IN THE CIRCUIT COURT FOR BALTIMORE CITY, MARYLAND

STATE OF MARYLAND,

vs. Indictment Nos. 199103042-46

ADNAN SYED,

Defendant.

/

REPORTER'S OFFICIAL TRANSCRIPT OF PROCEEDINGS

(Trial on the Merits)

Baltimore, Maryland

Tuesday, December 14, 1999

BEFORE:

THE HONORABLE WILLIAM D. QUARLES, Associate Judge

(and a jury)

APPEARANCES:

For the State:

KEVIN URICK, ESQ.

KATHLEEN C. MURPHY, ESQ.

For the defendant:

M. CRISTINA GUTIERREZ, ESQ.

Recorded on videotape

TRANSCRIBED BY:

Charles F. Madden

Official Court Reporter

501 Courthouse West

Baltimore, Maryland 21202

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PROCEEDINGS

(10:22 a.m.)

(The jury was not present upon reconvening.)

THE COURT: Counsel, may we bring the jury down?

MR. URICK: State's prepared, Your Honor.

MS. GUTIERREZ: Yes, Your Honor.

(The jury returned to the courtroom.)

THE COURT: Good morning.

THE JURORS: Good morning, Your Honor.

THE COURT: Welcome back.

Counsel, and, Mr. Syed, please approach.

(Counsel and defendant approached the bench, and the following ensued:)

THE COURT: Juror No. 4, would you please approach?

(A juror approached the bench.)

THE COURT: Juror No. 4, you sent me a note indicating that you knew the witness, Lynette Woodley, Principal of Woodlawn High School.

THE JUROR: Yes, I do.

THE COURT: You said, "Her family were neighbors of my mother," and you know them. "However, I do not live at that address, so I do not know her that well. I must not have heard her name mentioned before

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the jury selection. I just thought I would point it out, given the circumstances."
THE JUROR: Yes.
THE COURT: Would the fact that you know Ms. Woodley or she was a neighbor of your mother's keep you from reaching a fair and impartial verdict in this trial?
THE JUROR: No, not at all.
THE COURT: Had you had any contact with Ms. Woodley before seeing her testify?
THE JUROR: No, not at all.
What I was saying was that, you know, she and her family moved into the house next door to the house that I grew up in, but I had already moved out, and had my own life, and so forth. So I didn't -- you know, so I knew her as my mother's neighbor, not -- she wasn't there when I was growing up. So --
THE COURT: I appreciate your courtesy.
THE JUROR: But I just wanted to -- right.
THE COURT: Did you discuss this with anyone else on the jury?
THE JUROR: No, I did not.
THE COURT: Very good. Thank you very much.
THE JUROR: Okay.
THE COURT: You may return to your seat.
THE JUROR: Okay.

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(The juror left the bench.)
THE COURT: Counsel stay here, please.
Alternate No. 4 -- Alternate No. 4, please come up.
(A juror approached the bench.)
THE JUROR: Good morning.
THE COURT: Good morning. You are Ms. Sears?
THE JUROR: Yes, I am.
THE COURT: Ms. Sears, I received your note yesterday, "Has there been a psychological evaluation of the accused? Can I request one?" May I ask you what prompted you to write the note?
THE JUROR: The nurse's testimony.
THE COURT: The nurse's testimony?
THE JUROR: Yes.
THE COURT: Okay.
THE JUROR: It seemed to be very brief and inconclusive.
THE COURT: Okay. Have you discussed this note with the jury?
THE JUROR: Oh no, no.
THE COURT: Okay. Does the note indicate that you have reached any opinion, one way or the other in the case?
THE JUROR: No.

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THE COURT: Very good.
THE JUROR: But that I need more information.
THE COURT: I'm going to try to supply you with more information.
The defense hasn't raised any mental health issue in the case, so please do not reach -- that's speculative of any issues that have not been raised. Both the defense and the State have their own theories, their own way of trying the case and what they want to prove.
THE JUROR: They don't need my help?
(Laughter.)
THE COURT: You'll have a chance later for your help, but it's -- so it's very important that you give them a chance to do their jobs and then if there's anything that's unclear at the end, you're free to give me another note.
Again, have you discussed this with anyone?
THE JUROR: No one.
THE COURT: Very good. Just sit back and have faith in the attorneys, they're all excellent lawyers. And if there's anything unresolved, feel free to write me a note later.
THE JUROR: I shall.
THE COURT: Now, would these issues that you've

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discussed in your note or anything else, keep you from reaching a fair and impartial verdict in this case?
THE JUROR: No.
THE COURT: Thank you. You may return to your seat.
(The juror left the bench.)
Counsel please return.
(Counsel returned to the trial tables, and the following ensued:)
THE COURT: The State?
MR. URICK: With the Court's permission, I'll call the first witness at this time.
THE COURT: Okay.
(Pause.)
THE COURT: State?
MR. URICK: At this time the State would call Hope Schab to the stand.
THE CLERK: Will you raise your right hand, please?
Whereupon,
HOPE SCHAB,
a witness produced on call of the State, having first been duly sworn, was examined and testified as follows:
THE CLERK: Ma'am, you may lower your hand. You may be seated.

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Will you please state your name and address for the record, and will you please spell your first and last name?

THE WITNESS: Yes, my name is Hope Schab, H-O-P-E, S-C-H-A-B. My address is [redacted]

THE CLERK: Thank you.

DIRECT EXAMINATION

BY MR. URICK:

Q. Good morning, Ms. Schab.

A. Good morning.

Q. Where are you employed?

A. Woodlawn High School.

Q. And what is your position there, or job?

A. Teacher.

Q. Did you know Hae Min Lee?

A. Yes, I did.

Q. How long had you known her?

A. Four years.

Q. And how had you come to know her?

A. She was in my French class, freshman, sophomore, and senior year. She was my student intern, she was in the French Club, and she was -- she would have attended a French trip that I had planned for this past summer.

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Q. Did you know the defendant in this case?

A. Yes.

Q. How did you know him?

A. He was Hae's boyfriend.

Q. Would you ever see him?

A. Yes. He would come up first period when -- when she was interning for me.

Q. When she was interning, what sort of duties would she perform for you?

A. She would come in in the morning, and we would sit and talk, sometimes have breakfast. And she would grade papers for me and help me with my lessons, just normal duties.

Q. Did she come to confide in you?

A. Yes.

MS. GUTIERREZ: Objection.

THE COURT: Basis?

MS. GUTIERREZ: I believe that's a leading, suggestive question.

THE COURT: That's overruled.

BY MR. URICK:

Q. What sorts of things would she tell you?

A. She would just tell me about her job, and her friends, and what she would do on the weekend, and college concerns, things like that.

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Q. Now, just to focus you. Was there a time when Hae did not appear?

A. Yes.

Q. What happened on that occasion?

A. One morning Hae didn't come to class and she had come to internship in the morning, first period. And she called on the telephone -- we have phones inside our school rooms. And Adnan happened to come up in the room and she was waiting for him to come.

And when she called, she said "Pretend I'm a teacher." And I said "Okay." And she said, "Adnan and I got in a fight and I don't want him to know that I'm here. So I won't be coming to you, I'm in Ms. Paletti's room if you need me, you come down and get me."

Q. What, if anything, happened next?

A. Adnan stayed in my room and started talking to me about relationships and my opinion on what should -- what should one do if religion got in the way of a relationship -- should you let someone go? Should you try to work it out -- and stayed up there most of the period. And finally I had to leave and asked him to leave as well.

Q. Had there been any other -- any other -- anyone else in the room with you?

A. No.

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Q. Now, after Ms. Lee vanished, did you aid Detective O'Shea in his missing persons investigation?

A. Yes, I did.

Q. What sort of things did you do?

A. I kept in constant contact with Detective O'Shea. I would talk to teachers, asking them questions. A lot of times the teachers weren't responding. They weren't getting back to him in a timely manner, so since I was at school, I was kind of the -- the liaison. I would work with the students; for example, Debbie [redacted] and Aisha [redacted] If they had a question to get to them, I would work with him on contacting the girls and having them contact him back.

Q. And while you were doing that, did there come a time when you had contact with the defendant?

A. Yes.

Q. What happened?

A. I was asked to ask Gerald Russell, who was the track coach, if he was in practice at a certain day. And that was what I was told to do. And I suppose that Adnan found out about it because he came up --

MS. GUTIERREZ: Objection. Move to strike.

THE COURT: Sustained. Granted.

BY MR. URICK:

Q. What did the defendant do?

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A. He came to my classroom and said, "Are you asking questions about me, because, you know, my parents don't know everything that goes on in my life, and I would appreciate it if you would, you know, not ask questions about me." And I responded by saying "Well, everyone is being questioned at this point."

MR. URICK: Witness with the defense.

THE COURT: Cross?

CROSS-EXAMINATION

BY MS. GUTIERREZ:

Q. Yes. Ms. Schab, that day when Adnan came up and asked were you asking questions about him, you were, in fact, asking questions about him?

A. Yes, I was.

Q. Were you not, at the request of Detective O'Shea?

A. Yes, I was.

Q. Now, you regarded yourself as a liaison; is that correct?

A. Yes.

Q. Did Detective O'Shea tell you that you were the liaison?

A. I used that term by my own means.

Q. Okay. That's not a term he told you or designated you?

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A. No.

Q. Okay. And the two students with whom you discussed this matter were Debbie [redacted]

A. Yes.

Q. And Aisha [redacted]

A. Yes, ma'am.

Q. Is that correct? And you knew both of those to be friends of Hae Lee's, did you not?

A. Absolutely.

Q. You knew that from your position of being a teacher of Hae --

A. Yes.

Q. -- and a teacher at the school; is that correct?

A. Yes, ma'am.

Q. Okay. Now, you remember you were questioned by Detective O'Shea in this case; were you not?

A. Yes, I was.

Q. And, in fact, you were questioned by him on February 1, 1999; were you not?

A. If that's the date you have on your records, yes.

Q. Okay. And he formally questioned you; did he not?

A. Yes, he did.

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Q. He asked to talk to you and you agreed to talk to him; is that correct?

A. Yes, ma'am.

Q. And you answered every question that he posited to you, did you not?

A. Yes, I did.

Q. And one of the questions that he asked you was -- it was a series of questions about Adnan's relationship with Hae, did he not?

A. I suppose so.

Q. And -- well, did he or didn't he?

A. I -- yes. If -- if the record shows --

Q. He did, didn't he? And you were motivated to give him accurate and complete information; were you not?

A. Yes, I was.

Q. And Detective O'Shea asked you if Adnan and Hae, after their breakup, were still friends, did he not?

A. Yes.

Q. And you told him that Adnan and Hae were still friends, did you not?

A. If that's what the record shows. I honestly don't have a recollection of using the word "friends."

Q. You don't remember telling him? But they were friends, were they not?

A. They were. Yes, they were in each other's

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classes.

Q. And so if he asked you that question, you would have told him that, in fact, Hae and Adnan were friends, would you have not?

A. Yes.

Q. And you said one of the things that you and Hae would talk about was her job?

A. Yes.

Q. And her job then was?

A. She worked at Lens Crafters.

Q. Okay. And so you knew when she had started; correct?

A. I don't --

Q. Sort of?

A. I can't give you a date, yes.

Q. Okay. But that was her senior year, was it not?

A. Yes, ma'am.

Q. And she was again taking French with you; is that correct?

A. Yes.

Q. And you saw her then every day?

A. Yes.

Q. Okay. The day after she vanished, is -- the day that she vanished, is that the same day that she

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called you in the classroom?
A. No.
Q. Okay. So the day she called you in the classroom, that was before she vanished?
A. Yes.
Q. How many days before?
A. Uh -- do I have an option to say I don't recall? Because I don't.
Q. Oh, no, if you don't recall, that's what --
A. I don't want to make up an answer, so I really honestly don't recall.
Q. Okay. And the first time that you spoke, did you only speak to Detective O'Shea formally on one occasion?
A. Where we sat down and talked one on one?
Q. Yes?
A. Or are you talking via telephone?
Q. Yes? No, when you sat down and spoke to him?
A. I believe only once.
Q. Okay. And if he wrote down that that occasion was February 1st, it's likely that he was accurate, was he not?
A. Yes.
Q. Okay. And all you know then about the day that Adnan came, in which the same day that Hae called you on

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the telephone in the classroom, that occurred at some point before she disappeared?
A. Yes, ma'am.
Q. Okay. Now, you had French class the first period?
A. No. I had Hae as my intern the first period, and then she would come to French class, I believe Period Four -- was the honors class.
Q. She would be, as your intern, in your classroom with you every day on first period?
A. Yes.
Q. And that began at ten after 8:00?
A. 7:45.
Q. 7:45. Till 9:15
Q. And went for how long?
A. Until 9:15.
Q. Okay. And generally, up until this day, whenever it was, before the day she disappeared, Adnan, her boyfriend, would show up and be with her during some of that period of time?
A. Yes, but not every day.
Q. Not every day, but on a very regular basis; is that correct?
A. Once or twice a week.
Q. And that appeared to you from your observation

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to be with Hae's consent?
A. Yes.
Q. Did it not?
A. Yes.
Q. Okay. And there was never any occasion in which Hae ever asked you to have Adnan removed, did she?
A. No.
Q. No. And they always appeared to be friends, from your observation?
A. Are you asking if they ever were in a dispute during that time period, in the first period?
Q. No, I didn't ask you that. I asked you to your observation they always appeared to be friends; did they not?
A. Not if they were arguing, no.
Q. Friends don't argue in your experience, Ms. Schab?
A. If that's your definition, then, yes, they were friends.
Q. Okay. And from your observation, you thought they were friends; did you not?
A. Yes.
Q. And you described them as friends on February 1st, when you were formally asked by Detective O'Shea; did you not?

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A. Yes.
Q. And at that point you were aware that Detective O'Shea was leading the investigation to locate Hae Lee?
A. Yes.
Q. No one knew that she was -- had been murdered then, on the 1st; correct?
A. No, they did not.
Q. And you sought to tell Detective O'Shea everything that you thought was significant in this case; did you not?
A. Yes.
Q. Nothing further.
THE COURT: Redirect?
MR. URICK: Yes, please. Thank you, Your Honor.

REDIRECT EXAMINATION

BY MR. URICK:
Q. Did you ever have any contact with the defendant's family?
A. No, never.
Q. Was there any way that the information you were gathering could have gotten to his family?
MS. GUTIERREZ: Objection.
THE COURT: Sustained.
BY MR. URICK:

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Q. Now, Hae always to you indicated she was friends with the defendant, that sort of -- he was the sort of person she would feel comfortable inviting to her car; did she not?
A. Yes.
Q. Was she the sort of person that would let just anybody into her car?
MS. GUTIERREZ: Objection.
THE COURT: Overruled.
THE WITNESS: No.
BY MR. URICK:
Q. Were she and the defendant ever in a dispute?
A. Yes.
Q. What sort of disputes would they have?
A. Just, I mean I term it as high school disputes, but over not calling back, or you know, whatever the case may be.
I didn't get in depth about what they were arguing about. You could just tell body language and the fact that she didn't want to talk to him, or she would turn her back kind of thing if he were in the classroom.
Q. Nothing further.
THE COURT: Recross?
RECROSS-EXAMINATION
BY MS. GUTIERREZ:

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Q. Did you become aware when Hae Lee got her license?
A. I remember when she got her new cars?
Q. Her new car.
A. Yes.
Q. Okay. And at the time when she got her new car, you were aware that she drove then?
A. Yes.
Q. Okay. And you were aware that after she got her new car, she then drove every day to school?
A. Yes.
Q. And were you aware that Adnan Syed had his own car?
A. Yes. I was -- oh. Sorry.
Q. And that he drove to school also?
A. Yes.
Q. Did you observe that car?
A. No.
Q. Were you aware that Hae Lee and Adnan were in each other's car on a daily basis?
A. I know that he was allowed to drive her car.
Q. Okay. And that, in fact, he did so?
A. Yes.
Q. Okay. Thank you. Nothing further.
THE COURT: May this witness be excused?

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MR. URICK: Yes, please. Thank you.
THE COURT: Okay.
Good day, ma'am.
THE WITNESS: Thank you.
(The witness was excused.)
MS. MURPHY: Your Honor, may I step out to get the next witness?
THE COURT: Sure.
(Pause.)
THE COURT: Come up to the front of the courtroom, please.
MS. MURPHY: Your Honor, at this time the State calls to the stand, Dr. Korell.
Whereupon,
MARGARITA KORELL,
a witness produced on call of the State, having first been duly sworn, was examined and testified as follows:
THE CLERK: Ma'am, you may lower your hand. Will you take the stand, please? You may be seated.
And will you please state your first and last name for the record, and spell your name also?
THE WITNESS: I'm Dr. Margarita Korell, M-A-R-G-A-R-I-T-A, Korell, K-O-R-E-L-L.
THE CLERK: And your business address, please?
THE WITNESS: It's the Office of the Chief

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Medical Examiner, 111 Penn Street, P-E-N-N, Baltimore, Maryland 21201.
THE CLERK: Thank you, ma'am.
THE COURT: Yes.
MS. MURPHY: Thank you, Your Honor.
DIRECT EXAMINATION
BY MS. MURPHY:
Q. Dr. Korell, please explain what are the duties of the Office of the Chief Medical Examiner?
A. Well, the duties are to determine the cause of death in people who have died suddenly, unexpectedly violently, like homicides, suicides, accidents or in cases which somebody dies while not under the care of a physician, called "unattended deaths."
Q. What are your specific duties?
A. My specific duties are to determine the cause of death in homicides, suicides, accidents, and unattended deaths.
Q. And does that include the performance of autopsies?
A. Yes, ma'am.
Q. How long have you been practicing in this field?
A. I have been an Assistant Medical Examiner since October 1978. Before that I was an Associate

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Pathologist. That's a training-type job for two years at the same place. And before that I was, for one year, an Associate Pathologist at the Coroner's Office in Pittsburgh, Pennsylvania.

This is all forensic pathology.

Q. What type of training did you receive to become an Assistant Medical Examiner?

A. Well, I became a physician at the University of Buenos Aires, Argentina. Then I did a rotating internship at Fordham Hospital in the Bronx, New York. Rotating means going through the several specialties of a lab at that hospital.

Then I had training in anatomical and clinical pathology. That's hospital-type pathology at Fordham and Misericordia hospitals also in Bronx, New York.

And then I went into forensic pathology, with one year at the Coroner's Office in Pittsburgh, two years at the Medical Examiner's Office here.

Q. Approximately how many autopsies have you performed during the course of your career?

A. Thousands.

Q. Can you explain what the term forensic pathology means?

A. Forensic pathology is a subspecialty of pathology that deals in determining the cause of death in

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homicides, suicides, accidents, and unattended deaths.

Q. During your years of experience in the Office of the Medical Examiner, have you had occasion to observe cases in which the cause of death was strangulation?

A. Yes, ma'am.

Q. Have you also been qualified and testified as an expert in a court of law in the area of pathology?

A. Yes.

Q. Approximately how many times?

A. Hundreds of times.

MS. MURPHY: Your Honor, at this time, I would offer Dr. Korell as an expert in pathology.

MS. GUTIERREZ: We certainly consider Dr. Korell an expert.

THE COURT: Very good.

Dr. Korell is qualified as an expert in pathology, and like the other experts you've heard, may give the testimony in the form of opinions.

MS. MURPHY: Thank you, Your Honor.

BY MS. MURPHY:

Q. Dr. Korell, did you have occasion to perform an autopsy on the victim Hae Min Lee on February 10th, 1999?

A. Yes.

Q. Where did that autopsy take place?

A. It took place at the Office of the Chief

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Medical Examiner, 111 Penn Street.

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

THE COURT: Yes.

BY MS. MURPHY:

Q. Dr. Korell, I show you what's been marked for identification as State's Exhibit 3. Can you please identify that document?

A. Yes. This is a notarized copy of the autopsy on Ms. Hae Min Lee. Our autopsy number is 99759-510, with attached photos.

Q. And those photos, do they fairly and accurately depict the observations you made of Ms. Lee on that date?

A. Yes, ma'am.

MS. MURPHY: Your Honor, at this time I would offer State's Exhibit 3.

THE COURT: Okay. Without objection -- I thought it had been in -- but State's 3 is admitted.

(State's Exhibit No. 3, having previously been marked for identification, was received into evidence.)

BY MS. MURPHY:

Q. Dr. Korell, based on your autopsy of Ms. Lee, to a reasonable degree of medical certainty, have you

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formed an expert opinion concerning the cause of death?

A. Yes, ma'am.

Q. What is that opinion?

A. The cause of death is strangulation.

Q. And can you explain?

A. Well, the autopsy showed petechiae hemorrhages in the eyes -- petechiae, P-E-T-E-C-H-I-A-E.

THE COURT: Would you spell that again, please?

THE WITNESS: P-E-T-E-C-H-I-A-E. And they are small minute areas of bleeding in the eyeballs, specifically in the conjunctiva, -- that's the lining of the eyelids -- and on the sclera -- that's the white of the eyes.

She also had bleeding into the, what we call, "strap muscles," S-T-R-A-P muscles of the neck. These are the muscles that you can -- the larger one you can feel here, and the smaller ones go between the tongue and the jaw and the breastbone, that smaller muscles there.

And there were areas of bleeding, -- we call hemorrhage, but bleeding into those areas, and there was a fractured hyoid bone, H-Y-O-I-D. It's a bone that's in the back of the tongue in the shape of a small horseshoe. That's where the tongue, which is a muscle, is attached to, and that was fractured.

BY MS. MURPHY

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Q. And by fracture you mean?
A. It's a break in that little bone -- with not only the break, but there was an area of bleeding at the point of breakage.
Q. Now, your report also states a manner of death?
A. Yes.
Q. What is your conclusion regarding the manner of death in this case?
A. Manner of death is homicide.
Q. Can you explain that?
A. We use homicide in the medical field in forensic pathology as the death of one human being at the hands of another human being.
Q. Were you able to form an opinion regarding the time of Ms. Lee's death?
A. An opinion. I only can say she was dead for quite a while.
Q. Can you be any more specific than that?
A. When we found, when she came to our office, lividity, which is the bluish discoloration that occurs after death, and that's due to settling of the blood in the parts where the body is lying on. That was fixed.
Now, to get to that point, it takes several hours. The body also had still some rigor, but that was more from the cold. She was also decomposing, with skin

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slippage.
Skin slippage occurs because after death there are bacteria that produce gas and they get in under the skin and there are bubbles, and then that sheet of skin breaks and then you have something called "skin slippage." That means essentially that the skin peels apart.
And there was also the internal organs were, for example, the heart was flabby from the decomposition, also.
Q. Did you observe any signs of struggle?
A. Struggle. What do you mean like defense wounds, or something like that?
Q. Any signs that the victim struggled in this case?
A. No.
Q. Dr. Korell, how long would it take for a person to die of strangulation?
A. Well, before you die, you become unconscious. It is known, and it's -- from books and people that have done experiments with animals, that you have to apply at least ten seconds of pressure onto the blood vessels of the neck.
If after ten seconds you release the pressure, in a couple of more seconds, the person may come back.

