. So that all the head hairs identified as Adnan Syed's were pulled hairs; were they not?

A That's correct.

Q And some of them had that bulb that comes out from underneath the skin; does it not?

A Correct.

Q And that bulb would have contained DNA that would be subject to further analysis; would it not?

A That is correct.

Q But that didn't become necessary because you could look at the head hair that had been pulled from his head to compare the two hairs collected from the source closest to her body that were not her own and know that they did not belong to this man; could you not?

A I can say they didn't have the characteristics that matched all his characteristics.

Q And, sir, because that's what you could see, that's why you said you didn't submit any of those hairs for further comparison with any of the hairs pulled out of his head, correct?

A No.

Q Okay. Now, sir, you did submit, as you have told us, the shirt for further DNA analysis, correct?

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A Blood stains removed from the shirt, yes.

Q So you did submit. So the answer to my question then, sir, is yes, you did submit it?

MR. URICK: Objection.

THE COURT: Sustained.

BY MS. GUTIERREZ:

Q Now, sir, were you asked at any time -- oh, incidentally, when you state your opinion that none of the head hairs matched in your expert opinion any of the submitted head hairs of Adnan Syed, the date of that report, sir, is December 2nd, 1999; is it not?

A That is correct.

THE COURT: Ms. Gutierrez and Mr. Urick, if you would all come up to the bench for one moment before we go any further.

MS. GUTIERREZ: Do you need Mr. Syed?

THE COURT: Yes.

(Counsel and the defendant approched the bench and the following ensued:)

THE COURT: This is sua sponte on the court's own, that in an abundance of caution, in light of the line of questioning, I'm concerned that your questions may elicit a response from this witness like, well, as a result of the last trial or before the last trial.

MS. GUTIERREZ: Well, no, just so the court

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knows, I don't --

THE COURT: I don't know the answer to the question, but, if you know, when did the last trial start?

MS. GUTIERREZ: After the 2nd of December.

THE COURT: Okay.

MS. GUTIERREZ: It started technically on the 3rd but it didn't actually get started until --

THE COURT: Okay. And so his answer about why he did it in December is going to be because in anticipation of the trial, he was instructed to do something.

MR. URICK: I think that's what he would respond, that that was the target, that they were getting the reports ready for the trial date.

THE COURT: And so my concern is then warranted, that the witness not be asked a question that would trigger that answer, and I'm not suggesting, Ms. Gutierrez, that you --

MS. GUTIERREZ: I didn't intend to.

THE COURT: I know, yes, that you weren't intending to.

MS. GUTIERREZ: But I do see it now, yes.

THE COURT: Okay. But in an abundance of caution, I could see that potentially he could respond in

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a way that would not be very helpful at this stage. So I would ask that with regard to your next few questions that you be very specific so that he is not given a lot of latitude.

MS. GUTIERREZ: Okay.

THE COURT: All right. Thank you very much.

MS. GUTIERREZ: Thank you, Judge.

(Counsel and the defendant returned to the trial tables and the following ensued:)

THE COURT: Ladies and gentlemen, we have been sitting for a while this afternoon. By a show of hands, is there anyone that would like to take a break at this time?

THE JURY: (Indicating.)

THE COURT: Okay. Why don't we do that and allow you to stretch your legs, and then we will come back and conclude the testimony of this witness. Mr. White, if you would take the jury around.

THE CLERK: Okay.

THE COURT: Ladies and gentlemen, during this break do not discuss the testimony that you have heard. Do not share your notes because you are going to leave those face down on your chairs. We will allow you to stretch your legs and use the facilities, and then you will be brought back.

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So please go with Mr. White, the courtroom clerk, at this time.

Now, as the jury files out, if the witness would like to take a break and stretch his legs, you are welcome to do that. You may not discuss your testimony with either counsel during this break. You are still on the witness stand.

THE WITNESS: Thank you.

(The jury was excused from the courtroom.)

THE COURT: And for the benefit of the stenographer and Mr. White, if he can hear me, you are welcome to take a break and stretch your legs as well. Counsel, feel free to do that also. Okay. Ten minutes max. I don't expect us to be moving around more than ten minutes.

MR. URICK: How late does the court anticipate going today?

THE COURT: I think I said 5:00 today.

MR. URICK: Okay.

THE COURT: Tomorrow, we have to finish by 4:30 or twenty-five of 5:00.

MR. URICK: We are going to start at 2:00?

MS. GUTIERREZ: Tomorrow, what time do we start?

THE COURT: We are going to start after I

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finish my morning docket. It's my collateral day but I'm going to work tomorrow.

MS. GUTIERREZ: Okay.

THE COURT: Normally on a collateral day, the court does not work, but I am going to work. I'm going to do my dispositions, which I have four, and the VOPs.

MR. URICK: I think you have five. I have one that somehow --

THE COURT: Is on my docket?

MR. URICK: The plea was taken in here and it should have been but somehow they recorded it as being on Part 23's docket, which is incorrect.

THE COURT: So that is also coming over here?

MR. URICK: Yes. I will have to get the court file and bring it over here.

THE COURT: All right. Well, then that will be five and then two violations of probation. So I am suggesting that we have the jury back at 1:30.

MS. GUTIERREZ: Okay.

THE COURT: Rather than have them sit for all that time. So then we will start the case somewhere between 1:30 and say 2:00.

MS. GUTIERREZ: Okay.

THE COURT: Allowing my staff to have a break. Okay?

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MS. GUTIERREZ: Okay.

THE COURT: And then I can go through the rest of the week with you.

MS. GUTIERREZ: Yes, I would appreciate that, Judge.

THE COURT: Wednesday, tomorrow, we will finish at 4:30, a quarter to 5:00, no later, and then Thursday we will work until 5:00 or 5:30, and then Friday we can work until 5:00.

MS. GUTIERREZ: Okay. That's fine. And will the court be taking its regular lunch between 12:30 and 2:00?

THE COURT: Yes. On Thursday, there is a bench meeting at 12:45.

MS. GUTIERREZ: Okay. That helps. I do have to have a series of telephone conferences with death penalty lawyers in Puerto Rico.

THE COURT: That will be fine.

MS. GUTIERREZ: So I will set them all up for like 1:00.

THE COURT: 1:00 would be a good time to set them for the entire week, I would say. Actually, tomorrow I have a bench education program at 12:45, so I don't think I'm supposed to have lunch tomorrow either.

MS. GUTIERREZ: Didn't you get lunch today?

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THE COURT: Yes, actually I did because the meeting was cancelled. I think I'm going to start bringing my lunch. That might help. In any event, I'm going to take a ten minute recess and allow the stenographer to take a break and counsel as well, and we will be back in ten minutes.

THE CLERK: All rise. This court will take a ten minute recess.

(Brief recess.)

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(Jury present upon reconvening.)

THE CLERK: All rise. This court resumes in session.

THE COURT: Thank you.. You may be seated.

Ms. Gutierrez, you may continue at your leisure.

MS. GUTIERREZ: Thank you, Your Honor.

CROSS-EXAMINATION (Continuing)

BY MS. GUTIERREZ:

Q Mr. Bianca, let's finish with the hair. The two remaining hairs, after you took out for Hae Min Lee's hair, after you took out any hairs that you thought to be animal hairs or determined to be animal hairs, you said there were two hairs left that were suitable for comparison, correct?

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A That is correct.

Q And that those two hairs you compared with the known samples from Adnan and found that in your expert opinion they didn't match?

A They didn't have all the physical characteristics that were in his range of characteristics for his hair, yes.

Q So would it be fair to say that your opinion indicated that those two hairs did not belong to Adnan Syed?

A I could not determine that they came from Adnan Syed.

Q Okay. And so those two hairs, sir, we are sure did not fit into the pile that were animal hairs, right?

A That is correct.

Q So their being animal hairs wouldn't account for the fact that they didn't have sufficient characteristics, right?

A That is correct.

Q From your examination, it is likely that those two hairs could be compared to other hairs; could they not?

A That is correct.

Q Your examination and comparison of them did not destroy the hairs, correct?

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A That is correct.

Q And you did not try to further compare those hairs with any other submissions; did you?

A That is correct.

Q All right. Now, sir, in regard to other evidence, Mr. VanGelder is also from the Trace Analysis Unit?

A That is correct.

Q He is your colleague, correct?

A Correct.

Q And he is the author of State's Exhibit 5 in evidence that you have been asked to review and look at and which you read the conclusions; is that correct?

A That is correct.

Q And on the first page of his report, State's Exhibit 5, it lists all the things that he compared; did it not?

A Correct.

Q And among the things that he compared, he compared a red fiber found near the head related to the crime scene that had been submitted to him, correct?

A Could I see the report?

Q Sure. It's the first one on the list.

A Okay.

Q So is that correct?

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A That is correct.

Q And he also compared another fiber that was found, according to his report, underneath the body in soil with crime scene next to that in quotation marks?

A That is correct.

Q And he attempted to compare those two fibers with other fibers and other things submitted to him; did he not?

A That is correct.

Q He also was submitted some of the items that belonged to the victim that had been removed from her body post-disinterment; did he not?

A Yes.

Q Among them was her black skirt?

A Correct.

Q And her light blue ribbed blouse?

A Correct.

Q And her white jacket with the words "Banana Republic" on it?

A Correct.

Q And he also was submitted for comparison purposes several pair of boots, one pair marked Timberland boots that came from a second floor bedroom, correct?

A Correct.

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Q And also a pair of tan suede boots marked Ramrod that came from the basement water heater room, correct?

A Correct.

Q And that those boots were alleged, according to his notations, to contain soil in the soles; is that correct?

A That is correct.

Q And based on information you got, those two items, both pair of boots were alleged to belong to the suspect identified as Adnan Syed?

A Correct.

Q And were taken pursuant to a search warrant and seizures based on that search warrant of Adnan Syed's bedroom and basement where he resided with his family?