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But, if you hold on in the same position, then you become unconscious and from unconsciousness, then there is a point of no return in which you die.
Now, may I say that a person dies of strangulation, not by the lack of air, because it's very hard to compress the larynx, or the voice box, or the trachea. It's because of the pressure applied to the blood vessels, one of which you palpate here, that's the carotid. So there's pressure on the carotid and the jugular, which is next to it.
Now, the pressure on those areas, it impairs the flow of blood to the heart, to the brain, with blood with oxygen. So just the pressure on the jugular and the carotid, and/or the carotid, sometimes both of them together, or just one of them causes impairment of the blood flow. And, if you don't have blood flow, you don't get enough oxygen to the brain, you become unconscious, and then die.
Q. Would it be fair to say that as little as 15 seconds would be enough time to cause death by strangulation?
A. Yes.
Q. Did you observe any cuts, lacerations, open wounds, on the victim?
A. No, ma'am.

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Q. Is there any other source from which blood may have come?
A. Well, after somebody dies, or in the process of dying, you have congestion in the lungs. Congestion is the settling of blood in the lungs, pulmonary edema, E-D-E-M-A, that's water in the lungs. And that's blood tinged, also.
And that comes up through the windpipe and then through the mouth, through the trachea and the larynx, or voice box, and then out the mouth.
Now also, when somebody dies, the capillaries, -- that's the tiniest blood vessels -- they break up due to the composition or just because there is no vital tissue, they break up and you can have a source of blood from that.
Also, from the stomach up, the lining of the stomach in live people is lined with mucous, and we generally don't get any bleeding. But after death that breaks down and you have blood vessels breaking down from the stomach and you have bloody fluid coming from there.
After death you have -- it comes up through the food pipe. So all those sources can -- is a source of bloody fluid.
Q. Were you able to make any determination as to whether strangulation in this case was manual by hands or

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by some other means?
A. We did not see any implement, a cord or anything that would make -- or a string or anything like that.
So it's -- yes, and not -- and there was a little bit of bluish discoloration on the front of the neck, but it didn't have the impression of a cord, or string or anything like that.
So it's more likely to be manual, but --
Q. Your report also refers to bruises on the victim's head. Are you familiar with that section?
A. Yes.
Q. Would that occur, in your opinion, before death? After death?
A. No. These are bruises that are in the right occipital and right temporalis muscle. Occipital is in the back, right temporalis muscle is in the area of the temple. And these are under the skin, subfilial is on the surface of the bone and into the muscle of the right temple. And they only occur when the heart is still pumping.
MS. MURPHY: The Court's indulgence, please.
Madam Clerk, may I have State's Exhibit 13? It's a sheet of photographs. It's one of these larger sheets.

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May I approach the witness, Your Honor?
THE COURT: Yes.
BY MS. MURPHY
Q. Dr. Korell, I'll show you what's been marked as State's Exhibit 13 in evidence. These are photos depicting blood stains on a t-shirt.
A. Uh-huh.
Q. The blood shown on the t-shirt here, would that be consistent with what you describe as pulmonary edema? The sort of blood that is produced --
A. Pulmonary edema is -- in general, is blood tinged, yes.
Q. Thank you.
I have no other questions, Your Honor.
THE COURT: Cross?
CROSS-EXAMINATION
BY MS. GUTIERREZ:
Q. Dr. Korell, the picture that you were shown, State's Exhibit 13, were you asked to observe this before?
A. I think I've seen it before, but I don't remember.
Q. Were you ever asked to conduct any testings on what appears to be blood?
A. No.

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Q. On the shirt? And have you ever actually seen and handled the shirt?
A. No, not that shirt.
Q. No. In fact, what was submitted to you was the body, at the time unknown and unidentified; isn't that correct?
A. Right. Yes, ma'am.
Q. And you conducted a normal autopsy to determine the cause of death; is that correct?
A. Yes.
Q. And essentially, your opinion, Dr. Korell -- Dr. Korell, you and I have spoken before today; have we not?
A. Yes.
Q. Okay. Dr. Korell, your opinion is essentially that the death of this young woman occurred by likely manual strangulation; is that correct?
A. I wouldn't say likely. It is strangulation.
Q. Okay, but manual, likely manual --
A. Yes, the manual is likely, yes.
Q. Okay. And when you know because of your experience, that you've looked at strangulation cases, it would be fair to say that you looked closely to see if there was anything, either internally or externally, that might indicate some type of ligature?

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A. Right.
Q. Isn't that correct?
A. Yes.
Q. Like a cord, or a rope, or something that was used to assist in applying pressure necessary to cause first the loss of consciousness and then death; is that correct?
A. Yes; correct.
Q. And you found nothing in your observations that to you indicated any type of ligature, did you?
A. Right.
Q. Okay. And that's why your opinion is that it's likely manual; is that correct?
A. Yes.
Q. And the manual strangulation of a human being, regardless of their age, size, weight, height, as you said studies show, can occur as quickly as ten seconds?
A. That's when you may lose consciousness, yes.
Q. And if there's nothing else, if the pressure is continued even for a minuscule amount of time, then it's a very simple matter for consciousness to go into death; is it not?
A. Yes.
Q. Okay. And, you, of course, from your pathological review of this young woman's body, can't

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tell us how long it took to conduct the manual strangulation, can you?
A. No.
Q. Okay. Now, Dr. Korell, you were asked questions about the time of death.
A. Yes.
Q. You, in your expert opinion, can only tell us that it was sometime before her body was recovered; is that correct?
A. Yes.
Q. Okay. And you conducted the autopsy on this young woman's body on February the 10th, did you not?
A. Yes.
Q. At ten o'clock in the morning?
A. Yes.
Q. As quickly as your office could set up an autopsy following the recovery of her body the day before; isn't that correct?
A. Yes; correct
Q. Okay. And from your autopsy, you can, in your expert opinion, tell us that decomposition had already started?
A. Yes.
Q. And was, in fact, well on its way?
A. Yes.

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Q. Decomposition is a natural event; is it not?
A. Yes.
Q. Okay. That occurs following the death of a live human being or other species?
A. Right.
Q. Is that correct?
A. Yes.
Q. But decomposition takes place over a period of time, does it not?
A. Yes.
Q. And decomposition of a once live human being, the time line on such decomposition, is affected by lots of factors; is it not?
A. Yeah. Multiple, yes.
Q. Who the person is?
A. Yes. Well, --
Q. Physically who they are? What condition?
A. Yes, physically. You know, if the person is -- what condition, what happened. I mean, even the circumstances, you know, the temperature --
Q. The temperature of the air outside, how cold it is?
A. Yes.
Q. How cold it is would mean that it would decompose less rapidly?

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A. Yes, and the location.
THE COURT: Again, we do need you to talk one at a -- we need one at a time. We know you're over excited, so, both of you calm down and let the other finish before the other starts.
THE WITNESS: Sorry.
BY MS. GUTIERREZ:
Q. That's all right. My question was, you mentioned temperature?
A. Yes.
Q. Would cold slow down decomposition or speed it up?
A. Slow down certainly.
Q. And hot would speed it up, would it not?
A. Right.
Q. Okay. And it could also be affected by other conditions, could it not?
A. Uh-huh. Yes.
Q. Whether the body was exposed to air, for instance?
A. Yes.
Q. As opposed to whether or not the body was buried?
A. Right.
Q. Is that correct?

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A. Yes.
Q. When you viewed this body that was initially unidentified to you, you could look at -- anyone, even without your expertise, could look at the body and be able to determine that it had been dead longer than the day in which it was found?
A. Certainly.
Q. Certainly. You could look because decomposition, although it is a natural process, is a process that has visible results, does it not?
A. Yes.
Q. As a pathologist, you are looking, not only for what's visible, but what is not readily visible to the naked or un-expert eye, are you not?
A. Yes, ma'am.
Q. But you, as an expert pathologist, never attempted to pinpoint a time of death for the body of this young woman, did you?
A. In general, you cannot pinpoint.
Q. Okay. Did you ever --
A. You only may be able to estimate.
MS. MURPHY: Objection.
BY MS, GUTIERREZ:
Q. To estimate? Did --
A. If that much, yes.

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Q. Did you, in your autopsy, Dr. Korell, estimate the time of death of this young woman?
A. Based that the libra was fixed and she had been buried, and she was very cold, the stiffness really was from cold more than just rigor, and, you know, I only can say several weeks.
Q. Several weeks. Okay. The stiffness that you referred to, you earlier referred to that as "rigor"; correct?
A. Yes.
Q. R-I-G-O-R.
A. Yes, yes.
Q. That is the medical term for what happens to the joints post death?
A. Right
Q. Is it not?
A. Yes.
Q. And you said that was the rigor, the stiffness that you observed, was really related to the coldness, --
A. Yes.
Q. -- more than the natural decomposition of her body?
A. Because the body was already decomposed and the libra was fixed so the rigor in that person who wasn't decomposed should have been gone and we would have called

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the joints flaccid, yes.
Q. Okay. And that is a medical process that you can determine in your expertise?
A. Yes.
Q. Now, when you saw the body, you were made aware of the conditions under which it was found, were you not?
A. Yes.
Q. And those conditions included, as you've already said, a shallow burial?
A. Yes.
Q. By that you mean to determine that it was not buried deeply in any context?
A. Right.
Q. And you were also told that it was buried in the ground?
A. Yes.
Q. And that it was partially covered by both soil and dirt?
A. Yes.
Q. Okay. And you were provided -- you're being provided that information was ordinary, was it not?
A. Yes, ma'am.
Q. You didn't have to request that, did you?
A. Right. No.
Q. Okay. And you -- did you ever make an attempt

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to fix, as closely as you could, the particular time of death?
A. As I said before, I only can estimate, based on where she was found and the general appearance of the body, that estimated a couple weeks.
Q. Okay. And that estimate of a couple weeks does not appear in your autopsy, however, does it?
A. No. We never do.
Q. Okay. You were asked subsequently, in fact, much later to provide an estimate as to whether or not her body decomposition, as you observed, in your medical opinion, was consistent with the date of January 13th?
A. Right.
Q. Were you not?
A. Yes.
Q. Were you not?
A. Yes.
Q. Is that correct?
A. Yeah.
Q. And that would be consistent with what you saw, would it not?
A. Yes, ma'am.
Q. Depending upon such factors as the temperature; is that correct?
A. Certainly.

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Q. And depending upon other factors that you have no knowledge of; is that correct?
A. Even the air -- the flow of air, cold air, besides just the temperature and all that.
Q. After you were asked to ask if her body as it appeared was consistent with January 13th, the only opinion you rendered was that, "Well, it's consistent"?
A. Consistent with, yes.
Q. Is that correct?
A. Certainly.
Q. That's the best estimate that you can give us?
A. Yes.
Q. And the way that her body appeared, Dr. Korell, would also be consistent, if she were manually strangled, --
A. Yes.
Q. -- by another human being, but that manual strangulation occurred on January 14th, would it not?
A. Certainly.
Q. And it would be consistent also if she were manually strangled by another human being and that manual strangulation occurred on the 15th --
A. Correct.
Q. -- of January?
A. Right.

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Q. Or the 16th even?
A. Yes.
Q. Or the 17th?
A. Yes.
Q. Or any time forward to the time when the body was buried to within, if you backtrack, a couple of weeks; is that correct?
A. Right.
Q. A couple of weeks from February 9th, when her body was discovered?
A. Right.
Q. Is that correct? Now, Dr. Korell, you also were asked about things with the cause of death being strangulation, you spoke and you spelled for us petechiae hemorrhages?
A. Yes.
Q. Okay. And you've defined for us hemorrhaging is a word that most of us lay people would describe as bleeding; is that correct?
A. Right; yes.
Q. The petechiae hemorrhages that you have described are on the eye, are they not?
A. Yes.
Q. Inside the eye; is that correct?
A. Yes.

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Q. And inside the eyelid itself; is that correct?
A. Yes.
Q. By the hemorrhaging or bleeding you meant that it's the petechiae which is -- I don't know, is it an organ? Is it a body part? What?
A. No. It's a tiny blood vessel also that breaks.
Q. Okay. The bleeding that you could observe in your expert opinion; correct?
A. Yes.
Q. And, in fact, it is one of the signatures of strangulation that you always attempt to observe when you believe strangulation may be the cause of death; is it not?
A. Correct.
Q. It's the trademark of strangulation; is it not?
A. Yes.
Q. Because of what happens to the body when the pressure cuts off the blood flow --
A. Yes.
Q. -- of blood to the brain into the heart; correct?
A. Yes.
Q. Now, could ordinary people, without your expertise, observe the hemorrhaging/bleeding that you've described?

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A. You mean a lay person?
Q. Yes.
A. I would doubt it.
Q. Okay. And would that hemorrhaging/bleeding actually produce blood that came out of the eye?
A. No.
Q. Would it produce blood that came out of any other body part anywhere on a person such as this, where you observed the petechiae hemorrhaging?
A. No. These petechiae hemorrhages in the eyeball are capillaries that break, but they break into the tissues of the eye itself. So it doesn't come out.
Q. So they wouldn't -- they would not produce blood on the exterior of the body?
A. Certainly not.
Q. Either from the eye or from any other orifice?
A. Right.
Q. They certainly wouldn't produce blood from the nose?
A. No. These are not petechiae hemorrhages. The bleeding from the nose would be larger bleeding areas of bleeding after decomposition or something like that.
Q. After decomposition, --
A. Yeah.
Q. -- meaning after death?

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A. Right.
Q. Is that correct?
A. Yes.
Q. So there wouldn't be bleeding that if that occurred, and you observed it -- by the way, did you observe that?
A. What?
Q. Bleeding that was related to decomposition?
A. No.
Q. No. And, Dr. Korell, the hundreds or thousands of autopsies that you've conducted, you rely on others both from your office and from other agencies, to bring you bodies that have not been tampered with subsequent to their being found?
A. Right.
Q. You rely on that, do you not?
A. Yes.
Q. And you were aware that this body was, in fact, disinterred, taken from the shallow grave, --
A. Yes.
Q. -- packed up and sent to your office by a coroner, by a pathologist?
A. Yes.
Q. Were you not?
A. Yes.

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Q. You were given that information, were you not?
A. Yes.
Q. And by disinterment, you were aware that that pathologist took great care to not do anything else to the body, --
A. Yes.
Q. -- or to do the least amount of possible by disinterring it and then doing something; correct?
A. Correct.
Q. And if the body was injured in the disinterment or the travel to your office, because that injury would clearly have occurred after death, it would look different to you, would it not?
A. Certainly.
Q. And you would be able to tell that it was post-death injury, would you not?
A. Yes.
Q. And you noted no such post-death injuries on the body of this young woman, did you?
A. Correct.
Q. Correct. And if you had, you would have reported them in your autopsy report, would you have not?
A. Yes.
Q. Now, you spoke of other injuries to the strap

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muscles? Is that how you say it?
A. Yes.
Q. S-T-R-A-P?
A. Yes.
Q. Those are muscles that are inside the neck; correct?
A. Yes.
Q. Okay. What I call the neck from your chin down to your breast bone.
A. Yes, you know, behind the skin.
Q. Okay. Meaning underneath the skin?
A. Yes.
Q. They're not external?
A. Certainly not.
Q. You can't touch them from the outside, can you?
A. You can feel the big one here.
Q. But its' from the inside? What you are feeling is a muscle contained entirely within the body?
A. Right.
Q. Is that correct? And so the hemorrhaging, the bleeding as you referred to it, bleeding into the strap muscles, occurred entirely inside the body of this young woman?
A. Yes.
Q. Did it not?

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A. Yes.
Q. And you observed no opening on the neck or this area from the chin all the way down to the breast bone --
A. Right.
Q. -- that was open?
A. No, nothing was open.
Q. No injury?
A. Right.
Q. No cut?
A. Right.
Q. No bleeding through?
A. It was all internal, yes.
Q. Okay. All internal, nothing external; correct?
A. There was only that bruise on the front of the neck, yes.
Q. Okay. And by bruise, you are describing something different than bleeding?
A. Well, bruise or contusion is bleeding under the skin.
Q. On the inside; correct?
A. But still on the inside, yes.
Q. And bruising is a natural process that occurs when there's an injury to any part of the body, internal or external, while a person, while a body is alive?
A. Correct.

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Q. Because if a body is dead, and it's bruised, it doesn't bleed, --
A. Yeah.
Q. -- because blood is no longer flowing; is that correct?
A. Because the heart had stopped, yes.
Q. Okay. The heart stopped and therefore, if a body were injured post-death, you would see no evidence of bruising; is that right?
A. Right.
Q. But again, let me make sure. In this area of the body that you examined, that you have reported on, of an unidentified young woman whose body was delivered to your office on the 9th of February, you observed no external bleeding or source of external bleeding, meaning external to the body in this entire area of the neck down to the breast plate?
A. Correct.
Q. And if you had, you certainly would have noted it on your report, would you have not?
A. Certainly.
Q. Dr. Korell, you also spoke of the hyoid fracture?
A. Yes.
Q. That was what you call in parlance of

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pathologists, that was also evidence of injury; was it not?
A. Certainly.
Q. Okay. And by fracture you meant the bone to which the human tongue is connected was broken?
A. Yes.
Q. Okay. And its being broken is not a normal condition?
A. Certainly not.
Q. Is that correct? And in your experience, Dr. Korell, that bone being broken is entirely consistent with the evidence that you saw that led you to your opinion of strangulation as the cause of death; was it not?
A. Correct.
Q. Okay. And that, you also described, there was some bleeding at the site of the fracture?
A. Yes.
Q. Okay. And that would also be consistent with what you observed with other injuries internal to this young girl's neck; is that correct?
A. Right.
Q. There was no evidence of blood that exited the body relative to the fracture of the hyoid bone, was there?

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A. Correct. Correct.
Q. The only evidence was inside?
A. Yes.
Q. And you literally get inside the bodies you autopsy by opening them up according to your trained expertise; is that correct?
A. Right. Yes.
Q. To give you the maximum and best view of both the external view of an entire body that you're examining; correct?
A. Correct.
Q. That you observe very carefully; correct?
A. Yes.
Q. Particularly when you have a body such as the body of this young woman that came to you on the 10th, and you know nothing about the circumstances that caused her death before you start to autopsy her body; is that correct?
A. Correct.
Q. You first carefully examine the external parts of the body; is that correct?
A. Yes.
Q. And did you note any blood that appeared visible related to any injury that you later observed internally?

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A. No.
Q. And if you had so observed externally, you would have, in your expertise, noted it on your autopsy report, would you have not?
A. Correct; certainly.
Q. You're trained to do that, are you not?
A. Yes.
Q. In fact, when you conduct an autopsy, you dictate it as you go along?
A. No.
Q. Okay. Do some pathologists do so?
A. When we put our findings on a paper, and we have a sketch, and we write on that, and then we go and dictate from that.
Q. And you dictate from the notes that you make contemporaneous with conducting the autopsy?
A. Correct.
Q. Okay. And you're very carefully trained to be as accurate and thorough as you can, are you not?
A. Correct.
Q. Okay. And you conducted this autopsy with that accuracy, did you not?
A. Yes.
Q. And with that thoroughness, did you not?
A. Right.

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Q. And if you had seen any evidence of blood on the external parts of this once live body, you would have noted it?
A. Certainly.
Q. And you didn't see so, did you?
A. Right.
Q. Okay. Now, the skin slippage that you observed, Dr. Korell, would that be visible to someone without your expertise?
A. Well, somebody would see that the skin is not normal and that it's sort of soft and tearing slightly off, especially epidermis. You could --
Q. The epidermis is the skin; right?
A. Yes. You know, you could see, but I don't know if you could make, a lay person could put two and two together, I don't think so.
Q. But if a lay person saw skin slippage in the state that you observed in this young woman's body, they could observe that there was something wrong with the skin?
A. Yes.
Q. Okay. And skin slippage -- by slippage, that is a word commonly used in every day parlance. Is that similar to its meaning as you've used it as an expert?
A. Yes.

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Q. Slipping from where it was; is that correct?
A. Right. Yes. Yeah.
Q. Not appearing in the same place where it appeared when that person's body was alive; is that correct?
A. Correct.
Q. Okay. In the -- the bruises that you were asked about, Dr. Korell, on the head, you pointed, I guess on the left side of your head --
A. No. Right side, right side.
Q. But it actually appears on the right side, correct?
A. It's on the right (inaudible) and right temporalis muscles. So it would be here and here.
Q. Okay. And you pointed to the back of head; right?
A. Yes, that's occipital.
Q. Behind the ear but fully in the back of the head; correct?
A. Yes, yes. Yeah.
Q. And a bruise that appears above --
A. In the temple area.
Q. -- the eyebrow; is that correct?
A. This would be temple, yes.
Q. Okay. The temple. And both of those bruisings

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were bruisings that you can clearly determine occurred before death, because otherwise they would not appear as bruising?
A. Right.
Q. Right? Because if they occurred after death, you might see other evidence of injury, but it wouldn't appear as bruising?
A. Correct.
Q. Is that correct?
A. Yes.
Q. Because again, the bruising that you described occurred inside the head?
A. Correct.
Q. Inside the body?
A. Correct.
Q. Is that correct?
A. Correct. Correct. Yes.
Q. Even though you use the same word bruising to describe something that would appear outside on the skin, also; correct?
A. Yes.
Q. And that's because that's medically --
A. It's the same way, the same -- it's produced the same way, yes.
Q. The body produces the evidence of injury in the

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same way; is that correct?
A. Right; correct
Q. Whether it appears externally somewhere on the epidermis or inside the body; is that correct?
A. Right.
Q. And that's why you use the same term. As to either of those injuries that you describe as bruising inside, there was no evidence of breakage of skin at or near the locus of that bruising, the placement of that bruising?
A. Correct.
Q. There's no breakage that would leak any of the bleeding, the hemorrhaging that causes bruising, from inside what you observed to outside the skin?
A. Correct.
Q. Is that correct?
A. Correct.
Q. Either as to the bruise behind the temple; is that correct?
A. Right.
Q. Or as to the bruising that you saw on the back of the head?
A. Right.
Q. Right. And if you had observed any break that would create any evidence on the external body of this

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young girl, you again, would have reported it, would you have not?
A. Correct.
Q. Thank you.
The blood that you described that might come or might appear you were asked for instance, on the shirt, the State's Attorney told you that that was blood, but you didn't examine it, did you?
A. No. It looks like pink material consistent with --
Q. Consistent with blood?
A. Yeah, yeah.
Q. It's not surprising to you to be told that somebody else has determined it to be blood; correct?
A. Right. Usually the lab, the police lab does that determination.
Q. But you were never submitted any results of anything to ask you to put inside your autopsy report, were you?
A. Correct.
Q. And you weren't asked to conduct any tests on any shirt regarding any fluid that may have come from the body that you autopsied on February 10th?
A. Correct. And it's -- our office doesn't do those types of tests. It's the police lab that does

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those types of tests.
Q. Right. And so you weren't surprised that nothing else was submitted to you?
A. Correct.
Q. There's nothing abnormal about that; is that correct?
A. Correct.
Q. There are times when things that are important and relevant to your autopsy are submitted to you, are they not?
A. Correct.
Q. Okay. Now, one of the things, though, that you described was because the lungs, the fluid in the lungs, what happens as a result of decomposition, or the contents of the stomach, including the normal contents of the stomach, excluding what one puts into the body, things happen to those contents after death; is that correct?
A. Yes.
Q. And that's also part of the normal --
A. And may I say also --
Q. Certainly.
A. -- the lungs, the congestion edema occurs during the process of dying also.
Q. But the evidence of that --

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A. Yes?
Q. -- what happens through the decomposition of the fluid in the lungs or the stomach, takes place over time, does it not?
A. Yes.
Q. You would not expect to appear immediately, the fluid from the lungs, outside the body through the mouth, would you?
A. Yes. May I say something?
Q. Yes.
A. The pulmonary edema and congestion appears, can appear during the process of death because essentially there is backup of -- I mean --
Q. By reason of the pressure on the neck --
MS. GUTIERREZ: Objection.
THE COURT: Sustained. Please let her finish the answer.
You may finish your answer, Doctor.
THE WITNESS: Thank you.
There is lack of oxygen to the brain. The brain also is involved in determining the rhythm of the respirations. Then there is a backup of fluid in the lungs. But the person is not quite dead and that pulmonary edema, it's like a person with a heart attack. Pulmonary edema can come while still the person is alive.

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BY MS. GUTIERREZ:
Q. Because sometimes death is not a process that only takes 10 or 15 seconds; correct?
A. Right.
Q. In fact, you can't tell us how long the death of this young woman took place?
A. No.
Q. And you can't tell us when it took place?
A. Correct.
Q. And your autopsy doesn't report any findings of evidence on her body of that process, does it?
A. Well, the lungs are quite heavy --
Q. By "heavy," you mean heavy in weight?
A. Yes.
Q. Okay. And is that indicative of that process?
A. Of congestion and edema, yes.
Q. Okay. Did you speculate -- did you render any opinion regarding when that edema took place, if at all?
A. As I said before, it's non-specific, but it occurs during, or a little bit before, during the process of dying or even before dying, because of the backup of fluids because of the backup of the general circulation.
Q. Does that same --
A. You know, the heart slows down and there is a backup of fluids.

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Q. Okay. That same process -- would that same process apply to the contents of the stomach?
A. That's a little bit different, because that's again, when circulation stops in the stomach, the lining of the stomach breaks down. But that wouldn't be necessarily -- that's more after death. And the breakage of small capillaries in the nose, that's a process more often -- you know, after death.
Q. After death.
A. Yeah.
Q. Did you, in your report, note any evidence of any fluid from the lungs coming out of anyplace externally on this young girl?
A. No.
Q. And if you had, you would have noted it, would you have not?
A. Yes.
Q. Okay. Because that may have some significance to the manner or cause of death, might it?
A. Right.
Q. And you didn't note any such observations, did you?
A. Correct.
Q. Dr. Korell, you examined the body of this young girl fully, did you not?

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A. Yes.
Q. And you included looking at her hands?
A. Yes.
Q. And you were aware that she was not yet identified, were you not?
A. Right.
Q. And during an autopsy, is it ordinary and routine to clip the fingernails of the person whose autopsy you're doing?
A. Yes.
Q. And did you do so?
A. I don't quite remember, but yes, I think. Yes.
Q. You think you did?
A. Yeah, yeah, yeah.
Q. You would have ordinarily done that, would you have not?
A. Yes.
Q. There would be nothing out of the ordinary to clipping the fingernails of the body submitted to you for autopsy?
A. Correct.
Q. And like other things that you recover from the body, once you clip them, you don't analyze them. They're then sent to a lab, are they not?
A. Correct.

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Q. Okay. And you're not the one that determines what, if any, scientific tests are performed on evidence that you then submit as a result of your autopsy?
A. Correct.
Q. Is that correct? Now, Dr. Korell, also after death -- on the death of any woman generally you conduct an examination to see how recent sexual intercourse has taken place, if at all, do you not?
A. Yeah. We do what we call "smears."
Q. Smears. And that's -- the smears is to -- by testing the inside of a woman's private parts to determine for the presence of a substance not her own; correct?
A. Correct.
Q. Being semen; is that correct?
A. Right.
Q. Or some other substance, but generally you conduct the smears so that that can also be tested to determine for the presence of semen?
A. Correct.
Q. Is that correct?
A. Correct.
Q. And that's a test that you do in your lab; isn't that correct?
A. Certainly, that we do.

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Q. That's pretty easy. You do it on a smear, then you look at the slide and you can tell if semen is present, is it not?
A. And we do also what's called "acid phosphatase."
Q. That's to test for a specific -- I guess is acid phosphate a chemical?
A. Yes. It's a chemical an enzyme that's in the prostatic fluid of a man.
Q. Of a man?
A. Yes.
Q. So that you would be able to tell by the level of acid phosphotate if, in fact, even before knowing conclusively that sperm was inside the woman whose body you were examining; is that correct?
A. Correct.
Q. And did you, in fact, do a smear to determine whether or not there was semen inside the body of this young woman?
A. Yes.
Q. And was there?
A. No.
Q. Okay. And you conducted that yourself, did you not?
A. Yes.

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Q. And you put that on your autopsy, did you not?
A. Correct.
Q. Okay. And did you also conduct or collect swabs --
A. Yeah.
Q. -- for acid phosphotate?
A. Correct.
Q. You collected swabs from the vagina of this young woman?
A. Yes.
Q. And you also collected swabs of her mouth, did you not?
A. Yes, and anus also.
Q. And anus. And that's all normal; is it not?
A. Correct.
Q. Okay. And did those tests, those swabs, reveal the presence of acid phosphotate in sufficient quantities to indicate the presence of semen?
A. No.
Q. No. In fact, your test indicated a level of acid phosphotate far below what you would expect to see, if, in fact, she had semen?
A. Correct.
Q. Anywhere in your body where you collected the swabs?

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A. Correct.
Q. In her anus?
A. Yes.
Q. In her vagina and in her mouth?
A. Correct.
Q. And so your autopsy reflects that there is no evidence inside her body of recent sexual activity?
A. Correct.
Q. And by recent sexual activity semen is produced by a male; correct?
A. Yes.
Q. And semen -- the evidence of semen inside a woman's body on any of the three orifices we've discussed, can remain there for how long a period of time?
A. Well, it depends on the medium it is in. But it can stay several days, yes.
Q. Several days.
A. Yes.
Q. It would also depend upon whether or not -- you say the medium whether that body is dead or alive, would it not?
A. Certainly.
Q. Certainly. Okay. So from your examination, you cannot detect any physical evidence that suggests

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that she had recent sexual activity?
A. Correct.
Q. And your performing those tests was part of the normal routine of any autopsy; is that correct?
A. Correct.
Q. You weren't asked to do anything special here?
A. Certainly not.
Q. And you did not?
A. Right.
Q. If it had been called for, you would have done something special; would you have not?
A. No. This is routine.
Q. This one was routine?
A. Yes.
Q. Okay. There was nothing that you saw either inside or outside the body, whether it would have been visible to those of us who are lay people or not, that gave you concern about your opinion as to what was the cause of death, did it?
A. Correct.
Q. Or as to what was the manner of death?
A. Can you rephrase that, please?
Q. Certainly, I'll try. Meaning that it was a homicide?
A. Yes.

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Q. There's nothing about what you saw that made you even hesitate to render that opinion?
A. Correct.
Q. Correct.
(Pause.)
MS. GUTIERREZ: Thank you, I have nothing further, thank you, Dr. Korell.
THE COURT: Redirect?
MS. MURPHY: Nothing, Your Honor.
THE COURT: Very good. May the doctor be excused?
MS. MURPHY: Yes, Your Honor.
THE COURT: Thank you, Doctor.
THE WITNESS: Thank you, Your Honor.
(The witness was excused.)
THE COURT: Next?
(Pause.)
MR. URICK: At this time the State will call Melissa Stangroom to the stand.
THE CLERK: Raise your right hand, please?
Whereupon,
MELISSA STANGROOM
a witness produced on call of the State, having first been duly sworn, was examined and testified as follows:
THE CLERK: Okay. Ma'am, you may lower your

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hand. You may be seated.
Will you please state your name and address for the record? And would you please spell your first and last name?
THE WITNESS: Melissa Stangroom, S-T-A-N-G-R-O-O-M. I am at the Maryland State Police Crime Laboratory, 1201 Reisterstown Road, Pikesville, Maryland.
THE CLERK: Thank you, ma'am.
THE COURT: Yes.
DIRECT EXAMINATION
BY MR URICK:
Q. Good morning, Ms. Stangroom.
A. Good morning.
Q. Where are you employed again?
A. The Maryland State Police Crime Laboratory.
Q. And how long have you been employed there?
A. Almost five years now.
Q. And what is your current position there?
A. I am a Forensic Chemist II in the Biology DNA Unit.
Q. And what are your job duties?
A. I analyze physical evidence that comes into the Crime Lab for the presence of blood and semen and other body fluids and then I perform DNA testing on them.
Q. What previous work experience have you had?

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A. I've been basically been working in a laboratory for the past ten years. I started out working in a clinical laboratory in a hospital setting in 1990, where I was a Laboratory Assistant, and I drew blood from patients.

I then went to the Washington Fertility Study Center in Washington, D.C., where I was a Medical Technologist that performed semen analysis for donor and fertility study purposes.

I've worked at Planned Parenthood in Washington, D.C., as a Medical Technologist, American Medical Laboratories as a Medical Technologist in the biology -- excuse me, in the microbiology department.

And I have also interned at the Northern Virginia Division of Forensic Science when I was in graduate school.

I'm also a part-time faculty member currently at Villa Julie College in Baltimore, Maryland, where I teach an introduction to forensic science class.

Q. What is your educational background?

A. I have a Bachelor of Science degree from the University of Buffalo in Medical Technology. And I have a Master of Science degree from the George Washington University in forensic science.

Q. And what type of training have you had in the

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field of forensic DNA analysis?

A. I've been to a number of workshops concentrating on forensic DNA analysis, one including a two-week training session in Quantico at the F.B.I. Academy.

I attend regular meetings in forensic science, as well.

Q. Do you belong to any professional organizations?

A. Yes, I do. I'm currently a member of the American Academy of Forensic Scientists, and a member of the Mid-Atlantic Association of Forensic Science.

Q. Has any court in the State of Maryland ever previously qualified you as an expert witness?

A. Yes. I've previously qualified here in Baltimore City, Prince George's County, Cecil County, Allegheny County, and New Castle County, Delaware.

Q. And have you been qualified as an expert in serology?

A. Yes, I have.

Q. And in DNA?

A. Yes, I have.

MR. URICK: At this time I'd like to offer Melissa Stangroom as an expert in the field of forensic DNA profiling.

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MS.GUTIERREZ: We would have stipulated to her expertise.

THE COURT: Very good. Then, Ms. Stangroom is qualified as an expert in forensic DNA analysis.

BY MR. URICK:

Q. Ms. Stangroom, if you could, just briefly tell the jury what DNA is?

A. DNA is the blueprint of life. It is found in all of our nucleated blood cells. All of our DNA is different with the exception of identical twins.

We inherit our DNA from our parents, so that we get half of our DNA from our mother and half of our DNA from our father.

DNA, because we all have different DNA's, is useful for forensic scientists, in identifying a perpetrator in a crime, for example.

Q. And where is DNA found in humans?

A. In the nucleated cell of the body. It doesn't matter if it's from a blood -- white blood cell that's from your blood or if it's found in a cheek cell from your cheek, it's going to all be the same DNA.

Q. By nucleated cell, do you mean a cell that has a nucleus?

A. Yes, I do. You can think of it -- the nucleus of the cell is the yolk of an egg. It's the central part

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of the cell.

Q. Now, there are cells in the body that do not have nucleuses?

A. Yes, the immature red cell is nucleated, but the mature circulating red blood cell in our blood actually is not nucleated. So, it's the white blood cells in our blood that the DNA -- has the DNA.

Q. Is it a generally accepted fact that everyone, other than identical siblings, will have different DNA?

A. Yes, that's true.

Q. In short, what is forensic DNA profiling?

A. Forensic DNA profiling is also known as "RFLP analysis" for short. It stands for restricted fragment length polymorphism. It's basically looking at certain areas of our DNA and comparing them among individuals.

Q. And would this be a new technology?

A. No, it's been around now since at least 1985.

Q. What other fields utilize RFLP analysis?

A. Primarily, the medical community uses it most often to diagnose diseases and to find traits that are related to one another, such as the gene that might be associated with breast cancer.

It's also used widely in the paternity laboratories, as well, to determine who a father, potential father might be.

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Q. Are there any other laboratories that might use it?
A. Yes. Many labs across the country utilize RFLP technology.
Q. Have you successfully completed any proficiency tests at the Maryland State Police?
A. Yes, I have.
Q. Can you explain what that means?
A. Proficiency testing is necessary to make sure that all of us working in the laboratory are doing the right job and we're up to par in the reports that we give out to the community.
And, it is required that I am proficiency tested twice a year at the State Police. And I have been, and I have successfully completed all of my proficiency tests.
Q. What is T-W-G-D-A-M?
A. That's an acronym that stands for TWGDAM. It's the technical working group on DNA analysis methods. And, basically, it's just a group of individuals, of scientists from laboratories across the country and Canada, that come together and talk about current advances and the current methodologies used in DNA analysis.
And they set forth guidelines for other

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laboratories around the country to follow. So they set standards for all of us as forensic chemists to follow while we're doing our DNA work.
Q. Does the Maryland State Police Crime Laboratory DNA Unit adhere to TWGDAM guidelines?
A. Yes, we do.
Q. Did there come a time when you were requested to conduct DNA profiling testing in the investigation of the death of Hae Lee Min with various suspects, including the defendant today, Adnan Syed?
A. Yes.
Q. Can you tell the members of the jury what samples were submitted to you for your analysis?
A. On September 24, 1999, I received in the State Police Crime Laboratory, a blood sample from Hae Min Lee, a blood sample from Adnan Syed, one blood sample from Jay Wilds, and a blood sample from a shirt.
And these items were received from Sal Bianca from the Baltimore City Crime Lab.
Q. And did you indicate when you received that evidence?
A. Yes. That was September 24th, 1999.
Q. If you would, please explain the procedures used by the laboratory to conduct your testing? In short, explain DNA and the testing performed?

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A. Okay. Basically, when I received the blood samples from the shirt, the first thing I'm going to do is cut the sample up, cut the blood stain up. In this case, it was, I believe, around the size of a quarter.
I cut it up and place it into a plastic small tube and add some chemicals. This is going to start my extraction phase of the analysis. In other words, I'm going to break open the nucleated cells and now take out the DNA from the cells and isolate that.
The next thing I'm going to do is cut the DNA up into fragments because I want to isolate the areas of variation. I want to only concentrate on the areas that we vary in and leave all the other DNA out.
Because in actuality, 99 percent of our DNA is the same. That's why we all have two arms and two legs, and one head.
Most of our DNA codes for the same thing, but there's the one percent of this variation that I'm going to zone in on and compare.
So I'm going to compare the DNA profiles that are found in the questioned sample to the DNA profiles that are found from the individual's -- the known blood standards that I had received from Hae Min Lee, Adnan Syed, and Jay Wilds.
Q. Were you able to reach a conclusion based on

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your testing and analysis of the evidence received?
A. Yes, I was.
Q. And what was conclusion? Pardon me. And upon what do you base your conclusion?
A. I have my report with me, I'd like to read from.
Q. If you would, please?
A. The DNA profiles obtained from the blood samples from the shirt match the DNA profiles from the known blood standards of the victim, Hae Min Lee. Hae Min Lee cannot be excluded as a possible donor of the DNA extracted from the blood samples from the shirt.
The probability of selecting an unrelated individual at random from the Caucasian and African-American populations having DNA profiles matching the blood samples from the shirt, is as follows:
This is from the F.B.I. database.
The Caucasian frequency is one in 1.7 billion. And the African-American frequency is one in 4.1 billion. The DNA profiles from the blood samples from the shirt do not match the blood samples obtained from the suspects Adnan Syed and Jay Wilds.
Q. What is a lumograph?
A. The lumograph is a piece of X-ray film that is my final product of my entire RFLP analysis. And it's

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what I bring to court to show the jury of my final work product.
Q. Would this be an appropriate time to show the jury the product?
A. Sure.
MR. URICK: Your Honor, I'm not certain if the two alternate witnesses over there can see the screen. They might want to move around a bit.
THE COURT: How about it, Jurors? Can you see the screen from there? You can move your chairs if it will make it easier.
Everybody see?
BY MR. URICK:
Q. Let's test one first just to make sure they focus.
A. This piece of X-ray film here is known as a lumograph. This is just what I said. It's a piece of X-ray film that I'm going to put into contact with my final RFLP product.
I'd like to briefly describe to you what each lane represents so you have an understanding of what we're looking at.
This first lane here, this is a size ladder or a size marker. This is like my ruler. All of these bar code looking things, these are my rulers that I'm going

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to use to measure all of the information in here. Because --
THE COURT: Ms. Stangroom, would you like a marker? A pointer?
THE WITNESS: Oh, yes, I would. Thank you.
Okay. So we have four rulers that I'm going to use to size all the information in between.
Remember I said you get half of your DNA from your mother and half of your DNA from your father, so that we are going to end up with two bands or two fragments. And these are represented by -- these are represented by, for example, in the first lane, marked "victim," you see a band here and a band here.
There's a lot of smearing going on, and that's because the victim was deceased and her blood sample was breaking down.
But if you look very closely, you can see a dark band here and a dark band here. That's her DNA profile at Chromosome Number 4. I'm going to be looking at six different areas on the DNA, so six different chromosomes. This represents one profile at one chromosome.
Moving on to the next lane, we have the suspect, Adnan Syed. He has a band here and a band here. Comparing the victim's banding pattern to his, you can

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see that the bands lie at different areas on the lumograph.
We have another internal marker, or an internal ruler, and then we move on to the next sample lane, and that's represented with the suspect Jay Wilds.
His sample bands are one up here and one down here. Again, his banding pattern is different than the other two individuals.
I have an empty lane next. And then down here is our sample lane, two bands that line up and match visually and mathematically with those bands from the victim.
And then I have in the very second lane AC is represented, that means my allelic control. That is one of my internal controls that I run on every single lumograph that I have. That is going to make sure that these two bands do not size appropriately, then I know something went wrong during my analysis, and the entire result is null or I throw it away.
In this case, these two bands sized what they were supposed to. It's a national control. All laboratories in the country use this. All forensic labs use this internal control.
I also have another standard down in this lane, and it's an in-house blood standard that I'm going to

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extract at the same time I extract my samples. So that if something goes wrong again, I have yet another standard to fall back on to prove that everything worked as it should have.
So summing this up, Chromosome Number 4, we have the victim matching the evidence, the two suspects being excluded.
Would you like me to show another one?
Q. Would it be helpful to show the jury more of those?
A. We can throw one more up on the screen.
Okay. This is another chromosome location. This is Chromosome Number 1. The first one I showed you is Chromosome Number 4.
Again, this is just to show you -- we've got a lot of degradation going on, but we have the top band of the victim is here, and her bottom band is down here.
The suspect's bands are here. Jay Wilds' bands are here. The evidence matches the victim. And I do this six times, but for time's sake, I just wanted to show you two.
Q. Thank you very much.
(Pause.)
BY MR. URICK:
Q. Are all of the procedures that you just

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described generally accepted in the scientific community?
A. Yes, they are.
Q. If any of the steps in the procedure did not work right, what results would be obtained?
A. I wouldn't get any results. A DNA profile cannot be created. I just would -- if something went wrong during my procedure, I wouldn't get any results.
Q. And is the case work and the conclusions drawn, subject to peer review?
A. Yes, they are. At least one other analyst, one other qualified analyst, usually my supervisor, looks at my work and has to agree with my conclusions before it's sent out.
Q. And again, to a reasonable degree of scientific certainty, what are your opinions concerning the conclusions of this case?
A. That Hae Min Lee cannot be excluded as a possible donor of the DNA extracted from the blood samples from the shirt.
MR. URICK: Witness with the defense.
THE COURT: Cross?
MS. GUTIERREZ: Yes.
CROSS-EXAMINATION
BY MS. GUTIERREZ:
Q. Ms. Stangroom, let me make sure I get this

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straight. You report your results by referring them to the probabilities of making an error; isn't that correct?
A. Are you talking about the frequencies that I read?
Q. Yes. The frequencies that you reported to us?
A. Actually, no, that's not true. The frequencies --
Q. Read it again please?
MR. URICK: Objection.
THE COURT: Sustained. Again, please let the witness finish her answer.
THE WITNESS: The frequencies, maybe I could explain it one more time.
The frequencies that I read off are the frequency of finding that DNA profile in the population. So other than Hae Min Lee having that profile, who else, how many other people would I have to look at in the population to find it again?
BY MS. GUTIERREZ:
Q. Okay. Now, Ms. Stangroom, you first told us, on Mr. Urick's questioning, that each of us are unique, other than identical twins, are we not?
A. Yes, that is true.
Q. So you wouldn't expect to find some other member of any group of population to have the same DNA as

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Hae Lee; correct?
A. That is true.
Q. Okay. So the frequency as you report it, is really a frequency for the rate of error, is it not?
A. No. It's not.
Q. Okay, fine. Now, Ms. Stangroom, you reported it as 1.7 billion, one in 1.7 billion?
A. That is correct.
Q. And that was for Caucasians; correct?
A. Yes.
Q. And one in 1.4 billion for African-Americans?
A. That's correct.
Q. And were you aware of who Hae Min Lee was?
A. No.
Q. You only had a sample of her blood; correct?
A. That is correct.
Q. That somebody else had collected; correct?
A. That's correct.
Q. And were you aware that she was not a Caucasian?
A. No.
Q. And that she was not an African-American?
A. No.
Q. The two other blood samples that you analyzed, ma'am, to which you found no correlation to the blood on

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the shirt -- correct?
A. That's correct.
Q. -- were listed to you as being suspects, were they not?
A. Yes.
Q. On paper work submitted to you from the Baltimore City Police Department; isn't that correct?
A. Yes.
Q. And there's nothing unusual about paperwork asking you to compare various types of blood to see if something matches; correct?
A. That's correct.
Q. And by the word "match" you understand what I mean by that; correct?
A. Yes.
Q. Your job, based on your experience, was to look at the blood stain on a shirt and see if any one of those three people, the victim, and two suspects matched -- their blood matched, whatever that means, the blood that was determined to be on the shirt; is that correct?
A. Yes.
Q. And that's why you performed every single thing that you just spent half an hour telling us about; correct?
A. That's correct.