A I do not have direct knowledge of that.

Q Okay. They are identified as belonging to him; are they not?

A Yes.

Q And, in addition, Mr. VanGelder was asked to analyze a blue jacket with olive lining, with the words "Columbia" on it, that is listed as the suspect's coat; is it not?

A Correct.

Q And that Mr. VanGelder attempted before

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arriving at his conclusions contained in his report, which is in evidence as State's Exhibit 5, that he attempted to match anything from any of those items together with any other item that was submitted to him; did he not?

A Correct.

Q And that in regard to the jacket and the boots, there were no fibers relevant to any fiber that may have come from the victim's clothing?

A That is correct.

Q And that, in addition, there was nothing of evidentiary value noted by Mr. VanGelder in regard to his thorough examination of Mr. Syed's coat?

A Correct.

Q And he reported all those findings either by stating them or by their omission in his report?

A I can only say what he has written in his report.

Q And in his report, in his conclusion, he finds that there were no fibers comparable to the jacket and boots, correct?

A Wait a minute.

Q Isn't that the first sentence that you read, Mr. Bianca?

A "A thorough search of the jacket and boots

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revealed no fibers comparable to the victim's skirt fibers."

Q The answer to my question is yes?

A Well, he says skirt fibers.

Q Well, sir, my question was, he found no comparison between the items related to Adnan Syed and anything else; isn't that correct?

A What he says is skirt fibers.

Q Well, sir, is there anything under conclusion that relates to any finding as to any evidence recovered from either the boots associated with Mr. Syed and coming from his home, and his bedroom, or his jacket, relative to any piece of property or item submitted as related to coming from the victim or from the grave; is there?

A No.

Q No. And there is nothing else under the conclusion that would indicate that anything itself was observed by him, correct?

A There are no other comments.

Q No other comments. And, sir, the laboratory report of Mr. VanGelder, like your laboratory reports, are submitted on forms; are they not?

A The lab request, yes.

Q And it's the same form everybody uses to report their conclusions; is it not?

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A Wait a minute. Which form are you talking about?

Q Well, sir, I'm talking about --

A I thought you were mentioning request forms.

Q No, sir, I'm talking about your reports.

A Oh, our reports we write on a computer.

Q Okay. But they are printed out on a form; are they not?

A No, they are printed out on blank paper that comes off the printer at the end of the computer.

Q Thank you, sir. Does the top of your report on 10/14 state that it's a Baltimore Police Department laboratory report?

A Yes.

Q And does it have at the top of that lab report some places defined by lines to indicate to who and from and what reference it is in relation to?

A Correct.

Q And Mr. VanGelder, your co-worker from your same unit, does his report appear with the notation "Police Department, Baltimore, Maryland, Laboratory Report" at that top?

A Yes.

Q Just like it appears at the top of your report?

A Yes.

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Q And does Mr. VanGelder's report have the same lined out notations to indicate to, from, and reference numbers?

A Yes.

Q Okay. Now, there is nothing unusual about the form of Mr. VanGelder's report; is there?

A No.

Q Mr. VanGelder's report also relates to specifically as to how it characterized that soil was suspected to be in the soles of the boots related to Adnan Syed; is that correct?

A Correct.

Q And, sir, you were made aware that the body of this victim was disinterred from a shallow grave, and on top of the body though is soil and leaves, back on February 9th, 1999?

A Correct.

Q And does Mr. VanGelder's report indicate whether or not he subjected soil to any type of analysis or comparison at all?

A In this report, it is a fiber examination.

Q So is the answer to my question, sir, yes or no?

A There is nothing in this report that says anything about a soil comparison.

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Q Okay. Now, sir, in regard to the jacket and other items of clothing, it indicates that in addition to visual analysis, that they were subjected to further scientific analysis; were they not?

A Correct.

Q By a stereo microscopy?

A Correct.

Q Am I saying that right?

A That's correct.

Q Okay. And a polarized light microscopy?

A That's correct.

Q Those are not exactly items that most of us lay persons would have lying around; would we?

A No.

Q They provide additional ability than one's own powers of observation from the naked eye; do they not?

A That is correct.

Q They enhance the ability to see and subsequently analyze possible trace evidence from what one examines, correct?

A Correct.

Q And Mr. Adnan Syed's jacket was subjected to that further analysis; was it not?

A That's correct.

A Sir, from your unit, the Trace Analysis Unit,

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are you aware of whether or not soil was compared by anyone in your unit that was submitted to your unit for analysis?

A Yes.

Q And, sir, are you not aware that there is not a single report that compares any soil taken from any item of property, whether it be clothing, or from the car, that is alleged to be a match after any comparison by the naked eye or an enhanced comparison with any soil submitted to anyone in your unit?

A I know from my conversation with Daniel VanGelder that he did conduct soil examination and comparisons.

Q Sir, are you --

A And I am not aware of his report and his findings.

Q So, sir, you are aware that, in fact, there was analysis of soil, correct?

A Yes.