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Q. You can't tell, in your analysis -- can't tell us when that blood, which you've essentially identified as belonging to the victim, got there, can you?
A. The time frame?
Q. Yes, ma'am?
A. No, I cannot.
Q. Okay. And you can't tell us how the blood on the shirt you've identified as belonging to Hae Min Lee got there?
A. No, I cannot.
Q. Or under what circumstances; is that correct?
A. Yes.
Q. All you can tell us is that between the three samples that you analyzed, it's Hae Min Lee's blood and not Adnan Syed's; correct?
A. I'm actually telling you more than just that.
Q. Well, are you telling us that, ma'am, yes or no?
A. That's one of the things I am reporting.
Q. You're also telling us that that blood is Hae Min Lee's and is not Jay Wilds'; is that correct?
A. That is correct.
Q. Now, you don't know who Adnan Syed is, do you?
A. No.
Q. Other than that you're in a trial that bears

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his name; is that correct?
A. That's correct.
Q. His name appeared on the summons issued to you to come and tell us these things, did it not?
A. Yes.
Q. And you don't know who Jay Wilds is, do you?
A. No.
Q. And you don't actually know, other than that his name appears listed as a suspect on the paperwork that was submitted to you; is that correct?
A. That's correct.
Q. And the first time this blood from the shirt, or from Hae Min Lee, or Adnan Syed, or Jay Wilds was submitted to you personally or to your office, was the 24th of September; is that correct?
A. That's correct.
Q. It wasn't submitted to you back in February, after February the 10th, 1999, was it?
A. No, I received it in September.
Q. Okay. And if it had been submitted earlier, you would have known about it, would you have not?
A. Yes.
Q. Okay. Samples that are submitted to your lab for analysis don't just get lost, do they?
A. No.

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Q. You take good care of them, don't you?
A. Yes.
Q. Okay. And all of the analysis that you've performed has been performed since September the 24th, 1999; right?
A. That's correct.
Q. Okay. Now, would it matter to your analysis to know that the shirt from which or against which you were to match the samples of Hae Min Lee, Adnan Syed, and Jay Wilds, came from Hae Min Lee's car?
A. Would it matter in my analysis?
Q. Yes, ma'am?
A. Not really, no.
Q. Not at all because all you are doing is matching blood samples with blood samples to see if they match on any level, are you not?
A. That's correct.
Q. And to exclude blood samples from being compared to other blood samples; is that correct?
A. That's correct.
Q. That's why when you reported your results, you reported it as at the end that Hae Min Lee could not be excluded as the source of the blood on the sample taken from a shirt; is that correct?
A. That's correct.

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Q. Okay. Now, you had not been -- you already knew, because it was reported to you that the blood on that shirt had already been identified as human blood prior to 9-24 -- were you not told that or given that information?
A. Just on the chain of custody it's noted that it was a blood sample.
Q. Okay. And so that meant to you, in your expertise, that some other scientist had determined that it was blood; correct?
A. That is correct.
Q. And that it was blood from a human being; correct?
A. That's correct, yes.
Q. And as differentiated as blood from some other species; is that correct?
A. It just said "blood sample."
Q. Okay. And that you had been given information that this was a criminal case; is that correct?
A. That is correct.
Q. Okay. And you had no control over the number of samples that might be submitted to you; is that correct?
A. Yes.
Q. If you had been given three suspects' names,

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you would have compared them all, would you have not?
A. Yes.
Q. Or four; is that correct?
A. Right.
Q. Or five even, or more; is that correct?
A. Yes.
Q. Is that correct?
A. Yes. That is correct.
Q. Okay. And you would have done anything that was asked of you, would you not?
A. Yes.
Q. Would you have not? Much like you did here; is that correct?
A. That's correct.
Q. So essentially what you can tell us is that the source, in layman's terms, the source of the blood in the line that you've outlined, indicates that the blood that had been predetermined to be human blood on the shirt found in Hae Min Lee's car, was her own; is that correct?
A. That is correct.
Q. Thank you.
MS. GUTIERREZ: Nothing further.
THE COURT: Any redirect?
REDIRECT EXAMINATION
BY MR. URICK:

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Q. You had started to say that you were actually saying more than the defense counsel was putting into her question. Please explain what you meant by that?
MS. GUTIERREZ: Objection.
THE COURT: Overruled.
THE WITNESS: I am not only saying that the blood sample matched Hae Min Lee, but I'm also going a step further and telling you that there were two people that it did not match, and that the frequency is also important in this case because it tells you how rare or common this type of a profile is in the population.
Yes. I did say that all of our DNA is unique, and that is very true. But because I'm only looking at six areas of the DNA, I'm not looking at our whole DNA profile, I have to assign it a statistical weight to help other people understand what that match really means.
And so I'm telling you that Hae Min Lee's blood matches the blood that was found on the t-shirt. And I'm assigning the weight to it by telling you that that DNA profile is found in the population approximately 1.7 billion in the Caucasian, and 4.1 billion in the African-American.
BY MR. URICK:
Q. So across just those six chromosomes you may another match, but this would be the frequency for those

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six?
A. That's correct.
Q. And, now, after you -- when you did your testing, did you use up the entire sample?
A. No, I did not. We --
Q. -- was there --
A. As a procedure in our Crime Lab, we always save a sample for retest, always.
Q. And could any party involved in a case request a test be done with that?
MS. GUTIERREZ: Objection.
THE WITNESS: Yes.
MR. URICK: Nothing further.
THE COURT: Recross?
RECROSS-EXAMINATION
BY MR. GUTIERREZ:
Q. Ms. Stangroom, how many billion people are currently in the world?
A. I believe it's almost six billion.
Q. Okay. And of those six billion people currently alive today, and alive for the last couple months, how many of them are Asian?
A. I am not sure.
Q. A large percentage, don't you think?
A. I'm not sure.

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MS. GUTIERREZ: Nothing further.
THE COURT: Okay. Thank you, ma'am. You are excused.
(The witness was excused.)
THE COURT: Next?
MR. URICK: May we approach?
THE COURT: Okay.
(Counsel and the defendant approached the bench, and the following ensued:)
MR. URICK: We would request a five or ten-minute recess at this time.
THE COURT: (Inaudible) since you are getting more of a lunch out of it and screwing me out of a chance to have another witness on this morning.
MR. URICK: We would like to show the witness an exhibit so that when they come in they don't fumble with it. And also we would like to have a rest room break.
THE COURT: We're starting at 1:30, then. No, we're starting at 2:00. (Inaudible) prisoner up before 2:00. You've lost the witness break.
Step back.
(Counsel and the defendant returned to the trial table, and the following ensued:)
THE COURT: Members of the jury, if you would

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go up to your jury room after you are excused, you will be free for lunch, and I'll ask you to come back and be in place at five minutes before 2:00.

But it looks like you're going to get an early lunch, an early unplanned lunch today, so if you will go upstairs now and wait until you are released.

(The jury left the courtroom.)

THE COURT: Counsel, you've been moving at a good pace, but I just can't have dead time like this. We're losing almost a half an hour in time and we got started an hour late because it takes so long to get prisoners up and back. So we've got to have people on deck and --

MR. URICK: We just had -- we had him here but we couldn't use him.

(A luncheon recess was taken at 12:12 p.m.)

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AFTERNOON SESSION

(2:27 p.m.)

(The jury was not present upon reconvening.)

THE COURT: We are now waiting on one juror.

MR. URICK: I'm sorry, Your Honor. Good afternoon.

THE COURT: Good afternoon.

We're now waiting for a juror.

(Pause.)

(The jury returned to the courtroom.)

THE COURT: Thank you, ladies and gentlemen. Let me commend you generally for your promptness. I have appreciated it. Of course, you understand that we can't get started unless we have all of you present. So it's very important that you all be as prompt as you can because we can't get started unless we have all of you here.

Please call your next witness.

MR. URICK: Thank you, Your Honor.

At this time, the State would call Yasar Ali to the stand.

THE CLERK: Okay, sir. Would you please stand up, please, and raise your right hand.

Whereupon,

YASAR ALI,

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

THE CLERK: Okay, sir, you may be seated.

And would you please state your name and address for the record, and would you please spell your first and last name?

THE WITNESS: Yasar Ali, Y-A-S-A-R, Ali, A-L-I. And I live at [redacted] Maryland 21042.

THE CLERK: Thank you, sir.

DIRECT EXAMINATION

BY MR. URICK:

Q. Good afternoon, Mr. Ali.

A. Hello.

Q. Do you know the defendant?

A. Yes.

Q. How do you know the defendant?

A. He's a good friend of mine.

Q. And where do you know him from?

A. The Mosque.

Q. What high school did you attend?

A. Centennial High School.

Q. When you would socialize with the defendant, would you socialize with him with people from The Mosque or with people from his high school?

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A. From The Mosque.

Q. And how long have you known him?

A. Six, seven years, somewhere around there. From middle school, early middle school.

Q. Right now I'm going to give you a copy of what's been marked identification as State's Exhibit 34. Up above, you see it says "Call date cellular phone" and then there's a number, [redacted]. Do you recognize that number?

A. Which one?

Q. At the top of the page?

A. Okay. Yeah.

Q. Do you recognize that number?

A. Yeah.

Q. Whose number is that?

A. That's Mr. Syed's over there.

Q. Now, I'd like you to look --

THE COURT: Mr. Ali, if you would pull the microphone down and point it at your mouth, and then talk directly into it. Okay?

THE WITNESS: All right.

BY MR. URICK:

Q. I'd like you to look at Line 13. Do you see a number there?

A. Yes, I do.

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Q. Whose number is that?
A. That's Mr. -- mine.
Q. Can you read that, please?
A. [redacted] 6:59 31 seconds p.m. duration 27 seconds, Cell Site 651A, 1500 Woodlawn Drive.
Q. These are phone records from the 13th of January of this year. Do you have any independent recollection of that phone call?
A. No.
Q. Now, I'd like you to look up to Line 3. Do you recognize that number?
A. Yeah. That's my number.
Q. And what's the time of that call?
A. The time of that is 10:02, 44 seconds, p.m.
Q. Now, if you would, I'd just like you to start at the top and look down and see if you recognize any of the other numbers?
A. The only other number I recognize is Line 18 which is Adnan Syed's number when he was calling his voice mail.
Q. Okay. Thank you.
I'll take that back at this time.
(Pause.)
BY MR. URICK:
Q. Of what religion are you?

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A. Islam.
Q. What is an imam?
A. Imam is a higher priest, a priest.
Q. And what does the imam do?
A. He leads the prayer.
Q. And is there an imam for the Mosque that you and the defendant attended?
A. Yeah.
Q. Now, Islam is a religion of laws, is it not?
A. It's a way of life.
Q. And how does Islam view drinking?
MS. GUTIERREZ: Objection.
THE COURT: Sustained.
Do you wish to approach?
MR. URICK: Yes, if we may.
(Counsel and the defendant approached the bench, and the following ensued:)
THE COURT: Yes?
MS. GUTIERREZ: I object to it Judge. I think it's improper to ask this witness, who has identified as his religion, identifying this being Islam, to ask him a broad-based question such as how does Islam, which has not been defined. This is not an expert in this. There is no expertise established how does Islam view drinking. It's an improperly broad and unfair prejudicial question.

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THE COURT: Would his understanding of Islam be sufficiently narrow?
MS. GUTIERREZ: Well, Judge, I suggest that sufficiently narrow would be his understanding as his - as his being an Islamic or Muslim, -- I'm not sure how you say it -- what is his view as he understands it to be toward drinking, would not be an overly broad question, and we wouldn't object to that.
THE COURT: What about any knowledge he has of the defendant's beliefs?
MS. GUTIERREZ: As to the beliefs about drinking?
THE COURT: Uh-huh.
MS. GUTIERREZ: Then I would object on other grounds. I believe as to relevancy, I believe it's highly prejudicial.
THE COURT: I assume at some point he's going to get to the matter of relationships.
MS. GUTIERREZ: I wouldn't make that assumption, Judge.
MR. URICK: I thought I had already established one. I can continue.
THE COURT: Okay.
Sustained, but just as to form.
(Counsel and the defendant returned to the

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trial tables, and the following ensued:)
BY MR. URICK:
Q. What is your understanding as to how Islam views drinking?
MS. GUTIERREZ: Objection.
THE COURT: Basis?
MS. GUTIERREZ: Same basis as before, Judge.
THE COURT: Okay. Overruled.
BY MR. URICK:
Q. You may answer that question?
A. It doesn't agree with it.
Q. And have you ever had occasion to discuss with the defendant his views on drinking, as he understands the religious precepts concerning that?
A. I don't think we ever talked about if it was right or wrong.
Q. Do you have any personal knowledge as to whether the defendant drinks?
MS. GUTIERREZ: Objection.
THE COURT: Is there a relevance here?
MR. URICK: Yes.
THE COURT: On the drinking?
MR. URICK: Yes.
THE COURT: Come up.
(Counsel and the defendant approached the

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bench, and the following ensued:)
MR. URICK: As I said in my opening statement, this defendant was leading a double life. He was leading one life that his parents' religion wanted him to lead. He was leading a hidden or illicit life that caused him to lie to many people to create different personas, different fronts for different people.
This is someone who can testify personally as to the defendant's actions.
THE COURT: Ms. Gutierrez?
MS. GUTIERREZ: Judge, I'd renew my objection. Relevance is not dependent upon the definition the State gives in its opening. There's no relevancy to alcohol here.
On either the day her body was found, on the day that it disappeared, that she disappeared, on any day in between, there's no relevancy related to any fact necessary to prove, which they've proffered at all, to prove any of the elements of the crime.
THE COURT: Actually, I agree with you. I do have some difficulty in exploring any witness' religious beliefs sort of generally. Obviously, there are certain of these beliefs that are at issue, but there are, I think fairly significant restrictions on the general exploration either of the defendant's religious beliefs

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and/or the witness'.
If you get to the point, which basically is the relationship, whether it's frowned on or not, whether it was consistent with Islam or not, I think you have gotten to what's relevant in the case. But if you start and you talk generally about whether he adheres to his religion, then; one, that's character; two, that's religious beliefs, which are beyond the pale. And I think we raise needless due process considerations if you're going to do generally an exploration of his adherence to his religious beliefs.
Initially, it's character which is bad, and then, beyond that, it raises all sorts of other constitutional issues as to religion. You have a very legitimate reason for arguing for discussion of religious belief as to sex, as to their youth, as to the marital status. That's really an issue.
But when you start straying us to how good a Muslim is?
MR. URICK: Thank you.
THE COURT: Thank you.
(Counsel and the defendant returned to the trial tables, and the following ensued:)
THE COURT: Yes, Mr. Urick.
MR. URICK: Thank you, Your Honor.

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BY MR. URICK:
Q. Did you know who Hae Min Lee was?
THE COURT: You need to say yes or no, sir.
THE WITNESS: Yes, I did know her.
BY MR. URICK:
Q. How did you know her?
A. She was Adnan Syed's girlfriend.
Q. Now, how did you come to know that she was his girlfriend?
A. He had told me.
Q. What is your understanding of Islam's views concerning dating before marriage?
A. I don't think they agree with it.
Q. And what is your understanding --
THE COURT: If we could have you just a little louder and a little slower, again, would you repeat your last answer, please?
THE WITNESS: I don't think they agree with that.
THE COURT: Thank you, sir.
BY MR. URICK:
Q. Did there come a time where at the Mosque the Imam gave a sermon on dating?
A. I believe there was, but I was not present.
Q. And who do you believe that -- why that sermon

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came about?
MS. GUTIERREZ: Objection.
THE COURT: Sustained.
BY MR. URICK:
Q. What is your understanding of the views of Islam concerning premarital sex?
A. They don't agree with it.
Q. Did you ever have occasion to discuss with the defendant whether he was having premarital sex?
A. No, it never came about.
Q. Now, to your knowledge, were people talking at the Mosque about the defendant dating Hae Min Lee?
MS. GUTIERREZ: Objection.
THE COURT: Overruled.
THE WITNESS: Friends. Like I never heard anybody else talking about it. Like Adnan's close friends, we were the only people that ever talked about it.
BY MR. URICK:
Q. How would they talk about it?
MS. GUTIERREZ: Objection.
THE COURT: Sustained.
THE WITNESS: Just that it was his girlfriend.
THE COURT: No. You don't have to answer the question, sir.

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BY MR. URICK:
Q. Did the defendant ever discuss with you how he dealt with his parents concerning his relationship with Hae Min Lee?
MS. GUTIERREZ: Objection.
THE COURT: Overruled.
THE WITNESS: He didn't bring it up to them.
BY MR. URICK:
Q. Did he tell you why not?
MS. GUTIERREZ: Objection.
THE COURT: Overruled.
THE WITNESS: Because --
MS. GUTIERREZ: Ask for a continuing objection to the whole line of questioning?
THE COURT: Denied. Overruled.
BY MR. URICK:
Q. You may answer the question?
A. Because they didn't agree with it.
Q. Now, do you know who Jay Wilds is?
A. By face.
Q. And did you ever have occasion to hear the defendant -- did the defendant ever say anything to you about Jay Wilds?
MS. GUTIERREZ: Objection.
THE COURT: Overruled.

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THE WITNESS: That it was his friend.
MR. URICK: If I may have the Court's indulgence for just a second.
THE COURT: Yes, sir.
(Pause.)
BY MR. URICK:
Q. Did the defendant ever discuss with you any problems he was having in his relationship with Hae Lee?
A. In his relationship, there were no problems, really.
Q. Did there ever come a time that he told you it was over?
A. Yeah, when it was over.
Q. What did he tell you?
A. That is was over.
Q. Did he give any reason for it?
A. It was too much for Hae and him. Just like sneaking around because his parents didn't agree with it.
MR. URICK: Thank you, Your Honor. No further questions.
THE COURT: Cross?
MS. GUTIERREZ: Thank you.
CROSS-EXAMINATION
BY MS. GUTIERREZ:
Q. Mr. Ali, how old are you?

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A. Eighteen.
Q. And how long have you been a member of the same Mosque as Adnan Syed?
A. Ten years, 12 years.
Q. Do you know his family?
A. Yeah.
Q. You know his parents?
A. Yeah.
Q. You know his older brother?
A. Uh-huh.
Q. Okay.
A. Yes.
Q. And you, as he, is also Islamic, is that how you determine your religion?
A. Yeah.
Q. Is there a difference between the use of the word Muslim and Islamic?
A. No.
Q. It's the same word. Okay. And how many families are members of the Mosque with which you share membership with Adnan?
A. I believe more than 500.
Q. Five hundred families; is that correct?
A. Yeah. Somewhere --
Q. And that would include a mother, father, and

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some children in each family unit?
A. Yes.
Q. As a member of the Islamic religion, are you required to pray a certain number of times a day?
A. Yes.
Q. And are you required to do that at any specific location?
A. Just not in the bathroom, from what I understand.
Q. Not in the bathroom, but are you encouraged to do your prayers at the Mosque itself?
A. It's encouraged.
Q. It's encouraged. And do you, as a young man, as a member of that Mosque, do you go to the Mosque frequently?
A. Whenever I have time.
Q. Okay. And have there been periods of time in your life when you've gone as a member of that Mosque to pray within your community on a daily basis?
A. Over the summer.
Q. Over the summer. So when you are able, you participate as a member of the Mosque community by praying with the rest of the community; is that correct?
A. Correct.
Q. Do they have -- does the Mosque have specific

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activities for young people of your age?
A. Yeah. They play basketball a lot, a lot of people. There are other activities, games going on around.
Q. And are young members of the Mosque, such as yourself, encouraged to involve themselves in activities at the Mosque?
A. Yes.
Q. Is that how you've known Adnan?
A. Yes.
Q. Does he participate in those activities to the extent that you participate with him, or observed him participating?
A. He participated a lot more than me.
Q. He did. That was from your own observation?
A. Uh-huh.
Q. Is that correct?
A. Yes.
Q. And from your conversations with other members of the Mosque?
A. Yes.
Q. Mr. Ali, you answered the question about how Islams view the question about sex or --and/or dating. Let's deal with the sex question first. You answered by saying "they" didn't agree with it. You meant to refer

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to the religion as a whole; is that correct?
A. Uh-huh.
THE COURT: I need you to say yes or no, sir.
THE WITNESS: Sorry.
THE COURT: We're making a recording of it.
THE WITNESS: Yes.
BY MS. GUTIERREZ:
Q. And by that you meant that the tenets of the faith of Islam encouraged its members, particularly its young members to not have sex; is that correct?
A. Correct.
Q. Prior to marriage and a commitment; is that correct?
A. Correct.
Q. And that is something that you are taught from infancy; is it not?
A. Yes.
Q. And that prescription applies equally to young men and to young women; does it not?
A. Yes.
Q. Okay. In dating, do you understand that to mean sort of formal ritualized set of relationships between young men and women?
A. Yes.
Q. And that also is something that Islam does not

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agree with; is that correct?
A. Yes.
Q. There are very formal rites about dating in Islam; is that not correct?
A. Yes.
Q. And they require sort of approval by the parents and knowledge of both the boy and the girl to each other's family?
A. Uh-huh.
Q. Is that correct?
A. Yes.
Q. There is no proscription, meaning any rule forbidding a Muslim from marrying a non-Muslim, is there?
A. No.
Q. It's not encouraged, however; correct?
A. Yeah.
Q. But there's nothing that precludes a Muslim from intermarrying with someone who doesn't adhere to the Islamic faith; is that correct?
A. Sorry. I'm --
Q. Okay. Now, Mr. Ali, you've been a member of that Mosque for ten years, and have you always generally participated?
A. Yeah, whenever I could.
Q. Okay. And you've known Adnan and other young

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men of similar age?
A. Yes.
Q. Is that correct? You are how old, sir?
A. Eighteen.
Q. Okay. And the only interaction that you had with Adnan was through the Mosque; correct?
A. Uh --
Q. You didn't attend his high school? You didn't know him from any other source, is what I meant?
A. Yes.
Q. Okay. The only source was through --
A. My parents were friends with his parents.
Q. Okay. And that friendship was because of the community of the Mosque, was it not?
A. Yeah, as well.
Q. So you saw Adnan over that period of time, from the time he was a very young man, sometimes on a daily basis; is that correct?
A. Yes.
Q. You were asked questions about even though the faith of Islam does not agree with its young people dating, as you've defined that to us, are there, in fact, young men of the Muslim faith in your Mosque who date?
A. Yes.
Q. And hide that dating from their parents?