Q And soil as obtained from around and near the grave site of the body that was recovered on February 9th?

A From my coversation with Daniel VanGelder, I am aware that he did soil examinations and comparisons --

Q Thank you.

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A -- the results of which I do not know.

Q Now, finishing with the shirt, the tee-shirt that was submitted, you have identified, and it has now been marked in evidence as State's Exhibit 21, that was a request for a laboratory examination filled out by you; isn't that correct?

A That is correct.

Q And it is directed to the Maryland Department of State Police; is that correct?

A That is correct.

Q And the letters MSP refers to Maryland State Police; does it not?

A That is correct.

Q You filled out this report, did you not?

A That is correct.

Q And in the report, it indicates the date of the offense that you filled out, correct?

A Date of offense, yes.

Q All right. And the date of offense that you filled out was 2/9/99, correct?

A That is correct.

Q That is not the date that you filled out this form, however; is it?

A That is correct.

Q On the bottom of the form, it indicates you

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have another line in which you signed, correct; did you not?

A That is correct.

Q That's essentially a chain-of-custody log of who has that evidence at any given time; is it not?

A That is correct.

Q And it indicates on 9/24, September 24th, 1999, that you had that evidence and you logged it in; is that correct?

A No, that indicates -- that's the date that I took the evidence, when I took it to the Maryland State Police for analysis.

Q Okay. So your request either was dated on 9/24, which doesn't appear on the form, or some day earlier, correct?

A No, it was that day.

Q On that day. And so you took the evidence from the Baltimore City Police Department, correct?

A Correct.

Q And you then took it out to the MSP, the Maryland State Police; is that correct?

A That is correct.

Q And it was logged in the same day by a representative from the Maryland State Police Biology Unit, Melissa Stangroom?

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A Correct.
Q Okay. And you did that; did you not?
A That is correct.
Q And what you took out was the blood sample from Hae Min Lee, correct?
A Correct.
Q A blood sample from Adnan Syed, correct?
A Correct.
Q A blood sample from Jay Wilds, correct?
A Correct.
Q And a blood sample from this shirt, correct?
A That is correct.
Q And the shirt sample you had actually collected and preserved; did you not?
A That is correct.
Q As part of your expertise, correct?
A Uh-huh.
Q Is that a yes?
A Yes.
Q And on the form, sir, it has a place to list the suspects; does it not?
A That is a form that has a space that says victim and another space that says suspect.
Q Well, sir --
A There is no in between. It's either victim or

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suspect.

Q Well, under the space that is listed with the word suspect, you listed two names; did you not?

A That is correct.

Q And the two names you listed, the first was Adnan Syed, correct?

A Correct.

Q And the second name you listed was Jay Wilds, W-I-L-D-S, correct?

A Correct.

Q Now, to your knowledge, Mr. Wilds wasn't a victim; was he?

A To my knowledge, he was not a victim.

Q And, in fact, Mr. Wilds' name had been listed as a suspect on other requests submitted to your unit; was he not?

A I don't have those in front of me.

Q You are aware of that though; are you not?

A Not to my recollection.

Q Mr. Wilds was never alleged to you by any source of information to be a victim of this crime; was he?

A Correct.

Q And, sir, the filling in of his name under the space provided for a suspect name is in your handwriting;

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is it not?

A Yes, it is.

Q All right. And, sir, you didn't collect Jay Wilds' blood; did you?

A No, I did not.

Q And you don't know under what circumstances it was collected; do you?

A Not personally.

Q And you don't know personally why he had been at that time considered to be a suspect in this crime; do you?

A That is correct.

Q And, sir, no one else's blood was submitted to you to think about submitting for comparison; was it?

A No.

Q Were you ever given a vial of blood related to another person who had been considered a suspect?

A No.

Q Were you ever given a vial of blood that belonged to the person who allegedly found this body, Alonzo Sellers, on February the 9th, 1999?

A Not to my personal knowledge.

Q And were you ever asked, since the time that you determined that these vials of blood -- Hae Min Lee's, Adnan Syed's and Jay Wilds' blood -- should go out

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to the Maryland State Police Biology Lab, were you ever asked by anyone to add a vial of blood belonging to anybody else?

A Could I correct the answer? I don't have vials of blood. We have blood on cards. They come already dry. So the blood is not in vials.

Q Okay.

A But I received no further blood.

Q Were you ever instructed or given a card of blood or any blood in any form to add to your request for DNA comparison?

A No.

Q By anyone?

A No.

Q By any detective?

A No.

Q By the lead detective on this case, Detective MacGilvary?

A I said, no, by nobody.

Q By Mr. Urick?

A No.

MR. URICK: Objection.

THE COURT: Sustained.

BY MS. GUTIERREZ:

Q By Ms. Murphy?

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THE COURT: Sustained. By anyone, is no one. Your next question.

BY MS. GUTIERREZ:

Q Now, sir, in regard to the hair comparison, as far as you went, since the time that you did them -- and, sir, if you could look at and tell me, your report regarding the hair is dated 12/2, correct?