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A. Yes.
Q. And, in fact, participate in sort of subterfuge in order to hide that?
A. Yes.
Q. And is that common knowledge among the young men?
A. Yes.
Q. Is that a source of agony for the young people?
A. Yeah.
Q. Yes. And it's something that you all discuss, is it not?
A. Umm -- not a lot, but yeah.
Q. But yes, at least once in a while?
A. Yes.
Q. And the discussions centers around that you all know that that is a practice that your religion frowns upon; is that correct?
A. Uh-huh. Yes.
Q. But notwithstanding understanding of all the young people, most of the young people, do, in fact, engage in it, do they not?
A. Yes, they do.
Q. Both within the Islamic faith?
A. Yes.
Q. Is that correct? And without the Islamic faith?

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A. Yes.
Q. Meaning dating young people of other faiths --
A. Yes.
Q. -- and other religions; is that correct?
A. Yes.
Q. And most young people engage in the same kind of subterfuge to their parents>
A. Yes.
Q. Is that correct? And that's the kind of subterfuge that you observed Adnan engaging in over the ten years that you saw him?
A. Yes.
Q. From the time he began to date; is that correct?
A. Yes.
Q. Were you aware, Mr. Ali, that Hae was the first young woman that he dated?
A. Yes.
Q. Okay. And you were aware of that from him, were you not?
A. Yes.
Q. And you had no reason to disbelieve what he would tell you, did you?
A. Yes.
Q. Mr. Ali, you were asked about the imam. The

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imam of the Mosque that you belong to together with Adnan's family is a man by the name of Adam El Shek; is that correct?
A. Yeah. Yes.
Q. And he's been the Imam for a number of years, has he not?
A. Yes.
Q. And by imam, you said higher priest, is that he's accorded a degree of respect that is related to the level of his learning; is that correct?
A. Yes.
Q. Okay. And the imam is not the only person that leads prayers, is he?
A. Yes.
Q. Are there not occasions in which someone other than the imam leads prayers?
A. Yes.
Q. Okay. And sometimes young people lead prayers?
A. Yes.
Q. And they are encouraged to lead prayers; is that correct?
A. Yes.
Q. There is a special month in the holy year of all Islamics that is called what, Ramadan?
A. Ramadan.

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Q. Ramadan. And that is actually ongoing now, is it not?
A. Yes.
Q. It just started; is that correct?
A. Yes.
Q. And during that month, all members of the Islamic faith are called to pray more often, are they not?
A. Yes.
Q. And to pray in a certain way?
A. Yes.
Q. And to have certain celebrations of their adherence to Islamic faith, are they not?
A. Yes.
Q. And all members of the Islamic faith are called to fast on a daily basis, are they not?
A. Yes.
Q. And the fast requires that they fast from sunup in the morning to sundown at night, does it not?
A. Yes.
Q. And the purpose of that fast is to remind and call them as members of the Islamic faith to the core value of discipline and focus on themselves as human beings within the world as populated by Islam, is it not?
A. Yes.

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Q. And that fast requires that they refrain not only from food from sunup to sundown, but that they refrain even from water, does it not?
A. Yes.
Q. And all Muslims who attempt to adhere to the tenets of their faith, generally adhere to trying to observe Ramadan with much more discipline and insight than any other month of the year; do they not?
A. Yes.
Q. Okay. And that is something that you've been taught, have you not?
A. Yes.
Q. Throughout the time that you've known Adnan Syed, has he adhered, to your knowledge, to the fasting requirements that are proscribed to members of the Islamic faith?
A. Yes.
Q. Has he fasted as a fellow Islamic with you during the Ramadan years that you have known him?
A. Yes.
Q. And are there, throughout that month of Ramadan, times when the young people of the Mosque lead the whole community, including their elders, in prayers that call the faithful to the tenets of their Islamic faith?

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A. Yeah.
Q. Okay. You were a member of the same Mosque with Adnan Syed last year at this very time of Ramadan, were you not?
A. Yes.
Q. And is there, in addition to the activities that you've described to us, groups organized age appropriately for the young people in the Mosque to be led by teachers or mentors of such?
A. Yes.
Q. And is there, in fact, such a group that is always operated, although the teacher and the student may change, from the time that you've been a member of the Mosque?
A. Yes.
Q. Is there a young men's group, as you will, not necessarily with a name, that has existed over the last several years, that you have participated in?
A. Excuse me?
Q. Is there such a group for young men your age that you've participated in?
A. Yes.
Q. Yes. And did that group include the participation of Adnan Syed --
A. Yes.

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Q. -- during the years that you've known him? Is that correct?
A. Yes.
Q. And during Ramadan, was that group of young men called upon to lead prayer?
A. Yes.
Q. And was that an ordinary thing that you all as young men of the Mosque would be called to lead prayer?
A. Umm -- few people get selected for it, not everybody.
Q. It was considered a special thing, --
A. Yes, yes.
Q. -- was it not?
A. Yes.
Q. And you all as young men practiced for that event, did you not?
A. Yes.
Q. And it was considered an honor to lead your community in prayer, was it not?
A. Yes.
Q. During Ramadan, Mr. Ali, it would be usual for most of the families to make a special effort to attend the Mosque at least once a day if not more often, would it not?
A. Yes.

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Q. That was part of reserving the whole month of Ramadan as a month of spirituality celebration for those of the Islamic faith; is that correct?
A. Yes.
Q. Okay.
Thank you. I have nothing further.
THE COURT: Any redirect?
MR. URICK: Very briefly, if I may have the witness step down to come over to this map, I would like him to see if he can determine from the map where the Mosque is?
REDIRECT EXAMINATION
BY MR. URICK:
Q. That would be -- this is I95, Security Boulevard. This is (inaudible)
MS. GUTIERREZ: Now, I'm going to object to the State's Attorney educating the witness. I don't object to questions being asked of the map but I --
THE COURT: Well, he's --
MR. URICK: I'm just trying --
THE COURT: Well, he's orienting the witness, that's not objectionable. Overruled.
BY MR. URICK:
Q. I believe this is Baltimore National Pike --
A. Yes, that's --

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MS. GUTIERREZ: See, I object --
THE COURT: Overruled.
MS. GUTIERREZ: (Inaudible) objection.
BY MR. URICK:
Q. (Inaudible) Boulevard, 695, I70, Security Boulevard (inaudible.) Are you oriented as to the map now?
A. Somewhat.
THE COURT: Keep your voice up please.
THE WITNESS: Somewhat.
BY MR. URICK:
Q. Do you know where the Mosque is located -- roughly, you don't have to have it in the exact block? But, roughly do you know where it is on this map?
A. Umm -- not on this map.
Q. What's its address?
A. I think --
Q. What's the address of the Mosque?
A. I don't know.
Q. What street is it on?
A. Johnnycake Road
Q. Near what cross streets?
A. Rolling Road.
MS. GUTIERREZ: Again, I would object to the State's Attorney pointing out specific locations on the

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map to the witness?
BY MR. URICK:
Q. This road right here is Rolling Road --
THE COURT: Overruled.
BY MR. URICK:
Q. -- this road right here is JohnnyCake Road. Has that oriented you better?
A. This is (inaudible.)
Q. Well, this is 695.
MS. GUTIERREZ: Objection.
THE COURT: Sustained. Sustained. Sustained. You cannot win it any more, Ms. Gutierrez. You have won.
BY MR. URICK:
Q. How close is the Mosque to the intersection of Rolling Road? How close is it on Johnnycake to Rolling Road?
A. (Inaudible.)
Q. How close is it to Rolling Road --
THE COURT: Why don't you put the witness back on the stand so he can be near a microphone? Let's take the map and easel back where it was.
(Pause.)
BY MR. URICK:
Q. The Mosque is on what street again?

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A. Johnnycake Road.
Q. And how close to the -- where Rolling Road crosses Johnnycake is it?
A. I believe less than a mile.
MR. URICK: Okay. Nothing further.
THE COURT: Any redirect -- any recross, rather?
MS. GUTIERREZ: Nothing, Your Honor.
THE COURT: Thank you. Good day, sir.
(Witness excused.)
THE COURT: Next?
(Pause.)
MR. MURPHY: Your Honor, at this time the State would call to testify Ms. Christina Vinson.
THE CLERK: Raise your right hand, please?
Whereupon,
CHRISTINA VINSON,
a witness produced on call of the State, having first been duly sworn, was examined and testified as follows:
THE CLERK: Okay, ma'am. You may have a seat. Please state your name and address for the record, and please spell your last name?
THE WITNESS: Okay. Christina Vinson, V-I-N-S-O-N. My address is [redacted] Baltimore.

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THE CLERK: Thank you very much.
THE WITNESS: Thanks.
DIRECT EXAMINATION
BY MS. MURPHY:
Q. Good afternoon, Ms. Vinson.
A. Hi.
Q. How old are you?
A. 22.
Q. And do you attend school?
A. University of Maryland in Baltimore.
Q. What are you studying there?
A. Social work.
Q. And how much longer do you have before you finish?
A. I've got one more exam, and then I'm done.
Q. Do you also work?
A. I work at a residential group home for adolescent boys in Ellicott City.
Q. Where were you living in January of 1999?
A. At the address I just gave in Baltimore.
Q. And what's that address?
A. [redacted]
Q. Did you live with anybody else at that time?
A. No. Just myself.
Q. Who is Jeff Johnson?

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A. He used to be my boyfriend.
Q. Was he your boyfriend in January, 1999?
A. Uh-huh.
Q. Do you also know Jennifer Pusateri?
A. Yep.
Q. How do you know her?
A. She and I are in the same sorority together.
Q. How long have you known Ms. Pusateri?
A. About a year.
Q. And do you know Jay Wilds?
A. Uh-huh.
Q. How do you know Mr. Wilds?
A. Through Jen.
Q. And how long have you known him?
A. I would say less than a year.
Q. Now, you say you know him through Jen. Would you say he's a friend of Jen?
A. Right, yeah. A friend of Jen's.
Q. Okay. Do you know the victim in this case, Ms. Hae Min Lee?
A. Uh-uh. No.
Q. Okay. Ms. Vinson, I'm going to ask you to remember back to January 13th, 1999. Does that night stand out in your mind?
A. Yeah.

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Q. Why is that?
A. Just an odd night.
Q. Why don't you tell the ladies and gentlemen what happened, beginning from the point where you got home from work that day?
A. Okay. I had been in a conference all day, through my internship in the City, and I came home, and my then boyfriend was already there, and Jay and his friend or someone else came in, knocked on the door and asked if they could come in and hang out for a while, and I said, yeah, they could come in.
Q. About what time do you think you got home?
A. I would say around 5:30, six o'clock. Between 5:30 and 6:00, somewhere around there.
Q. Okay. What happened next?
A. They came in. And Jeff was already sitting down watching TV, and I sat down in the chair, kind of facing the TV. Jay came in and sat on my right-hand side. There's a table and some chairs there. He sat there. And his friend, like, laid -- sat on the floor.
There was a bunch of pillows on the floor next to my couch. He kind of laid, like, half-sat, half, like slumped over.
Q. Did you know that person?
A. No. And they didn't introduce me.

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Q. What did that person look like?
A. A young person. I'm not exactly sure what you --
Q. Male? Female?
A. Male. Dark hair. Dark clothes.
Q. Is that person present here today?
A. Uh-huh.
Q. Could you point out for the ladies and gentlemen where that person is?
A. Sitting at the table with the shirt and tie.
MS. MURPHY: Indicating for the record, Your Honor, she's identified the defendant.
THE COURT: The record will reflect that.
BY MS. MURPHY:
Q. And you did not know him at that point?
A. No.
Q. Were you introduced at any point that evening?
A. No.
Q. What happened next?
A. Jay -- I was just, you know, making kind of like, little small conversation, like, "Where" -- "what" -- you know, "What are you guys doing," or "What have you guys been doing?" And the way I remember -- the reason I remember it is because it was just -- Jay was just telling me all these different things that just didn't

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make any sense, like they were going to the video store, or they were coming from the video store, something.
They were being picked up by somebody. And when I tried to clarify, he just got more confusing, so I just let it rest. I was like, okay, well whatever.
Q. What was the defendant doing?
A. Just like, slumped over.
Q. Was it unusual that Jay would come to your house?
A. I wouldn't say unusual. I had known him for a little bit, through Jen. He usually came with Jen, but, you know, there -- I think there had been a couple of occasions where he came just to -- by himself.
Q. Did there come a time when the defendant said anything to you?
A. Uh-huh. Well, not directly to me, kind of like to everybody in the room. We were just watching TV. It was really uncomfortable. Like, nobody was talking, and all of a sudden, he just like, popped up and was like, "How do you get rid of a high," or "How do I get rid of a high," something along those lines.
And I was like, "I don't know. I think you just have to wait."
Q. What did you understand that to mean when he said that?

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A. Like I'm not sure.
Q. What did that mean to you, "How can you get rid of a high"? What did that mean to you?
A. I assume that he was high.
Q. Did he respond after you said what you told him?
A. I think he said something along the lines about something important to do, "I have to go somewhere." I can't really remember exactly what he said, but the gist of it was he had somewhere to be and he couldn't be high, he couldn't be messed up. He had to be straight.
Q. Now, a moment ago, you stated he was talking to everyone in the room.
A. Right.
Q. Who else was there?
A. Jay and my-ex -- my boyfriend Jeff.
Q. What time frame would you say this was?
A. They stayed between like, 6:00, 6:30.
Q. And why do you remember that?
A. Judge Judy was on. I like watching that show, so -- it's on between 6:00 and 6:30.
Q. And that's the normal time that show would be on?
A. Uh-huh.
Q. Okay. What else happened?

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A. He got a phone call from his cell phone, and nobody in the room was talking. It was just the TV was just on, so you could hear what he was saying. He was saying, like, "What am I going to do? They're going to come talk to me. What do I" -- I mean, I can't remember exactly. This is just like, the gist of what he was saying. "What am I going to tell them? What should I say?" Somewhere around that -- those lines.
Q. Now, when you say he got a phone call, who are you referring to?
A. The defendant. I'm not sure how to say his name.
Q. Did you see the cell phone?
A. Uh-huh.
Q. Where was it?
A. His jacket pocket. I think on the inside.
Q. Did you hear anything else in that conversation?
A. Uh-uh.
Q. What happened next?
A. I think that my friend Jen called the house, and I got up and I answered it in the back, back room. And I was really try to see, like, what was going on. They were acting really strange.
And I was talking to Jen to see if she knew who

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he was or what was going on. And she said, "Oh, well, I'm supposed to meet up with Jay later, so, you know, I'll find out and I'll tell you later."
Q. Did she seem to know what was going on?
A. Uh-uh. She didn't -- when I described who was at the apartment with Jay, she had no idea who, like, who I was describing.
Q. What happened at that point?
A. Then I think I went back in the room, and I can't remember whether Jeff got on the phone with Jen, or we hung up and maybe she called back later, I'm not sure. But we were -- I remember sitting in the chair, and we were just of, you know, again watching TV, because nobody was talking, and he just got up and just like --
Q. Ms. Vinson, I'm going to ask you to wait a moment for the siren to pass.
A. Okay.
(Pause.)
BY MS. MURPHY:
Q. Thank you.
A. Okay. The defendant just like, like jumped up and ran out of the apartment.
Q. Did he say anything at that point?
A. No. He just jumped up and ran out. I remember looking at Jay, and being like, "What is wrong with him?

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Like, is he okay?"
Q. And what did Jay do?
A. Jay just kind of sat there and didn't say anything, and then maybe a minute later, Jay was like, "Hang on a second," and Jay got up and followed him outside, or out of my apartment.
Q. Did they ever come back?
A. At that time, no. This is why I think Jeff was on the phone with Jen when I was in the other room, because I remember saying, you know, "They just left," and then I remember walking over to the window and looking out. I saw a car parked out there with their lights on.
And the way my apartment is set up, is when you look down, you can see the whole area. You can see the porch and the walkway.
I didn't see them standing anywhere out there, so I assume that they were in the car, and Jeff was on the phone with Jen. And then the car just like started, like, pulling off, like, driving.
I said, "Oh, my gosh, they're leaving," and I remember Jeff repeating that to Jen, "Oh, they're leaving."
But I knew that Jay had to come back, because his hat and cigarettes were there, at my apartment, and -

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- but Jay and Adnan never came back.
Q. Did you get a look at the car?
A. It was really dark outside, so I don't remember what it looks like. I remember it being big, but that's all I really remember.
Q. Did there come a point later in the evening when you saw Jay again?
A. Right. Him and Jen came back a little while later. I'm thinking like, around maybe 9:30, ten o'clock, somewhere between there, they came back. And then they were acting really funny, really strange.
And I asked, you know, "What is going on. And Jen was like -- they were both like, "Well, you know, we're not going to talk about it," or "We can't talk about it, or something."
So I just kind of like dropped it. I was like, okay.
Q. Okay.
MS. MURPHY: May I approach the witness, Your Honor?
THE COURT: Yes.
BY MS. MURPHY:
Q. Ms. Vinson, I'm going to show you what's been premarked as State's Exhibit 34. This is a compilation of the defendant's cell phone records. I ask you to take

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a look at the phone numbers in the second column and see if you recognize any of those numbers?
A. The 410[redacted]
Q. And which call number are you referring to?
A. I guess 22.
Q. Okay. And whose number is that?
A. That's Jen's. That's Jen's number. That shows up a couple times on here.
Q. Where else do you see that number?
A. 22, 26, 30 and 31.
Q. Okay.
A. But I don't know any of the other numbers on here.
Q. Okay. Now, I'll ask you to look at Calls 14, 15 and 16, stated to be incoming calls.
A. Uh-huh.
Q. I'll ask you to look at the fourth column which indicates the time.
A. Right.
Q. With Call 16 being 6:07 p.m., Call 14 being 6:24 p.m. Now, would any of those incoming calls be consistent with the call you described the defendant receiving at your house?
A. Uh-huh.
MS. GUTIERREZ: Objection.

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THE COURT: Consistent in time, Ms. Murphy?
MS. MURPHY: That's what I'm asking, Your Honor.
THE COURT: Okay. Overruled.
THE WITNESS: Any three of those would have been consistent with the one that I was present when he got.
BY MS. MURPHY:
Q. Thank you.
MS. MURPHY: If I may mark the exhibit, Your Honor?
THE COURT: Yes.
(Pause.)
MS. MURPHY: Thank you, Your Honor.
BY MS. MURPHY:
Q. Ms. Vinson, I'll ask you to step down from the witness stand and approach this exhibit, which is a map, and indicate for the ladies and gentlemen, as I get out of the way, where is your apartment located on this map?
A. Right there.
Q. Okay. I'm going to place a sticker with your initials, K.B., on the area you pointed at; would that be correct?
A. Uh-huh.
Q. Thank you. You may return to the witness

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stand.
MS. MURPHY: I have no other questions, Your Honor.
THE COURT: Cross?
CROSS-EXAMINATION
BY MS. GUTIERREZ:
Q. Ms. Vinson, you didn't know this man that you've identified prior to -- prior to that day; correct?
A. Correct.
Q. You had never met him; correct?
A. No.
Q. He had never been pointed out to you; correct?
A. Correct.
Q. He had never been in your home?
A. Correct.
Q. He was not somebody known to you either by sight or by name?
A. Correct.
Q. Is that correct?
A. Uh-huh.
Q. And the other --
THE COURT: Speak as loud as you can, ma'am.
MS. GUTIERREZ: I'm sorry.
BY MS. GUTIERREZ:
Q. The other man, the man named Jay, had been in

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your house on numerous occasions?
A. That's correct.
Q. Both with your sorority sister, Ms. Pusateri; correct?
A. Correct.
Q. And sometimes by himself?
A. Correct.
Q. Is that correct? And you met him through your friend; is that correct?
A. Correct.
Q. Okay. And you said that you knew Jennifer, your sorority sister, for about a year; is that correct?
A. That's correct.
Q. This is December, 1999; is that correct?
A. Right.
Q. So you knew her through about December of 1998; is that correct?
A. I probably knew her a couple months before that, but we didn't start really becoming friends until around then; that's correct.
Q. Okay. So around December of 1998 is when you would date the beginning of your real friendship with Jennifer Pusateri?
A. That's correct.
Q. Okay. And Jay, you said, you knew for less

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than a year; correct?
A. That's correct.
Q. So less than December of 1998; is that correct?
A. No. I probably -- let me say that again.
Q. The numbers don't add up, do they?
A. Right.
Q. So you had to have known him for more than that time for your story to make sense; correct?
A. I think when I said that, I was saying I knew Jen in the fall when she rushed for the sorority, and I knew Jay around December. So a little -- maybe a little bit before December.
Q. So what you first just said under direct was not correct?
A. It was not exactly accurate.
Q. Okay. So it wasn't accurate; correct?
A. Correct.
Q. Meaning it was inaccurate; correct?
MS. MURPHY: Objection.
THE COURT: Sustained.
BY MS. GUTIERREZ:
Q. Ms. Vinson, you didn't know Jay from any other source other than your friend Jen; correct?
A. Correct.
Q. Nobody else had introduced you to him; correct?