A That is correct.

Q Is that the day you did the analysis?

A That's the day I finished the analysis of the hairs.

Q All right. And so I assume you started it before that day?

A Yes.

Q How long does it take to compare hairs that you have deemed to be suitable for comparison with another known sample?

A It could take a very long time.

Q Okay. From the time that you completed that analysis, and I assume when you describe the analysis, it's analysis by you that doesn't involve destroying the hair?

A That is correct.

Q Okay. So the hair that you subjected to the analysis on which you wrote the report on December the

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2nd still exists, correct?

A Correct.

Q And it still existed on December the 2nd?

A Yes.

Q And subsequent to that time, sir, were you ever submitted by Mr. Urick, for instance, any request to compare the hair of anyone else?

A No.

Q And were you ever submitted any hair to actually compare it to whether or not you knew whose hair it was, by anyone?

MR. URICK: Objection.

THE COURT: Sustained.

BY MS. GUTIERREZ:

Q Were you ever asked by any member of the Police Department, specifically including Detective MacGilvary, the lead detective on this case, to compare any other hair to the hair that you had compared and determined did not belong to Adnan Syed?

MR. URICK: Objection.

THE COURT: Sustained. Counsel, we had covered this area before the break. So I would ask that you move on.

BY MS. GUTIERREZ:

Q I have one further question in regard to what

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I'm going to call your first report, which is State's Exhibit 27. As to that date, that is August the 31st; is that correct?

A That is correct.

Q Is that the date of your report or the date of the completion of your analysis?

A That is both.

Q And, sir, what date is it that you started the analysis the report reflects you completed on August the 31st?

A March.

Q March. March, when?

A 10th, 1999.

Q March 19th, 1999?

A No, I said March 10th, 1999.

Q Of 1999. And is that date reflected on this report?

A No.

Q And is there anything on this report that reflects when you did any specific piece of analysis, either visually or with the assistance of anything else?

A No.

Q No. And, sir, in order to complete this report, was the evidence merely submitted to you or did you request any specific submission of any specific type

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of evidence?

A No.

Q No. It was just submitted to you, correct?

A Correct.

Q And in between your first report which is dated August 31st and the second report which is used to correct an omission, as you called it, i.e. the omission that there were fibers foreign to the body found near the body, did you request any other piece of evidence?

A No.

Q And was any other evidence submitted to you?

A Yes.

Q All right. And what piece of evidence was that?

A In the possession of Daniel VanGelder were a pair of gloves and a shirt, and I compared the fibers to those items and determined that those fibers that I found on the clothing way back in March did not come from those items.

Q And the gloves that you were submitted, do they correspond to what he lists as item G-1 on his report which is dated June 1st, 1999?

A Uh-huh, yes.

Q You are shaking your head yes?

A Yes.

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Q And that item on his report is listed as a weightlifting glove; is it not?

A That is correct.

Q A single glove, correct?

A Yeah.

Q Is that a yes?

A Yes.

Q And that's the glove that you compared with something else; is that correct?

A That is correct.

Q And that glove is listed as having been retrieved from the victim's 1998 Nissan, tag number FSV645; is it not?

A That is correct.

Q And the other item that you did something with was?

A There is a striped, a multi-colored tee-shirt, and on his report it is listed as T-1.

Q All right. And that tee-shirt, it has the words "Tropical Tests" on it; does it not?

A That's correct.

Q And that tee-shirt is listed as having come from property number 99008993; is it not?

A Yes.

Q And you are aware that that property number is

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associated with evidence retrieved, again, from the victim's 1998 Nissan; are you not?

A I have to check on the reports.

(Brief pause.)

I don't know where that shirt came from.

Q But that shirt is the shirt listed on Mr. VanGelder's June 1, 1999 report listed as T-1, correct?

A That is correct.

Q And that's a different shirt than the shirt with the horizontal different stripes that you got up and demonstrated to the jury where you sought to find suspected blood, correct?

A That is a different tee-shirt and it has a different property number.

Q Okay. And you are sure of that, correct?

A Yes, I am.

Q And you just know that it was a tee-shirt described as multi-colored under the property number listed by Mr. VanGelder; is that correct?

A That is correct, and listed on the report that I wrote which is State's Exhibit 27(a), the second page, and the multi-colored tee-shirt is of the same property number, 99008993.

Q And, again, that's your report of December the 2nd?

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A That's correct.

Q A month ago, or two months ago just about. Tomorrow it will be two months, right?

A I guess, yes.

Q And that CC number, again, on your report of December the 2nd is different, that tee-shirt is different than the tee-shirt you walked over and showed the jury, correct?

A That is correct.

Q All right. And on your report that you indicate on the second report you did an additional fiber analysis in regard to those items, correct?

A That is correct.

Q And in your analysis, they were compared, the sixteen to eighteen item numbers which were the victim's clothing retrieved from her body by the medical examiner before submission to you with those items, that glove, singular, and the tee-shirt were compared with negative results, correct?

A That is correct.

Q And by whom were you asked to do that particular comparison?