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A. Correct.
Q. But shortly after you met him through her, he became friend enough that it was okay that he would sometimes come over your house; correct?
A. Correct.
Q. And during that whole period of time, Jeff Johnson was your boyfriend; correct?
A. Correct.
Q. Okay. And during the period of time that you know Jay, whether that dated from less than December of 1998, or some other time, how often did he come over to your house alone?
A. I would say not frequently.
Q. Okay. How often? How many times?
A. I can't say exactly.
Q. How often did Jen come over to your house?
A. All the time.
Q. Okay. And how often did Jen show up at your house with her friend Jay Wilds?
A. I would say a few.
Q. A few?
A. A couple.
Q. Is that less than ten or more than ten?
A. I would say between five and ten times.
Q. Now, that night, you said the one reason that

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you could date the time was because you liked watching Judge Judy; is that correct?
A. Uh-huh, yes.
Q. And what time does Judge Judy come on, or did it come on then?
A. Six o'clock.
Q. Six o'clock. In fact, it ran from 6:00 to 6:30?
A. Correct.
Q. Is that correct? And what channel is that on?
A. I think 45.
Q. Okay. And during that period of time, because you liked it, you generally watched it; correct?
A. If I was home.
Q. If you were home. And that day, you were home; correct?
A. Yes.
Q. And one of the ways that you dated the time that you saw that person you knew through your sorority friend and a person that he brought with him that you didn't know, was you dated by the time period that Judge Judy came on television; is that correct?
A. That's correct.
Q. The first time, Ms. Vinson, that you were asked to recollect that date, the date being the 13th of

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January, 1999, was on the 9th of March, was it not?
A. Okay. That sounds right.
Q. Okay. And on the 9th of March, you were right down the street from here at Police Headquarters building, were you not?
A. That's correct.
Q. And you had been asked to be there. In fact, were you brought there by Detective MacGillivary?
A. I met him there.
Q. You met him there. At his request; right?
A. That's correct.
Q. You weren't just dropping in as a friend; correct?
A. That's correct.
Q. You were asked you be there officially; were you not?
A. That's correct.
Q. And you knew what it was about on the 9th of March; did you not?
A. Yes.
Q. And you were asked about the same subject matter you just shared with us as a result of being questioned by the State's attorney, were you not?
A. That's correct.
Q. Now today, you said that you got home between

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5:30 and six o'clock; do you remember that?
A. Yes.
Q. Isn't that what you just said?
A. Yes.
Q. Now, back then, did you work at the group home?
A. No, I did not.
Q. You worked somewhere else; did you not?
A. That's correct.
Q. Okay. And today, you told us your recollection was that you got home between 5:30 and 6:00 p.m.; is that correct?
A. That's correct.
Q. Okay. And do you remember telling Detective MacGillivary that you got home from work that day? This is during your conversation with him concerning the same subject matter, that took place on the 9th of March, at 601 East Fayette Street, Police Headquarters, that you got home between 4:30 and five o'clock?
MS. MURPHY: Your Honor, I'm going to object to the form of the question. It's --
THE COURT: Overruled.
MS. MURPHY: -- very confusing.
BY MS. GUTIERREZ:
Q. Do you remember that, ma'am?
A. That could be, yes.

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Q. Okay. So by saying it could be, meaning do you recall telling Detective MacGillivary that?
A. Yes.
Q. Okay. And so back then, on the 9th of March, when you were asked what time you got home on the 13th of January, then you told him that you got home between 4:30 and five o'clock?
A. Yes.
Q. Okay. So you told Detective MacGillivary something very different than you just told the ladies and gentlemen of the jury; is that correct?
A. Well, it has been a year since that date.
Q. So, would you agree with me, Ms. Vinson, when you first talked to Detective MacGillivary on the 9th of March, that you were attempting to be as thorough as possible, and accurate as possible, in the information you were giving him?
A. That's correct.
Q. And would you agree with me that your recollection of events that you were asked about, which are alleged to have occurred on the 13th of January, were fresher in your mind back on the 9th of February than they are today?
A. That's correct.
Q. Okay. So if you got home between 4:30 and

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5:00, do you remember telling Detective MacGillivary how long the two gentleman, the one you knew and the one who was never introduced to you, stayed in your house that day?
A. I think between 30 and -- I might have said 45 minutes.
Q. So somewhere less than 45 minutes; is that correct?
A. That's correct.
Q. And do you remember telling Detective MacGillivary that the visitors arrived sometime between 5:15 and six o'clock?
A. I don't remember saying that.
Q. Okay. Well, if Detective MacGillivary transcribed it as 5:15 and six o'clock, would you have any reason to disbelieve him?
A. No.
Q. You were attempting to tell Detective MacGillivary the truth; were you not?
A. That's correct.
Q. And you believed that Detective MacGillivary knew that he was taking notes and taping your statement; did you not?
A. That's correct.
Q. Yes. And so you would have no reason to

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distrust his taping and how he taped what you told him?
A. That's correct.
Q. So if you told him between 5:15 and six o'clock, that's likely to be more accurate than what you told us today; isn't it?
A. I'm not sure.
Q. There was nothing -- you're not sure that your recollection of events back on the 9th of March was more likely to be accurate than your recollection of events today, 11 months later?
A. I remember it being six o'clock. That's all I can say. I'm not sure why I would have told him 5:15. I could have been mixed up. Right now, I do remember it being six o'clock.
Q. Okay. But back then, on again answering it, Detective MacGillivary, MacGillivary taped between 5:15 and 6:00 --
MS. MURPHY: Objection.
BY MS. GUTIERREZ:
Q. -- p.m., would you have any reason to distrust his recording of what you said?
MS. MURPHY: Objection.
THE COURT: Overruled.
BY MS. GUTIERREZ:
Q. You can answer?

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A. No, I would not any reason to distrust him.
Q. No. And you were aware that he was recording it then; is that correct?
A. Yes, that's correct.
Q. The 13th of January, ma'am, didn't mean anything special to you yourself related to you, did it?
A. Other than I had a conference, no.
Q. No. Other than you had a conference that you said occurred earlier in the day?
A. That's correct.
Q. Is that correct? And this person that your friend -- who you met through your friend, was not that arrived with him, with Jay, was someone who was never introduced to you; isn't that correct?
A. Correct, uh-huh.
Q. And you found that odd, did it not -- did you not?
A. I found it odd that I was not introduced at the time.
Q. It was your house; correct?
A. That's correct.
Q. And your friend was coming to visit you; was he not?
A. That's correct.
Q. And you would have expected your friend to

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introduce his friend that he was bringing into your house to you; would you not?
A. Yes.
Q. But he did not?
A. No.
Q. Correct? And nobody ever introduced him to you, did they?
A. No.
Q. At some point later, you found out his name; did you not?
A. That's correct.
Q. You didn't remember when and where and from whom you found out his name, do you?
A. Yes, I do.
Q. Well, back on February -- on March the 9th, when you spoke to MacGillivary, Detective MacGillivary, you didn't know how you knew his name, did you?
A. That's possible.
Q. Okay. And if that's how Detective MacGillivary recorded your conversation, again, you'd have no reason to distrust his recordation of your conversation with him?
A. That's correct.
Q. And you weren't trying to conceal information from Detective MacGillivary, were you?

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A. No.
Q. You were just there to answer his questions; correct?
A. Correct.
Q. About your friend Jay; correct?
A. Correct.
Q. And the man that you never met before, and whose name then, the day that you met him, you didn't know; correct?
A. Correct.
Q. And nobody gave you his name back then; correct?
A. Not that day, no.
Q. Not on that day. Sometime later than that; correct?
THE COURT: I'm sorry. Was there an answer, ma'am?
THE WITNESS: Oh, I'm sorry. Yes, that's correct.
BY MS. GUTIERREZ:
Q. Thank you. The person, were you ever shown a picture of Mr. Syed?
A. No, I was not.
Q. You were asked to describe him, were you not?
A. Yes.

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Q. And you described him as like, Indian, mixed maybe?
A. Right. I wasn't sure.
Q. Did you not? You weren't sure what he was?
A. Correct.
Q. Correct? Meaning what his racial make-up was; correct?
A. That's correct.
Q. And by mixed, was it Indian mixed with something else?
A. I'm not sure.
Q. You didn't know what the mixed referred to; right?
A. That's correct.
Q. That the mixture was of; correct?
MS. MURPHY: Objection.
THE COURT: Sustained.
BY MS. GUTIERREZ:
Q. Now, you told us that they stayed, what's the outmost, 35 to 45 minutes? That was the longest they stayed; correct?
A. Correct.
Q. Your friend Jay; correct?
A. Yes.
Q. And his friend, whatever his name turned out to

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be; correct?
A. Correct.
Q. And during that time, no one else came in; did they?
A. That's correct.
Q. Okay. And no one who was there, excluding Jay, introduced the person with him to you; is that correct?
A. I'm sorry. Can you -- can you clarify it for me?
Q. You've told us that Jay never introduced his --
A. That's correct.
Q. -- friend to you; correct? Your boyfriend was there with you; was he not?
A. That's correct.
Q. Jeff; is that correct?
A. Correct.
Q. And Jeff knew Jay from before; correct?
A. Right.
Q. Jeff knew Jay to be your friend who had previously been at your house; correct?
A. Correct.
Q. Because your boyfriend was often at your house; correct?
A. Sometimes, yes.
Q. Okay. And your boyfriend Jeff knew Jen;

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correct?
A. Correct.
Q. And Jay was really Jen's friend; was he not?
A. Correct.
Q. Correct. And Jeff never introduced you to the person that Jay brought with him, did he?
A. That's correct.
Q. And never indicated to you that he knew that person that Jay brought with him; is that correct?
A. That's correct.
Q. And you never spoke directly to this person, did you?
A. Well, when I said -- when he asked, "How do I had get rid of a high, " and I said, "I don't know. I guess I think you just need to wait, " I spoke directly to him.
Q. You were answering his question about how you get rid of a high; correct?
A. Correct.
Q. And you knew what he meant; did you not?
A. Correct.
Q. Or you understood him to mean; correct?
A. Right.
Q. Meaning to be high under the influence of some type of substance?

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A. Correct.
Q. Drugs?
A. Correct.
Q. Is that what you assumed?
A. Uh-huh.
Q. Not alcohol?
A. No.
Q. He didn't appear to be under the influence of alcohol; correct?
A. I can't answer that.
Q. Well, you didn't make that assumption; right?
A. No.
Q. You assumed by the use of the term "high", that he was referring to some chemical substance; were you not?
A. Correct.
Q. Okay. And did you understand that chemical to be a specific one?
A. Marijuana.
Q. Marijuana. And was that by reason of his behavior?
A. No.
Q. Was that by reason of smell?
A. No.
Q. Was that by reason of him saying, "Oh, by the

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way, I'm high on marijuana"?
A. No.
Q. No. And was it by reason of your own experience with marijuana?
A. Correct.
Q. Okay. And so, you said you made the assumption that he meant high from marijuana by reason of your own experience of having been high --
MS. MURPHY: Objection.
MS. GUTIERREZ: -- off of marijuana?
THE COURT: Overruled.
THE WITNESS: That's correct.
BY MS. GUTIERREZ:
Q. That's correct. And what was it about what he said that triggered that assumption, based on your experience?
A. That's a common word --
Q. High?
A. -- that's associated with marijuana.
Q. High? Meaning with marijuana? But that was your assumption when you answered him; correct?
A. Correct.
Q. Prior to him saying that, he had not spoken to you; correct?
A. That's correct.

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Q. And though he was a visitor, having been brought there by someone who already had your permission to come visit, he had not directed any conversation towards you in the 35 to 45 minutes that he was there; correct?
A. That's correct.
Q. And you hadn't asked him to identify himself, had you?
A. No.
Q. You hadn't directed any conversation at him, had you?
A. Nope.
Q. And you hadn't observed anything that he had done that gave you any information about him, had you?
A. No.
Q. No. He came in with a person you knew to be your friend and sat down in a place where there were pillows against which to sit; correct?
A. He didn't sit, he slumped.
Q. He slumped? His body was positioned, however, against pillows that were --
(Pause.)
BY MS. GUTIERREZ:
Q. -- that were at a appropriate place for one to sit, were they not?

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A. Yeah, but his face was down. It wasn't like he was just --
Q. That wasn't my question. Were the pillows that you described an appropriate place for someone who visits your house to position themselves?
A. It could have been, yes.
Q. Did you tell him to leave at any time?
A. No.
Q. And did you ever demand any explanation from your friend Jay as to who it was he was bringing in your house?
A. No.
Q. On the other occasions when Jay would come, he had brought others, had he not?
THE COURT: Please speak up. Your microphone's not getting you.
MS. GUTIERREZ: Thank you, Your Honor.
BY MS. GUTIERREZ:
Q. On other occasions when they had visited you, he had also come with others, had he not?
MS. MURPHY: Objection.
THE COURT: Sustained.
BY MS. GUTIERREZ:
Q. Was there anything about Jay's behavior that led you to make a similar assumption about being high on

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marijuana?
A. No.
Q. Jay was, however, someone with whom you had gotten high?
MS. MURPHY: Objection.
BY MS. GUTIERREZ:
Q. Had you not?
THE COURT: Overruled.
THE WITNESS: Occasionally, yes.
BY MS. GUTIERREZ:
Q. Occasionally. And some of those occasional times had been at your apartment; is that correct?
A. That's correct.
Q. Okay. But none of those occasions had included the young man whose name you never got that night; correct?
A. That's correct.
Q. Okay. After this young man, whose name you didn't know, left out of your house -- now, you live, it's an apartment in a building; is it not?
A. That's correct.
Q. And you're Apartment C, I believe?
A. That's correct.
Q. How many apartments are there in the building, Ms. Vinson?

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A. Four.
Q. Four. And are there other buildings nearby?
A. Yes.
Q. Is it an apartment complex?
A. Yes.
Q. In order to get to the front door of your actual Apartment C, do you have to come inside of the building, or is it like an open stairwell?
A. No, you go inside the building.
Q. Okay. So you have to actually enter into the building to get to your front door; correct?
A. That's correct.
Q. But there are places from your apartment where you can look through the windows and actually see the outside of the apartment building; correct?
A. That's correct.
Q. Not just the stairwell that leads to your door; correct?
A. Correct.
Q. And that's where you're talking about looking out, is through one of your own interior windows; is that correct?
A. That's correct.
Q. Now, if somebody leaves the front door by which they enter, there is only one entrance to your apartment;

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isn't it?
A. There's a back door in the basement, but it's locked.
Q. It's locked? And no one came in or out of that door that night, did they?
A. No.
Q. Jay knocked on the door, didn't he?
A. I think he rang the bell, but yes.
Q. He rang the bell, and you went to the door; did you not?
A. Correct.
Q. You looked through the peep hole, you saw somebody you knew, and you let him in, didn't you?
A. Correct.
Q. Okay? And when he entered there, is he on a common stairwell?
A. Shared by all four apartments? Is that what you're asking?
Q. Well, shared by any other apartment?
A. Yes.
Q. Yes. And does that stairwell -- is that actually in the interior of the building?
A. Yes, it is.
Q. So when one enters into that interior stairwell, one no longer has a direct view outside;

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correct?
A. That's correct.
Q. But once inside your apartment, one could approach sets of windows on one side of your apartment and view right outside; is that correct?
A. That's correct.
Q. Now, when Jay came up, you didn't know how he had gotten to your apartment; correct?
A. What do you mean?
Q. You didn't know how he had arrived there?
A. No.
Q. He had come by bus?
A. No.
Q. Okay. If he had been dropped by somebody else?
A. No.
Q. If he had driven himself?
A. No.
Q. You knew him not to own a car, however, did you not?
A. Right.
Q. But you knew him to have access to others' cars, did you not?
A. No.
Q. And -- but you, from seeing him, couldn't determine how he'd gotten there; correct?

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A. Correct.
Q. Okay. And so, and nothing else when he got inside your apartment, he didn't say, "Oh, by the way," -- what does he call you, what does he call you, Ms. Vinson?
A. Christie.
Q. Christie? "Christie, I came by my car, and it's parked right out front," did he?
A. No, he did not.
Q. And he never said, "Oh, my friend brought me, and his car is parked right out front," did he?
A. I don't think so, no.
Q. He or no one else ever drew your attention to the fact that there might be a car that drove them, however, to your place; correct?
A. That's correct.
Q. And it really wasn't in your interest to probe as to how they got there, was it?
A. No.
Q. You didn't care, did you?
A. Nope.
Q. You weren't going to use their car, were you?
A. No.
Q. It wasn't planned that Jay would come visit; right?

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A. No.
Q. You weren't expecting him; right?
A. Correct.
Q. And you had no specific interest in determining how he got there, or how he would leave; correct?
A. That's correct.
Q. But after the person whose name you didn't know then, left out of your apartment, you went to the window to see what you could see?
A. Correct.
Q. Correct? And you didn't see either him, or subsequently Jay, outside on the sidewalk, did you?
A. That's correct.
Q. Or in the parking lot; correct?
A. That's correct.
Q. Okay. If they had been outside on their own, meaning not in a car, not someplace else, you could have seen them, could you have not?
A. That's correct.
Q. But you could not see anything, could you have?
A. That's correct.
Q. And you would agree with me that on January 13th, whether they were there from 5:15 to six o'clock, as you remembered and told Detective MacGillivary, on March 9th, or whether they were later there, during the

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time Judge Judy was on, as you now tell us, that whatever time that was, that it was dark at that time; was it not?
A. That's correct.
Q. Back on January 13th. But there was sufficient lighting that if you looked out of your windows, if they were standing there, you could have seen them; correct?
A. That's correct.
Q. And what you saw was what appeared to you to be someone inside a car; correct?
A. Two people inside of a car.
Q. Two people inside. Inside, in the front seat; correct?
A. That's correct.
Q. You had not ever seen that car before; had you?
A. No, I had not.
Q. You didn't recognize it, did you?
A. No.
Q. Didn't have any sign identifying it as a car belonging to Jay, did it?
A. No, it did not.
Q. Or to this person by any name, whom you had never met; correct?
A. That's correct.
Q. You didn't know when it had gotten there; correct?

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A. That's correct.
Q. And you really couldn't determine who was inside the car, could you?
A. That's correct.
Q. But you made the assumption that must be them; correct?
A. That's correct.
Q. Okay. Now, while they were there, the only person that called was Jen?
A. That's correct.
Q. Okay. And Jen, your friend, your sorority sister, was also known by your boyfriend Jeff Johnson; correct?
A. Correct.
Q. And at some point, he was talking to Jen, was he not?
A. Correct.
Q. Although she called to speak to you; correct?
A. Correct.
Q. And you expressed to her, you thought that there was something strange going on, didn't you?
A. That's correct.
Q. In fact, strange was the word that you used; correct?
A. Uh-huh.

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Q. And when you spoke to Jen, did you tell her that you hadn't even bothered to ask the young man's name?
A. Yes, I had.
Q. And did you tell her you did that because you were afraid to do so?
A. Not that I remember.
Q. And did you express any particular fear?
A. Fear is not the right word, no.
Q. Jen is also someone with whom you had experienced being high on marijuana, is she not?
A. That's correct.
Q. Together with your mutual friend, Jay; isn't that correct?
A. Yes. That's correct.
Q. In fact, relatively often, one of you must supply the marijuana so that you can all get high, must you not?
A. I would not say often.
MS. MURPHY: Objection.
THE COURT: Overruled.
BY MS. GUTIERREZ:
Q. You have ever supplied the marijuana for your friends to get high with?
A. Yes.

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Q. Yes. And has your boyfriend ever supplied the marijuana for your and your friends to get high with, your then boyfriend?
A. I can't say for certain.
Q. Okay. But you --
A. I'm not sure.
Q. -- think so?
A. Possibly.
Q. And Jen, your sorority sister, has she supplied the marijuana for you and your friends, including Jay, to get high with?
A. Sometimes.
Q. And has Jay, your friend that you met through your sorority sister, supplied the marijuana with which you and your friends got high with?
A. Sometimes.
Q. Sometimes. And oftentimes, or at least sometimes, that getting high would occur in your house?
A. Uh-huh, yes.
Q. Now, you say when Jen called, you answered in back; do you recall that?
A. I answered -- I'm sorry, what?
Q. I thought that you said you answered in back?
A. Right, in my bedroom.
Q. That meant the back of your apartment; correct?

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A. That's correct.
Q. Not the open area where your friends and your boyfriend were sitting; correct?
A. That's correct.
Q. A separate room?
A. Correct.
Q. With a separate door; correct?
A. Correct.
Q. So you answered your phone not in front of your guests, but in a separate room, your bedroom?
A. I could have answered it and then walked in the back room. I'm not sure.
Q. In any event, your recollection today is that the bulk of that conversation took place while you were in what you described as being in back; correct?
A. That's correct.
Q. And that was away from your friend Jay; correct?
A. Correct.
Q. And his friend or acquaintance, whose name you didn't know; correct?
A. Correct.
Q. And your boyfriend; correct?
A. Correct.
Q. And you didn't indicate to your friend Jay that

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your mutual friend with him, Jen Pusateri, was on the phone, did you?
A. I can't be sure.
Q. Okay. And prior to Jen calling, you didn't ask Jay back to the back of your apartment, so that you might express to him your concern that he had not introduced his friend?
A. No.
Q. Didn't you? And in fact, you never conveyed that to Jay, did you?
A. Not at that time, no.
Q. And, in fact, you did not invite your boyfriend to the back, did you?
A. No.
Q. Prior to Jen calling; correct?
A. Correct.
Q. But there came a time when -- there came a time when you gave the phone to your boyfriend; did you not?
A. Yes.
Q. And at the time that you gave the phone to your boyfriend, was that in the back?
A. I believe so, yes.
Q. And you did not want to convey to your boyfriend in front of Jay and this unknown man that it was Jen on the phone, did you?

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A. I can't answer that.
Q. Well, you didn't, did you? You didn't go tell Jay, oh, --
MS. MURPHY: Objection.
BY MS. GUTIERREZ:
Q. -- it's our friend Jen on the phone, did you?
MS. MURPHY: Objection.
THE COURT: Basis?
MS. MURPHY: She did not allow the witness to answer the question.
THE COURT: Had you finished your answer?
MS. GUTIERREZ: I hadn't asked the question.
THE COURT: There was a previous question. Had you finished your answer to the previous question?
THE WITNESS: No.
THE COURT: Okay.
MS. GUTIERREZ: My question --
THE COURT: Do you wish to finish your answer to the previous question?
THE WITNESS: No.
THE COURT: Okay. Overruled.
BY MS. GUTIERREZ:
Q. My question, ma'am, was, did you ever tell your boyfriend out loud in front of Jay, that it was your joint friend Jen on the phone?