A I did that because it was my oversight. I had placed the fibers that I had collected off the clothing from the body when --

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Q Which were from items sixteen to eighteen?

A Yes. When I collected them way back in March, I was also collecting hairs, and the clothing was soiled and soil covered. I was picking hairs and fibers off the body, shaking some of the dirt off the hairs to verify if they were hairs or fibers. I inadvertently got some fibers mixed in with my hairs, and when I wrote the report, because somebody said, hey, hurry up and get this report done, we are going to trial soon, I had all my hairs separated which I needed some extra time to do, separated. I didn't have any fibers other than the red fibers that I found in the body bag that I gave to Mr. VanGelder.

When I looked, I thought, oh, I have all my hairs to do, and in there I had fibers. That's why I needed to correct my initial report. I had hairs and I had some fibers mixed in with my hairs. When I cleaned them up to do my comparison, I realized, oh, darn, I wrote down I didn't get any fibers but I have fibers. So I wrote a report. I could have tossed them away but that's not the right thing to do. So I wrote a correction and said, look, I have to correct the initial report, I found some fibers. At this time, Mr. VanGelder had already done his comparison. I'm just as capable as he is to do fiber comparisons. So I did the fiber

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comparisons on the same pieces of evidence that he had looked at. When I looked at them, I determined that these fibers did not match. I wrote a report reflecting that. At a later time, I did the hairs.

Q At a time later than December the 2nd, 1999, correct?

A What do you mean?

Q Well, your report about what you are trying to explain, why it came about, is dated December the 2nd, 1999; isn't that correct?

A That's when I was finished, the hairs and the fibers.

Q And the fibers. So you actually completed them at around the same time, correct?

A That is correct.

Q And so there were two omissions that you had to correct with later reports, correct?

A No, there was one omission that was the presence of fibers, which I wrote back in November. I said, look, I have fibers --

Q You wrote a report in November, sir?

MR. URICK: Objection.

THE COURT: One moment, please. The question is, did you write a report? Overruled as to that question. Did you write a report in November?

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THE WITNESS: Yes.

BY MS. GUITERREZ:

Q And to whom did you write it?

A May I? I'm sorry.

Q You are looking at, if you would identify the State's exhibit number.

A Okay. This is State's Exhibit Number 27(b).

Q And that has a date on it of October the 14th; does it not?

A Oh, I'm sorry. I mean October, I stand corrected. I have 10 and I miscalculated.

THE COURT: Very well.

BY MS. GUTIERREZ:

Q So there is no other report in November that we don't know about?

A No.

Q These are the only reports, correct?

A That is correct.

Q And in regard to your December 2nd report, sir, your December 2nd reports, sir, they are stapled together as State's Exhibit 27(a), and one report is dated 12/2/99, correct?

A That is correct.

Q And that's about the hair, correct?

A That is correct.

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Q And that says that there are no hairs that are consistent in your analysis with Adnan Syed, correct?

A That is correct.

Q And there is a second piece of paper, second heading, dated the same, that deals with fiber comparison, correct?

A That is correct.

Q And fiber comparison says they are negative results to what you compared it to, correct?

A That is correct.

Q And what you compared the fibers, you compared the fibers that were recovered from the victim's clothing, correct?

A On the victim's clothing.

Q On the victim's clothing, correct?

A Correct.

Q With the black glove, singular, that is identified as a weightlifting glove, correct?

A Correct.

MR. URICK: Objection.

THE COURT: Sustained.

BY MS. GUTIERREZ:

Q And a separate multi-colored tee-shirt?

MR. URICK: Objection.

THE COURT: Sustained.

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BY MS. GUTIERREZ:

Q And those are two separate reports, correct?

MR. URICK: Objection.

THE COURT: Sustained.

BY MS. GUTIERREZ:

Q Were you ever asked to conduct any other analysis, Mr. Bianca?

A No.

Q And did you conduct any other analysis?

A No.

MS. GUTIERREZ: Nothing further.

THE COURT: Thank you very much. Any redirect, Mr. Urick?

MR. URICK: Yes, thank you, Your Honor.

REDIRECT EXAMINATION

BY MR. URICK:

Q Mr. Bianca, defense counsel kept asking you about follicles on the defendant's hairs when they were plucked, but when you were describing it, you were talking about examining the two hairs for follicles?

A That is correct. They are apples and oranges we are talking about. The hairs that have some maybe evidentiary potential are the ones that were with the victim's clothing. They didn't have any follicle in their root. There was at that stage of the game, that

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present stage of the game, there was nothing further I could do. No further analysis was going to be done with that as DNA or anything else.

Q And you would not have needed to look for DNA in the defendant's hair because we already had a blood sample from him, correct?

A Correct.

Q And that's what is commonly used to get a DNA sample?

A That is correct.

Q Now, in doing those hair comparisons that she kept asking you about, the forty to fifty where you got down to two, are hairs the same? Are they consistent all over the head?

A No.

Q When you examined the sample of hairs from the defendant's head, what if anything did you notice about the color of the hairs?

A Well, they were sort of unusual. His hair is black and along the perimeter of the hair shaft there was dark pigmentation on both sides, which is sort of unusual. Two hairs that I looked at had that same characteristic but the hair color was different. It was slightly different in intensity of black. Because of that, I couldn't make a comparison and say that it was

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his hair.

Now, with the state of the art of hair comparison, our lab no longer calls a hair comparison that used to say matched in all characteristics. We no longer do that. That gives false information in essence. It gives the people the idea that if you say a person's hair matches, that it came from them, and it doesn't mean that. It has never meant that. All it means is they have the same characteristics, and hair characteristics are not unique. As I said earlier, a thousand other people could have the same characteristics as another person's hair.

Q Is it possible that if hairs had been plucked from a different place on the defendant's head, that they might have matched with the two that you found?

MS. GUTIERREZ: Objection.

THE COURT: Sustained.

BY MR. URICK:

Q Now, how is a test requested?

A We receive a Form 237. That's the number that's on it. It's a Police Department request. On that, it gives information as to the nature of the case, the parties involved in the case, the detective involved in the case, and information to help us retrieve the physical evidence. It will say, please conduct a hair

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analysis on the following items, and it will give that property number which I pointed out on the back. That way, we know which piece of evidence other than the millions that the Police Department has in its custody that we need to look at. That's one way.

Sometimes we get phone calls from defense attorneys and prosecuting attorneys, and from the phone calls we do meetings with them and we talk to them and then we decide what evidence we can do, analyze for them as part of the case. So it's not just restricted to the Police Department. It's not strictly restricted to the State's Attorney's Office. It's not strictly restricted to the defense. We have all those parties that can play a hand in what we do.

Q How many analyses and reports do you conduct and write per year?

A Five or six hundred. That's reports and analyses, hundreds and hundreds and hundreds.

Q Now, when you conduct a fiber analysis, and say, for example, the two fibers that were found above and below the body, when you compare them to other items, you are trying to see if there is a match between that fiber and the item that's being examined, correct?

A Correct.

Q If the item that those fibers had come from had

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been thrown away before the police could seize it, you would never be able to make a match; would you?

A That is correct.

MR. URICK: No further questions.

THE COURT: Anything further on recross?

RECROSS-EXAMINATION

BY MS. GUTIERREZ:

Q Mr. Bianca, on the 2nd of December, 1999, almost two months ago, were you performing your comparison according to the state of the art in hair comparisons as you have just testified exists?

A Yes.

Q And anywhere in the report where you reported the results of your comparisons, do you indicate any similarities between the compared hair and Adnan Syed's hair?

A No.

Q No. And in your results, you, in fact, use the word that none of the hairs examined were consistent in microscopic physical characteristics with the head hair sample of Adnan Syed, correct?

A That is correct.

Q Now, you had a sample of two hairs that you believed to be human hairs, correct?

A They were human hairs.

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Q And that those hairs were of sufficient breadth and length to be deemed by you in your expert opinion to be capable of being compared under your analysis; had you not?

A Yes.

Q That's why you decided to go forward and compare those hairs, correct?

A Correct.

Q Nobody made you do it; did they?

A No.

Q Nobody told you to do it, as you have told us, correct?

A That is correct.

Q You determined that they had sufficient depth, length, breadth, that were you to subject them to the state of the art comparison at which you are expert, that you could, in fact, compare them, correct?

MR. URICK: Objection.

THE COURT: Sustained.

BY MS. GUTIERREZ:

Q Sir, the two hairs that you compared the pulled head hair from Mr. Syed, that's capable of further analysis; is it not?

A I'm sorry, could you repeat the question?

Q The two hairs that you decided were suitable

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and capable of your comparison, those two hairs are capable of further analysis in regard to identity; are they not?

A Further comparison to other hairs.

Q In regard to other analysis that might be performed, other than your own comparison, they are capable of being so analyzed; are they not?

MR. URICK: Objection.

THE COURT: Sustained.

MS. GUTIERREZ: Nothing further.

THE COURT: You have nothing further; do you?

MR. URICK: Nothing, Your Honor.

THE COURT: May this witness be excused?

MR. URICK: Yes.

MS GUTIERREZ: Yes.

THE COURT: And released from summonses?

MS. GUTIERREZ: Yes.

THE COURT: Mr. Urick?

MR. URICK: Yes.

THE COURT: Very well. Sir, you are a witness but you have been released from summonses, so you do not have to return, but you cannot discuss your testimony with anyone who may be a witness in this case. In fact, if you would like, you can have a seat in the courtroom because you are released from subpoena at this time, but

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you are free to go.

THE WITNESS: Thank you, Your Honor.