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A. I don't remember.
Q. Did you ever tell Jay that it was Jen on the phone?
A. I don't remember.
Q. And were you asked that question on March the 9th when Detective MacGillivary asked you the same field of inquiry?
A. I don't remember.
Q. Okay. And if you did not tell him that, would that be a surprise to you?
A. If I did not tell him?
Q. That you announced to Jay that it was your mutual friend Jen on the phone?
A. I'm sorry. I'm really nervous, and I'm not understanding your question.
THE COURT: I don't think many of us got that last question. Would you try again, Ms. Gutierrez?
MS. GUTIERREZ: Thank you, Judge.
BY MS. GUTIERREZ:
Q. Ms. Vinson, you did not announce to Jay at any time when your friend Jen was on the phone something to the effect of, "Oh, Jay, it's Jen," did you?
A. I don't remember.
Q. You don't remember? And do you think that's something you would have told Detective MacGillivary if

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it had occurred back on the 9th of March?
THE COURT: Sustained.
BY MS. GUTIERREZ:
Q. Ms. Vinson, do you recall speaking about the very same subject matter to Detective MacGillivary?
MS. MURPHY: Objection.
BY MS. GUTIERREZ:
Q. And did you tell Detective MacGillivary that you told Jay that Jen is on the phone while she called?
A. I don't remember.
Q. You don't remember. Okay. One of the things that you told Detective MacGillivary back on the 9th of March to describe Jay and the man he brought with him, was you used the word "shady" to describe them; is that correct?
A. That's correct.
Q. Is that a word, the meaning of which you understood when you used it back then?
A. Yes, it is.
Q. And what did you mean when you said that word?
A. They were acting funny, hiding something.
Q. Hiding something?
A. From me.
Q. From you?
A. I mean, not particularly me. I mean anybody,

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but --
Q. The only bodies that were there were you and your boyfriend; correct?
A. That's correct.
Q. And you didn't inquire of anything about anything of the person that Jay brought with him, did you?
A. No, I did not.
Q. And you didn't inquire of your friend Jay, the person you knew who had been to your home, a person with whom you had gotten high, as to what was going on then while he was in your house, did you?
A. No.
Q. And your boyfriend didn't inquire as to the person that Jay brought with him as to what was going on, did he?
A. That's correct.
Q. And he didn't inquire of Jay, a person he already knew?
A. Correct.
Q. What was it about them that made you pick the word "shady"?
A. We were sitting there in silence for a half an hour.
Q. Well, that didn't bother you, did it, Ms.

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Vinson?
A. Yes, it bothered me.
Q. Well, your favorite show was on; was it not?
A. Yes, but it's very uncomfortable when -- I mean, after they had sat down, after I had asked Jay, you know, "Where you guys coming from," or "What are you guys doing," and he gives all these slew of answers, and then we're all just completely silent. I mean, that's -- it wasn't like silence, like, "Oh, we're watching the show." It was silence, "Oh, nobody's talking" silence.
Q. You were watching the show, weren't you?
THE COURT: Yes, I think we've established that. Can we --
BY MS. GUTIERREZ:
Q. Ms. Vinson, --
THE COURT: In an effort to finish this millennium, Ms. Gutierrez, can we get back to the points at issue in the case?
MS. GUTIERREZ: I'd object to the Court's remarks, Your Honor.
THE COURT: That objection is overruled.
BY MS. GUTIERREZ:
Q. Ms. Vinson, you told us that then that you didn't ask questions of Jay, did you not?
A. When they first came in, yes.

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Q. And Jay answered you, did he not?
THE COURT: Yes, that is asked and answered. That is sustained.
BY MS. GUTIERREZ:
Q. You didn't understand his answers, though, did you?
A. No, I didn't understand.
Q. Did you tell Jay that you didn't understand a word he was saying?
A. No, I did not say, no. I didn't say it like, "I have no idea what you're talking about." I continued to ask questions to maybe clarify what he was saying, but the point where it was just like, oh, forget it, I don't --
Q. Every time you asked him a question, however, he answered, did he not?
A. He said something, yes.
Q. He said something?
A. He did not answer my questions, though.
Q. But what he said never became clear to you; correct?
A. Correct.
Q. Okay. And how long of that initial time did you take up asking questions that in your mind he never answered?

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A. Not very long.
Q. Okay. Five minutes? Ten minutes?
A. No. Probably less than five minutes, to maybe five minutes.
Q. Two to five minutes?
A. Two to five minutes.
Q. Okay. So for two to five minutes, you asked him questions, the answers of which you did not understand, and thereafter, for whatever balance of time he was there, 35 to 45 minutes, there was absolute silence?
A. Him and Jeff may have talked a little bit, but I don't quite remember what the conversation was. Small talk. It wasn't anything big, if I remember correctly.
Q. And you wanted something big to be the subject of the conversation?
A. No, I didn't.
Q. Okay. And so, there was some normal interaction going on; was there not?
A. No. I would say there was no normal interaction going on.
Q. Were you high then, Ms. Vinson?
A. I don't remember.
Q. Okay. And so --
A. It could possibly -- I could possibly. Maybe.

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Q. -- may have been; correct? Because back then, it was your habit to be high on a regular basis?
A. No. I would not say that.
Q. But it would not have been unusual for you to have been high that evening?
A. Not unusual, but not common either.
Q. Okay. And your being high would have been high from marijuana?
A. Correct.
Q. Okay. And if you were high that evening, that could have explained why the answers that Jay Wilds were giving you weren't making any sense to you; would they have not?
A. No, ma'am. The reason they weren't making sense is because he wasn't making sense. He wasn't saying things in a chronological order, he wasn't making sense of where they were going, where they were coming from, who they had been with.
Q. Did you think he was high?
A. At that time, no, I did not think he was high.
Q. No. And that was based on your knowledge of him during times when he was high; right?
A. I don't think I could say Jay was high or not unless he told me.
Q. Okay. Then did you ever ask him was he high?

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A. No.
MS. MURPHY: Objection.
THE COURT: Overruled.
BY MS. GUTIERREZ:
Q. Did your boyfriend ever ask him was he high?
A. Not that I know of, no.
Q. Okay. Later that evening, after both your friend and his friend, or the person you thought was, left your apartment, Jay came back with your friend Jen?
A. Correct.
Q. Correct? And your boyfriend was still there?
A. Correct.
Q. And did they stay for a while?
A. They didn't stay very, very long.
Q. Is that under 35 to 40 minutes?
A. Yes.
Q. Yes. And during the time that they were there, did you converse with them?
A. Yes.
Q. Were there any silent times that nobody spoke?
A. Not that I remember.
Q. And during that second period of time, did you confront Jay as to why he brought someone that he didn't even bother to introduce to you, though he accompanied him for 35 to 45 minutes, in the privacy of your home?

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MS. MURPHY: Objection.
THE COURT: Sustained.
BY MS. GUTIERREZ:
Q. Did you ever get angry with Jay when he returned?
A. Not when he returned, no.
Q. Did you tell him you were angry?
A. I asked him what was going on, but I wasn't angry. I didn't tell them that I was angry, no.
Q. Okay. When you asked them what was going on, what was going on then was when Jen and Jay returned, and they were acting strange, was it not?
A. Yes.
Q. Thank you.
MS. GUTIERREZ: I have nothing further.
THE COURT: Any redirect?
MS. MURPHY: I'll be brief, Your Honor.
REDIRECT EXAMINATION
BY MS. MURPHY:
Q. To clarify, Ms. Vinson, the only person who called you, meaning your apartment, was Jennifer Pusateri?
A. That's correct.
Q. Do you know who called the defendant?
A. No.

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Q. And that call was made to his cell phone; is that right?
A. That's correct.
Q. And also to clarify, in your cross-examination, when reference was made to the young man whose name you never got, you are referring to the defendant, Adnan Syed?
A. That's correct.
Q. Do you know if the defendant received any call -- any other calls on his cell phone while you were talking to Jennifer, or while he was outside?
A. It's a possibility that when I was in the back, he could have received a phone call. I'm not sure about when he was outside.
Q. Okay. Are you still friends with Jennifer Pusateri?
A. Yes.
Q. Good friends?
A. Uh-huh. Yes.
Q. How about Jay Wilds?
A. Not so much good friends. I would say acquaintances.
Q. Why would you say that?
A. Because of what happened that night. He brought someone to my house who I would say, the whole

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thing was kind of unsavory. I didn't appreciate it. I found it very disrespectful.
Q. When you found out that Homicide detectives wanted to talk to you, what was the first thing you thought?
MS. GUTIERREZ: Objection.
THE COURT: Sustained.
BY MS. MURPHY:
Q. Why did you think homicide detectives wanted to talk to you?
MS. GUTIERREZ: Objection.
THE COURT: Sustained.
MS. MURPHY: I have nothing further, Your Honor.
THE COURT: Recross?
MS. GUTIERREZ: No, Your Honor.
THE COURT: Praise God.
You are excused.
THE WITNESS: Thank you.
(The witness was excused.)
THE COURT: Call your next witness.
(Pause.)
THE COURT: Ladies and gentlemen, we are going to take our afternoon recess now, and we'll be out until 4:00 p.m. You may return to the jury room.

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(Pause.)
THE COURT: Counsel, be in place at 4:00.
(Brief recess.)
(The jury was not present upon reconvening.)
THE COURT: Counsel, may we bring the jury down?
MS. GUTIERREZ: Just one minute, Judge.
(Pause.)
THE COURT: Ms. Gutierrez, ready?
MS. GUTIERREZ: Yes, Your Honor. We're ready.
MS. MURPHY: Yes, Your Honor.
THE COURT: Thank you.
(Pause.)
(The jury returned to the courtroom.)
THE COURT: State, call your next witness.
State call your next witness.
MR. URICK: The State would call Jay Wilds at this time.
THE CLERK: Sir, will you please raise your right hand?
Whereupon,
JAY WILDS,
a witness produced on call of the State, having first been duly sworn, was examined and testified as follows:
THE CLERK: Sir, you may lower your hand. You

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THE WITNESS: Jay W. Wilds.
THE CLERK: You need to speak directly into the microphone.
THE WITNESS: My name is Jay W. Wilds. I reside at 4 [redacted] Maryland.
THE COURT: How do you spell your first name?
THE WITNESS: Jay, J-A-Y.
THE COURT: Okay.
THE WITNESS: My last name is W-I-L-D-S.
THE COURT: State?
MR. URICK: Thank you, Your Honor. At this time, if I may approach the witness and show him what's been marked for identification as State's Exhibit 35. There's a typo on my --
THE COURT: Yes.
MR. URICK: -- sheet. The sheet said two "34's." This is the second one. I'd ask the Court to change it to 35.
THE COURT: Yes. Very good.
DIRECT EXAMINATION
BY MR. URICK:
Q. Mr. Wilds, would you take a few seconds and

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look that through, if you would, please?
(Pause.)
THE COURT: Are you familiar with that document, Mr. Wilds?
THE WITNESS: Yes, sir.
THE COURT: What is it?
THE WITNESS: It's the agreement that I have with the State's Attorney's office.
THE COURT: Okay. Thank you.
MR. URICK: I would offer State's Exhibit Number 35, the plea agreement of Jay Wilds in this case.
THE COURT: Without objection, State's 35 is admitted.
(State's Exhibit No. 35, previously marked for identification, was received in evidence.)
MR. URICK: If I may approach the witness?
THE COURT: Yes.
MR. URICK: Give this to the Clerk, and enter it into evidence.
BY MR. URICK:
Q. Mr. Wilds, if you would, tell the ladies and gentlemen of the jury in your own words what the plea agreement was?

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A. The plea agreement was just that basically a sentence cap that I can only be sentenced to the maximum sentencing for my part as long as I told the truth and nothing but the truth.
THE COURT: Keep you voice up and please talk directly into the microphone, sir.
THE WITNESS: Yes. I'm sorry.
BY MR. URICK:
Q. And you've entered a plea to being an accessory after the fact to murder in this case, have you not?
A. Yes, sir.
Q. Now, do you know the defendant in this case?
A. Yes, I do.
Q. How do you know him?
A. Acquaintances, friends.
Q. Now, how old are you today?
A. I am 19 today.
Q. And where did you go to high school?
A. Woodlawn.
Q. What curriculum did you take at Woodlawn High School?
A. I was basic curriculum, specialized in tech.
Q. And when did you graduate from Woodlawn High School?
A. '98.

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Q. When did you first meet or see the defendant?
A. We never hung out personally until my senior year.
Q. And how did you start hanging out at that time?
A. My girlfriend introduced us. She told us that -- she told me that he would be a good friend for me.
Q. And your girlfriend is whom?
A. Stephanie McPherson.
Q. Okay. Now, drawing your attention to January 12th of 1999, this year, --
A. Yes.
Q. -- what were you doing that day?
A. It was my birthday. I was partying.
Q. And did you have occasion to see the defendant on that day?
A. No, I did not.
Q. Did you have occasion to talk to him on that day?
A. Yes, I did.
Q. And how did that come about?
A. I received a phone call in the evening.
Q. And what did that phone call consist of?
A. He was just asking what was I doing the next day, what had I done that evening.
THE COURT: Could you lean back a little back a

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little bit from the microphone just a little bit.
THE WITNESS: What I had done that evening, what I'd be doing the next day, that's all.
BY MR. URICK:
Q. And was it unusual for him to call you?
A. A little, but not out of the ordinary.
Q. And what, if anything, did he say concerning the next day?
A. He just asked me would I like to join him. He asked me -- asked me what I'd been doing. The next day was my girlfriend's birthday, the 13th. Her birthday follows mine. I told him I was going to the mall and shop, and he told me he'd give me a lift.
Q. At this time I'm going to give you a copy of what's been marked for identification as State's Exhibit 34. I'd like you to hold onto it for just a second.
(Pause.)
BY MR. URICK:
Q. Starting at the bottom -- well, of the document, you'll notice the numbers start at the 34 and work their way up.
A. Yes.
Q. Look at Number 32. Do you recognize that number?
A. Yes.

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Q. Whose number is that?
A. That's my phone number.
Q. And what -- read it out for the jury, if you would, please?
A. Pardon me?
Q. Please read it aloud, the number?
A. Oh. 410-[redacted]
Q. Now, if you will, look at the top of the page, the very top. Do you see where it says "call date"?
A. Yes.
Q. And it says January 13th, 1999?
A. Pardon me?
Q. It says January 13th, 1999?
A. Yeah.
Q. Now, if you go back down to that line you just looked at, 32 --
A. Yes.
Q. -- in the fourth column it says the time that that call was made. Do you see that time?
A. Yes.
Q. What was that time?
A. 10:45.
Q. And what is the length of the call?
A. 28 seconds.
Q. What, if anything, did the defendant say to you

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at that time?
A. That he would be at my house in an hour to pick me up.
Q. And what happened next?
A. I showered. I dressed and then he was at my house in about an hour to pick me up.
Q. And what was he driving, if you remember?
A. His Accord. I don't remember what year. It's a tan car, a tan Honda Accord.
Q. And what, if anything, did he say when he saw you?
A. Nothing. He asked me was I ready and we left. I got in his car. We drove to the mall.
Q. And what, if anything, occurred there?
A. We shopped, myself and girlfriend.
Q. And were you talking with the defendant during this time?
A. Yes.
Q. What, if anything, did he -- you say to him or did he say to you?
A. We discussed the --
MS. GUTIERREZ: Objection.
THE COURT: Basis.
MS. GUTIERREZ: Relevancy, about what.
THE COURT: Okay. Overruled.

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BY MR. URICK:
Q. You may answer the question.
A. We discussed relationships, how me and Steph were doing, how him and his girlfriend were doing, just basic relationship talk -- how long we'd been together, problems with her parents, stuff like that.
Q. And what, if anything, did he say?
A. He said he was having problems in his own relationships, that he was upset, him and his girlfriend were splitting up. He began -- I wouldn't call it outraged, but emotional, just felt he didn't, -- I guess a little angry that things had went the way they were.
He referred to her as "that bitch," said he was going to kill her, but I didn't take it in the text of the conversation for what it was.
Q. How many times did he say that?
A. Just once.
Q. What, if anything, happened next?
A. We left. Oh, wait. No. I'm sorry. We went to the food court. We bought drinks. Then we left the mall. He asked me to do him a favor. He said, "If I let you hold my car, can you pick me up later?"
I said, "Fine."
And then he asked me was I going home, and I told him no, so then he drove himself back to school. He

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parked out in back of the school and walked up the steps, went back to school.

I left there. I was going to Westview Mall, but I decided to stop and get my friend Mark Pusateri. I was at Mark Pusateri's house.

Q. Now, let's refer back to the paper. If you'd look at Line 31?

A. Yes.

Q. Do you recognize that number?

A. Yes.

Q. Whose number is that?

A. That's Mark Pusateri's number on there.

Q. And Mark Pusateri, does he have any family members?

A. Yes, Jen Pusateri. He's Jen Pusateri's brother.

Q. Okay. Now, do you recall that -- that telephone call? Do you know who made that?

A. I do not recall that phone call. That may have been me checking to see if Mark was home.

Q. And if you look at both that Line 30, that's the same number?

A. Pardon me? Line 30? Yes, it is.

Q. The one below it said 12:07, the one above it said 12:41?

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A. Yes. Yes, I see that.

Q. Did you eventually go over to the Pusateri's?

A. Yes.

Q. What did you do there?

A. We played video games for about a half an hour. After that we left, went to the mall. We weren't there very long. They didn't have anything I needed. We returned back. Then I received a phone call on the cell phone he had left me.

Q. Who was that phone call from?

A. Mr. Syed.

Q. What, if anything, did he say?

A. Just asked had I been away or if the cell had been turned off.

Q. And what, if anything, happened next?

A. Me and Mark went back downstairs. We played video games for like almost another hour. His sister came in and I got another phone call from him.

Q. What did he say at that time?

A. He said he was leaving school and wanted me -- he wanted me to pick him up in about a half an hour.

Q. And what did you do?

A. I waited a half an hour and he didn't call, so I left.

Q. And what, if anything, happened next?

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A. I proceeded to check Jamai's house. I can't remember the exact address. He lives off of Crockett Road. I went to his residence and knocked on his door. He wasn't in.

I began to leave to go home, and I received another phone call from Mr. Syed.

Q. Let me back you up. Before you dropped -- before the defendant drove himself back up to the school, did you have occasion to go into the city with him?

A. Not as of yet.

Q. Now, -- okay. You knock on that one door and the person's not home. What, if anything, happens next?

A. I received a phone call. It's Mr. Syed. He's at Best Buy. He tells me to come pick him up, that he'd be on the left-hand side of the building next to the pay phone.

Q. And what did you do?

A. I went to Best Buy to pick him up.

Q. And what, if anything, happened there?

A. He was standing there. He had on a kind of -it was kind of strange. He had on a pair of red wool gloves without their palms and he motioned for me to follow him to the right of the building next to the Beltway.

Q. And what, if anything, happened next?

A. I followed him. He pointed for me to park next

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to a gray car. I parked next to the vehicle. He went around. He took the keys out of the ignition. I exited the vehicle and lit a cigarette.

He -- he asked me was I ready for this several times. And then he opened the trunk and Hae was already in there.

Q. Did you know her?

A. I wouldn't call us friends. We were acquaintances. I had a biology class with her.

Q. And were you able to recognize the person in the trunk?

A. I knew it was her. I mean I didn't see her face. She was laying face down, but I -- pretty much knew it was her.

Q. What, if anything, did you see at that point?

A. Her shoes were off. I mean -- I mean that's about it. It was just -- her -- she was just laying there. She looked kind of blue and her shoes were off.

Q. What, if anything, did the defendant say at that point?

A. He didn't say anything. He just instructed me to follow him, closed the trunk, got back in the -- in her car. I got back in his vehicle and he just told me to follow him. He drove to the end of the 70 Park and Ride.

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Q. And what, if anything, happened there?
A. He exited the vehicle, went around to the back, grabbed some articles out of the backseat and trunk, closed her trunk. He came to his trunk, placed some articles in his trunk and he got into the driver's seat of his car.
Q. And what, if anything, happened then?
A. We then went to Patrick Furlew's house.
Q. Now, if you will, look at the exhibit that I gave you. Do you see -- look at Line 23.
A. Yes.
Q. Do you recognize -- do you recognize that number?
A. Yes.
Q. Whose number is that?
A. Mr. Furlew.
MS. GUTIERREZ: I'm sorry. Whose?
THE WITNESS: Mr. Furlew.
BY MR. URICK:
Q. And that's -- read the number, if you would, please?
A. [redacted]
Q. And the last name is spelled F-U-R-L-E-W?
A. I believe. I'm not sure of that.
Q. Now, if you would for a second, look at the

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Line 26 which is down a few?
A. Yes.
Q. Do you recognize that number?
A. Yes.
Q. Whose number is that?
A. Miss Pusateri.
Q. Do you remember that call which is listed as 3:21?
A. Yes.
Q. What was that call about? Who made that call?
A. I did. I was placing a call to see if she knew where Mr. Furlew was. He wasn't home.
Q. And now, Mr. Furlew is who?
A. Patrick.
Q. And what, if any, were you going to see him for?
A. Buy marijuana.
Q. Why were you going to do that?
A. I was shaken. I wanted to smoke.
Q. And who was with you at that time?
A. Mr. Syed.
Q. And 9:23 is Mr. Patrick Furlew's number?
A. Yes.
Q. Did anyone answer?
A. No.

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Q. What did you do at that point?
A. We left and we went to West Forest Park.
Q. And look above that, Line 22?
A. Yes.
Q. Do you recognize that number?
A. Yes.
Q. What number is that?
A. That's Miss Pusateri's number.
Q. Do you remember that call?
A. No, I do not.
Q. Now, you say you went to West Forest Park?
A. Yes.
Q. What did you do there?
A. We purchased marijuana.
Q. What you say "we," who do you mean?
A. Me and Mr. Syed.
Q. Where did the money come for to do that -- from to do that?
A. I believe I had five bucks. Mr. Syed had 15.
Q. And what did -- if anything, did you do at that point?
A. I got out of the car. We purchased marijuana. I got back in the vehicle. We rode to the gas station, I believe to get blunt. And we rode around and we smoked.
Q. And was he saying anything during this time?

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Were you having any conversations?
A. Yeah. He began telling me about the incident like really, basically what happened. He said that -- he told me that he had got into her -- her car by asking her for -- sorry -- by asking her for a ride. He said that his car was broke.
He told me that he had tried to talk to her. They had some kind of conversation and that what -- what -- what had set him off was that she had -- he had said, "How can you treat me like that," and she told him that he'd get over it.
And he said that's when he began to strangle her. He said there was a small struggle and she kicked off the signal on the driver's side of the car. He said she was trying to say something.
I asked him how did he get her into the trunk and he just said he carried her around. He said, "People think they are hard. I killed somebody with my bare hands," just a lot of -- I don't know. It wasn't really a conversation. That was about all we talked about.
I kind of deadened the conversation by changing the topic.
Q. After you smoked the marijuana, what, if anything, did the two of you do?
THE COURT: Move back a little bit, please, and

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talk louder.
THE WITNESS: Okay. He decided that it was time for him to go to track practice so then I drove him to the front of the school. He left the telephone in the car, exited the car, and walked into Woodlawn High School.
BY MR. URICK:
Q. What did you do at that point?
A. I left and went to my friend Christine's house.
Q. And what, if anything, happened next?
A. I sat there. I smoked, they didn't. They watched television. I was debating with myself what to do. He called, asked me to come get him from school.
Q. What you say "he," who did you mean?
A. Adnan.
Q. And what, if anything, happened next?
A. Picked him up from school. We went back to Miss -- Christine's house.
Q. What you say Christine, do you know her last name?
A. No, I do not.
Q. How did you know her?
A. She was a friend of Miss Pusateri's.
Q. And how long would you have known Christine at that point?