THE COURT: You're welcome. At this time, I note that it is just about 5:00 and we are going to recess court for today. Ladies and gentlemen, let me give you the following heads up for the next couple of days. First, tomorrow, although it is what we call a collateral day for me -- that means I don't have a regular docket -- that's the day I put in other things like sentencings and other things to do, and I fill that day up. It's supposed to be my day off sort of, but it's not really because we are going to continue this case. So tomorrow morning, I'm going to do a number of dispositions and other matters, and then I'm going to resume this case. The Jury Commissioner will be looking for you between 12:30 and 1:00 to pay you. So you have the morning off, so to speak, but between 12:30 and 1:00 they will be looking for you to pay you. Once you are paid at the Jury Commissioner's Office in Room 239 of the Clarence Mitchell, Junior courthouse, you should come around to our jury room and be there. I expect that we will start this case back again somewhere around 1:30 because we will be finishing the docket and we will take lunch between 12:30 and 1:30. So we will resume at about 1:30. So I would ask that you make your way to that

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room, our jury room, no later than 1:30, having been paid between 12:30 and 1:00 and then making your way to our jury room by 1:30.

Okay. That's for tomorrow. Tomorrow evening, I expect that we are going to go no later than 4:45, between 4:30 and 4:45, because as I indicated, this courtroom will be used for another matter at 5:00. So we must be done and out by 4:45. That is Wednesday. On Thursday, my docket -- Mr. White, do you have any indication what my Thursday, February 3rd, docket is like?

THE CLERK: I'm sorry, no.

THE COURT: Deputy Church, can you ask Ms. Connolly to step in, please?

DEPUTY CHURCH: Yes, ma'am.

MR. URICK: I believe you have three cases set on the morning docket, and one on Friday.

THE COURT: All right. That's good. Then if that's the case, I might ask that the jurors please report to the Jury Commissioner's Office between 9:00 and 9:30, like a normal day, and that's for Thursday. Then we will end that day between 5:00 and 5:30. That's Thursday. Think of Thursday as our late day. Friday, because I only have one case, we will do a regular day, 9:00 to 9:30 you go to the Jury Commissioner's Office,

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and then be here somewhere around 9:30, and we should start around 9:45 or 10:00, and we will end on Friday at about 5:00. So that gives you a sense of what the week looks like. I give you this heads up so that you can make whatever arrangements you may need to make in your personal life and so that you can get a sense of what the week expects to look like.

And, counsel, you can get your witnesses set up and sort of judge what things may go on or how you may be able to best move the case along.

At this time, ladies and gentlemen, you are going to recess for the day. I might remind you, once again, not to discuss this case with anyone and not to discuss it amongst yourselves or with your friends and relatives because I am sure they will want to know all about it, but I'm going to ask that you not discuss it with them. I would ask that you leave your note pads face down on your seats as you have done each and every day. We will collect those and not read them.

Do you want to pass that up to me?

(Brief pause.)

THE COURT: Yes, this is a restatement of what I just said, and it is correct. Wednesday between -- well, actually it is wrong. Between 12:30 and 1:00, between 12:30 and 1:00, the Jury Commissioner is looking

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for you. We will start our case at 1:30 on tomorrow and end about 4:45. On Thursday, we will start at somewhere around 9:30 or 10:00. I will do my three cases hopefully and we will start at 10:00 probably. But you will have to be paid between 9:00 and 9:30 on Thursday, and we will end the day at 5:30. On Friday, again, between 9:00 and 9:30, you should go to the Jury Commissioner's Office to be paid, and we should start about 9:45 or 10:00 on Friday and we will end our day at 5:00.

If you would like, I can have my clerk write this up for you, if that will be helpful to you. I'm going to give this back to you at this time to pass that note back to the juror. I will ask that you, as I said, go home, and have a safe trip home. If for some reason it snows or the weather gets nasty, I will ask you again to listen to WBAL, Channel 11, and they generally will make the announcement. But when in doubt, you can call the city operator and they will connect you to my office. I have an answering machine and I will leave a message on that machine that says, yes, we are on time or, no, we are closed, or in any other way direct you if the weather is inclement.

Okay. I ask that you now go with Ms. Connolly. She is going to walk you around to your jury room. I'll see you tomorrow. Have a good evening.

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(The jury was excused from the courtroom.)

THE COURT: Okay. This court will stand in recess then until tomorrow at 9:30.

THE CLERK: All rise. This court now stands in recess until 9:30 tomorrow morning.

(Whereupon, at 5:10 p.m., the trial was recessed.)

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REPORTER'S CERTIFICATE

I, Brenda D. Trowbridge, an Official Court Reporter of the Circuit Court for Baltimore City, do hereby certify that I stenographically recorded the proceedings in the matter of State of Maryland vs. Adnan Masud Syed, in the Circuit Court for Baltimore City, Indictment Nos. 199103042-46, on February 4, 2000, before the Honorable Wanda Keyes Heard, Judge (and a jury).

I further certify that the page numbers one through 199 constitute the official transcript of the proceedings as transcribed under my supervision from my stenographic notes to the within typewritten matter in a complete and accurate manner.

In Witness Whereof, I have affixed my signature this 11th day of December, 2000.

Brenda D. Trowbridge

Brenda D. Trowbridge
Official Court Reporter

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