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A. Probably about six months.
Q. How well did you know her?
A. Very well.
Q. When you got there, what, if anything, happened?
A. We were all sitting there. He received a phone call from Hae.
Q. When you say he, who do you mean?
A. Adnan. From Hae's parent's on a cell phone. They were asking about her whereabouts. He told them she didn't -- he didn't know where they -- where she was.
Q. How do you know he got that call?
A. I was sitting right next to him. He said, "Hae, you know, I don't know where she is." I heard the conversation going on, all the answers. And then he received another phone call. I believe it was Hae's family again, but it was a wrong number or something like that.
And then he received a phone call from the police officer.
Q. And did you hear that conversation?
A. I heard part of that conversation. Towards the end, he was just telling them "No," he didn't know where she was, he hadn't seen her, and places to try to look for her.

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Towards the end of the conversation, he began walking down the steps and out of the building. I didn't hear the end of the conversation.
Q. And what, if anything, did you do at that point?
A. I followed him. We left out, he hung of the phone, we went to the car. He told me we had to leave now. He took off his gloves and threw them in the trash can, got into his car and we drove back to my house.
Q. What, if anything, did you do there?
A. I was going in the house, and he had said to me, "I need you to help me."
And I said, "Help you do what?"
And he said, "Get rid of her."
And I said, "No."
And then he -- we was standing on my front porch and he picked up two shovels and he handed me one of them and said, "I know what you do. I know how you do it," referring to my past and I'd just been --
Q. When you say referring to your past, what do you think he meant?
A. Pardon me.
Q. When you say "referring to my past," how did you --
A. The sale of marijuana. I was living in my

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grandmother's house. I really didn't want to get her in any kind of trouble.
Q. Okay. What, if anything, happened next?
A. We both got into his car and placed the shovels in the backseat of his car. We drove back to the 70 Park and Ride, and he told me to -- I was real sketchy then. I mean I was antsy, so he told me to go wait for him at the McDonald's on Security Boulevard.
I went there. I parked there. I sat there for a couple minutes, he showed up. I followed him. We drove all -- all around Dogwood Road, back behind Dogwood Station.
Q. What vehicle were you driving at that point?
A. His -- his car.
Q. What vehicle was he driving?
A. Hae's car.
Q. Please continue?
A. Drove around for a long while and then we ended up somewhere in the woods. And I slowed down and he went to the top of the street and made a right and he parked Hae's car by some houses, and he got back in the car I was driving and he said, "We're going to go back down there."
And we went back down to this like a -- it wasn't even really a viewpoint on the road. It was just

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like a whole pull-off where you could park your car.
Q. Do you know where you were at that point?
A. I believe in Leakin Park.
Q. Please continue?
A. I followed him back in the woods a little more than 50 yards. He said, "That's good enough," started digging.
Q. Did you help him dig?
A. Yes.
Q. Now, if you would, look at Line 12.
A. Yeah.
Q. Do you recognize that number?
MS. GUTIERREZ: What number are you asking about?
MR. URICK: Line 12.
THE WITNESS: Yes.
BY MR. URICK:
Q. Whose number is that?
A. That's -- it used to be Jen Pager.
Q. And, please -- was that her pager on that date?
A. Yes.
Q. Please read it aloud?
A. 390-0384.
Q. Do you remember placing -- do you know who placed that page?

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A. That was me. I did that while we were -- I was sitting in the car waiting for him. I was supposed to meet somebody at someplace at seven o'clock, so I paged him and told him I was probably going to be late.
Q. Was this a numeric or a voice-mail pager?
A. I believe it was voice mail.
Q. About how long did it take to dig?
A. Not very long at all. We received a phone call in the middle of digging. The phone call was for me. He just answered the phone and told them that I was busy at the time, hung the phone up.
Q. When you say "he," who do you mean?
A. Adnan.
Q. Where were the two of you at that time?
A. We were digging.
Q. What, if anything, did you -- did you hear the phone ring?
A. Yeah. That's -- that's it. He just answered, said "He's busy," and hung up the phone.
Q. Did he say anything to you after that?
A. A couple minutes later he said that was Jen.
Q. What, if anything, happened next?
A. We both went back to his vehicle. I was driving. He went to get in the passenger side. He threw up, got in the vehicle. We left the turnoff at the side

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of the road. We went back up to the top of the hill where Hae's car was parked.
At that time he asked me if I would help him because he said she was heavy and he didn't think he'd be able to get her out of the car. I told me I wasn't touching her or any of her possessions. He went back down the hill. He was gone for a long time by himself, drove her car back down. I waited for him.
Q. What, if anything, happened next?
A. He returned, parked her vehicle in the same spot, got back into his car, instructed me to drive back down to the spot.
Q. What did you do?
A. We both exited the vehicle. Once again he handed me a shovel and we walked back to where he had placed Hae's body in the -- in the shallow grave.
She was lying face down, and he started throwing dirt on her.
Q. Now, I'm going to show you what's in evidence as State's Exhibit 9 and ask you to look at this for a few moments?
(Pause.)
BY MR. URICK:
Q. Have you had a chance to examine the exhibit?
A. Yes.

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Q. Can you identify that?
A. To the best of my knowledge, this is the place where Hae was buried.
Q. And that shows the little turn-off?
A. Yes.
Q. Thank you. About how long did it take to cover the body with dirt?
A. I don't -- I don't know. Not very long. I'm guessing 10, 20 minutes.
Q. Who covered the body with dirt?
A. I had started, but I couldn't throw dirt on her head, and I couldn't just -- I don't know.
THE COURT: Try to keep your voice up, please.
THE WITNESS: I'm sorry. I couldn't -- I couldn't -- I couldn't -- I couldn't -- I'd started. I -- I couldn't. I sat down on a log. I smoked a cigarette.
BY MR. URICK:
Q. Who finished covering the body with dirt?
A. Mr. Syed.
Q. What, if anything, happened next?
A. We both left, got back in his car.
Q. Excuse me. Back up.
A. Oh, I'm sorry.
Q. While he was covering the body with dirt, where were you?

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A. I was sitting maybe ten feet away from him.
Q. What were you sitting on?
A. A log.
Q. I am now going to show you what's in evidence as State's Exhibit 10 and ask you to just look at it for a just a few moments?
(Pause.)
BY MR. URICK:
Q. Have you had a chance to examine it?
A. Uh-huh.
Q. Can you identify that today?
A. Yeah.
Q. What is that?
A. That's where she was buried.
Q. And is the log depicted in the picture is the one you were sitting on?
A. Yeah, that log in the top right-hand picture.
Q. What, if anything, happened next?
A. We both began to walk back to his car. There was a jacket laying on the ground. He picked the jacket and just chucked it back in the woods.
We got in her -- his car. We drove back up to her car and he got back into her car. Once again, I followed him. This time it was real short. We just drove down Route 40 somewhere.

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I thought we were going to a strip. We didn't. We went to some parking lot like a -- in the center of all these houses. He got out of her car, brought a couple articles with him and he got back in his vehicle.
Q. When you say he brought a couple of articles with him, what do you mean?
A. I believe one was her wallet. I know there was some kind of bag. I don't know. He was carrying something else, but I don't recall what that was.
Q. What, if anything, did he do with the wallet?
A. Well, later as we were driving back out -- he was taking me home, we have --
Q. When you say driving back up, what road?
A. Oh. Route 40. He was taking me home. But as we passed Westview, he said he had to stop. He stopped, took out her wallet, was fingering through it, flipping through it. He showed me the prom picture and put it back in the wallet and threw all her belongings into the dumpster.
Q. Now, I'd like you to look back at the exhibit? Look at Lines 8 and 9?
A. Yes.
Q. Do you recognize those numbers?
A. Yes.
Q. Whose numbers are those?

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A. That's Miss Pusateri's pager number once more.
MS. GUTIERREZ: What number is that you're marking?
MR. URICK: 8 and 9.
BY MR. URICK:
Q. Just to focus you, did there come a time that -- sometime that day when he called a woman in Silver Spring?
A. Yes. He asked me did I want to speak with her. I didn't know her.
Q. Did you hear him talking?
A. Pardon me?
Q. Did you hear him talking on the phone?
A. Yes.
Q. What was he saying?
A. Just small talk, just, "Hey, how you doing, what's up, what's going on?"
Q. Did there come a time he turned to you?
A. Yes.
Q. What did he say?
A. He just asked me would I like to speak with her.
Q. What did you do?
A. I may have said, "Hello," but I didn't have a conversation with her.

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Q. Do you have any idea who you were talking with?
A. No, I do not.
Q. Now, drawing your attention to that exhibit, Lines 8 and 9, there are two calls to Jen Pusateri's pager at 8:04, 8:05?
A. Yes.
Q. Who made those?
A. I did.
Q. Do you remember what they were?
A. I believe one was telling her -- or both may have been telling her to pick me up from the mall.
Q. After those pages, what, if anything happened?
A. Real quick Jen was there at the mall, the front of the mall entrance. I got out of his car, got into Jen's car. We left.
Q. Now, what, if anything, happened to the shovels?
A. I returned to them. I moved them, put them in a different dumpster.
Q. You say you moved them. Moved them from where?
A. From the dumpster they were in.
Q. How did -- how had they gotten in the dumpster?
A. We had placed them there.
Q. When?
A. At -- at the time he threw her wallet in the

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dumpster, her other possessions.
Q. And after the wallet and the shovels were thrown in the dumpster, what happened next?
A. That's when I placed the pages to Miss Pusateri and then we went to the front of the building. I can't remember whether she picked me up at the mall or my house, but I know she picked me up and I paged her.
The first page was at the mall. The second page was when I was leaving the mall to tell her that I would be at home.
Q. Now, what happened next?
A. That's when me and Miss Pusateri returned to the mall and moved the shovels.
Q. What, if anything, did you do with the shovels?
A. I wiped off the handles of them and threw them in the dumpster.
Q. Why did you wipe them off?
A. I didn't want any involvement.
Q. After you did that, what, if anything, happened next?
A. We returned to my house, changed my clothes, put all my clothes into a plastic bag.
Q. What, if anything, did you tell Miss Pusateri?
A. I told her if I get locked up, if I go to jail, that she's the one person that knows the truth, that I

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didn't kill Hae.
Q. And what, if anything, did you tell her?
A. That she had been murdered, that Adnan had done it. That was it. I didn't give her any details or nothing like that.
Q. You go to back to your house. You did what with your clothes?
A. I changed -- I changed them. I took the clothes I had on. I put them in a plastic bag.
Q. And what, if anything, happened next?
A. We had went to the store to buy beads and when we went to go purchase beads, I went around back and threw my clothes in the dumpster.
Q. And what, if anything, happened next?
A. I left the -- I believe I spent the rest of the evening at Christi's house.
Q. What, if anything, did you do there?
A. I smoked marijuana.
Q. Now, did you ever talk to the defendant again?
A. Yes. Two days later he showed up. I had my girlfriend's car. I was working night shift at the time. He had given her a ride from school to come get her car. I was still asleep. They showed up and he had given my girlfriend a ride to my house.
She went into the house, and he just said, you

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know, "Me and Stephanie are friends," and just kind of smiled at me.
Q. What, if anything, did you think he meant by that?
A. That he could get to her at any time he needed to.
Q. Did you have any further conversation with him on that day?
A. No.
Q. Did you ever see him again?
A. Yeah, once more.
Q. What happened on that occasion?
A. He just asked me what the cops had asked me.
Q. How had you come to see him on that day?
A. I believe he stopped into my job.
Q. And where was your job at that time?
A. Washington Boulevard Adult Video Sales.
Q. And what was that job?
A. It's a porn store. They sell pornography.
Q. And why were you working in a pornography store?
A. 7.50 an hour. All I had to do was hand out quarters.
Q. Now, he came to your job. What, if anything, did he say?

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A. He just asked me had the cops talked to me, what they had asked me, and that was it.
Q. Did he do anything else?
A. He asked for some of the money back. I wrote him a check.
Q. What money was he referring to?
A. He had given me a hundred dollars for a -- he wanted me to buy him an ounce.
Q. An ounce of what?
A. Marijuana.
Q. Now, there came a time when you did speak with the police --
A. Yes.
Q. -- did there not? And you gave two recorded statements; is that correct?
A. Yes.
Q. And I want to ask you some questions about that just to focus you on three specific instances. In the first statement, you told the officers that you had met the defendant who had Hae's car at a strip on Edmonson?
A. Yes.
Q. In your second statement, you said you met him at the Best Buy, and which Best Buy is that?
A. The one on Security Boulevard.
Q. And is that in the State of Maryland?

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A. Yes.
Q. Why was -- why the difference between the two statements?
A. Really there was no reason. I just felt more comfortable if the cops had returned me to a place I feel comfortable in.
Q. Now, the second thing, you said at the time that the call came -- in the first statement, you said at the time the call came from the police officer, you and the defendant were at a McDonald's?
A. Right.
Q. In the second statement you said you and the defendant were at Christina Vinson's.
A. Yes.
Q. Why the difference between the two statements?
A. Her father is a police officer and I didn't want to get her in trouble.
Q. Third thing, in your first statement, you made no mention of meeting up with Jen or saying anything to her afterwards. In your second statement, you did. Why did you not mention Jennifer in the first statement?
A. I didn't her to have to be questioned by the police.
Q. Are you a drug dealer?
A. No. I am presently not -- have any involvement

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with anything like that.
Q. Did you ever have any involvement of any sort with cocaine?
A. No.
Q. Heroin?
A. No.
Q. Marijuana?
A. Yes.
Q. Have you procured marijuana for your friends?
A. Yes.
Q. Did you ever procure marijuana for the defendant?
A. Yes.
Q. Why do you think the defendant asked you to help him?
MS. GUTIERREZ: Objection.
THE COURT: Sustained.
BY MR. URICK:
Q. Why did you do what you did on that day?
A. My personal reasons?
Q. Yes.
A. In the beginning, I was confused and then I was just scared.
Q. Why were you scared?
A. Well, two months before, I had been arrested

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for no reason. A week before that, I was accosted out of my house and I had to lay on the ground for positive ID or whatever. I just didn't think the cops would be kindly with me coming in and telling them something like that.
MR. URICK: May I have the Court's indulgence?
(Pause.)
BY MR. URICK:
Q. On the 13th, when did the defendant give you the phone?
A. I believe I received the phone when I -- we returned to his high school.
Q. When did you give it back to him?
A. I believe after I picked him up, but I placed two calls on it afterwards, after I picked him up from school.
Q. Did you have occasion to ask him for it back so you could use it?
A. Yes.
Q. And did you, in fact, use it?
A. Yes.
Q. And did you return it to him after using it?
A. Yes.
Q. Did you see him use it in your presence?
A. One time when I was driving behind him, I seen

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him placing a phone call.
Q. Did the defendant say why he wanted to go to the track practice?
A. So people would see him.
Q. What do you believe he meant by that?
A. An alibi, I guess.
Q. When you were at Christina's, how was the defendant acting?
A. When he first got there, he instantaneously laid down and went to sleep and he woke up and he wasn't watching TV. Everyone else was watching television. He was just sitting in the corner rubbing his head.
And then he received phone calls and that was -- that was it.
Q. Did you ever get into Hae Lee's car that night?
A. No, I did not.
Q. Did you have occasion that night to stop by your girlfriend Stephanie's house?
A. Yes, I did.
Q. When was that?
A. I believe around 8:00 in the evening. I had to drop her presents off there. Her birthday -- it was her birthday, the 13th.
Q. How soon would it have been after you met up with Jen Pusateri?

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A. Probably immediately because she's not allowed to come to the door and have visitors too late. It was a school night, I believe.

MR. URICK: May I have the Court's indulgence?

(Pause.)

MR. URICK: No further questions.

THE COURT: Are you done with the chart?

MR. URICK: Yes.

THE COURT: Are you going to be using the chart, Ms. Gutierrez?

MS. GUTIERREZ: No, Your Honor.

THE COURT: Cross?

MS. GUTIERREZ: Judge, we would ask for an overnight recess. Notwithstanding our request for the last five months, we only received 120 pages of the prior statements and the tapes.

During lunch I was able to listen to portions of one of the tapes. I have not reviewed fully either of the statements. I can certainly start, but I would ask for a recess overnight to fully prepare.

THE COURT: Okay. Counsel, please approach.

(Counsel and the defendant approached the bench, and the following ensued:)

THE COURT: Do you have another witness tonight?

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MR. URICK: No. We anticipated either cross-examination or this witness' direct taking up to about 5:30. Even though we gave the statements this morning before Court started, not at lunchtime, we anticipated the defense would ask for a continuance, so we did not ask any of the witnesses to show up.

THE COURT: Would you let me in on it the next time you all plan on scheduling my day?

MR. URICK: I apologize to the Court. I -- I thought -- my initial statement at the beginning that I --

THE COURT: Step back.

MR. URICK: -- try to do this as --

THE COURT: Step back.

(Counsel and the defendant returned to the trial tables, and the following ensued:)

THE COURT: Ladies and gentlemen, if you would return to your jury assembly room, when you are discharged for the day, as always, go home, have good evenings with your families.

Please do not discuss the trial with anyone, either among yourselves or anyone else. Avoid all crime stories and don't do any investigation on your own.

Good night, ladies and gentlemen. Please return to your jury room.

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THE JURY: What time in the morning?

THE COURT: Oh. If you'll be here tomorrow morning between 9:00 and 9:15 for the pay, please be your seats at 9:00 -- in your room upstairs at 9:30. Thank you.

(The jury was excused from the courtroom.)

THE COURT: Counsel, we've managed to waste an hour and a half today.

Now, in the future, you will have the entire day planned. If you knew, because you dumped the discovery on her late today, she was going to ask, reasonably anticipated ask for a recess, which is appropriately, you should have had another witness.

I'm trying to get this case concluded within my vacation time and the jurors' vacation time and other scheduling.

But you can't just take -- can't arrogate to yourselves my trial day.

MR. URICK: My apologies to the Court.

Your Honor, can we --

THE COURT: Be in place tomorrow at 9:30.

Yes?

MR. URICK: If I may ask the Court. We anticipate that we could probably finish in the morning. We have one witness, Dr. Rodriquez, who's an Army

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forensic pathologist. He's agreed to do a local -- he's going to help the Medical Examiner's Office on a matter.

He had planned to do it in the morning and come here at 2:00 o'clock. He could come in the morning and reschedule that. I don't know if we would fill up the morning with the other witnesses. Should I have him come in and we'll bring him on after Mr. Wilds so we could probably finish in the morning?

THE COURT: Yes, yes. Now, after Mr. Wilds and after the doctor, who do you have left?

MR. URICK: We have two other witnesses.

THE COURT: How long are they?

MR. URICK: I anticipate potentially an hour on each of them.

THE COURT: What are they?

MR. URICK: We have Jennifer Pusateri.

THE COURT: Okay.

MR. URICK: And we have a representative of the AT&T Wireless Company.

THE COURT: Why do we need that?

MR. URICK: He prepared the map.

THE COURT: There's no way of getting -- is there no way that we can get around an hour of testimony of some guy who prepared the map?

MS. GUTIERREZ: I'd sure like to, Judge, but

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there's been no request and no proposal.
THE COURT: Would you talk to Ms. Gutierrez, who's been reasonable, and make some effort to --
MS. GUTIERREZ: I agreed to every other request for stipulations.
THE COURT: -- to make some effort to see if we can cut out this needless hour and at least at that point you don't owe me but a half an hour, Mr. Urick, if you're able to do that.
MR. URICK: Your Honor, it's more than that. He has to explain the system to them, explain how a cell site operates, how we can locate a call within a cell site and verify that certain locations, in fact, would be within certain cell sites and would lock onto that cell site.
He's a very important witness for that reason. I don't believe we would get a stipulation as to all that.
THE COURT: Very good. Well, the State will be finishing its case tomorrow, in any event; is that correct?
MR. URICK: I would say it's very likely it would finish in the morning, early afternoon at the latest.
THE COURT: Well, obviously you can't finish

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in the morning. You've got her cross of Mr. Wilds that's going to take some time, and you've got a physician and you've got two other hour long witnesses.
MR. URICK: Should I ask the physician --
THE COURT: So you're not going to finish in the morning.
MR. URICK: Should I ask the physician to come at 2:00?
THE COURT: If you want the physician to be your last witness, ask the witness to come in at 2:00, but have the phone person and Ms. Pusateri on standby so that we don't waste the jury's time.
MR. URICK: We already told both of them to be here at 9:30.
THE COURT: Good.
MR. URICK: So they are present. So if we finish a little bit early, we wouldn't get to the doctor until two o'clock, with the Court's permission.
THE COURT: As long as we don't have another day where I lose almost two hours, effectively, of trial time.
Anything else, counsel?
MS. GUTIERREZ: Judge, we'll have some witnesses together for tomorrow, but if the Court recalls, we did move for a viewing.

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THE COURT: That's not going to happen. I can't afford to take --
MS. GUTIERREZ: No, I understand, but we do need several-- we need a little bit of time in order to prepare it so I'd like to --
THE COURT: Feel free to do your videotaping.
MS. GUTIERREZ: We don't think that's going to be sufficient, Judge. We do have some videotaping, but it doesn't -- I don't believe that it brings to the -- we are prepared to prepare it for Friday. I believe I can make arrangements. I will try.
THE COURT: As long you're ready to start your case on Thursday morning.
MS. GUTIERREZ: Yes.
THE COURT: Somehow.
MS. GUTIERREZ: Okay. I'll even have some witnesses available tomorrow just in case.
THE COURT: Just in some fashion.
MS. GUTIERREZ: That's fine.
THE COURT: Just be ready to start your case on Thursday.
MS. GUTIERREZ: That's fine.
THE COURT: Anything else, counsel?
Good night. See you tomorrow at 9:30.
(The trial recessed at 4:49 p.m.)

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REPORTER'S CERTIFICATE

I, Charles F. Madden, an Official Court Reporter of the Circuit Court for Baltimore City, do hereby certify that the proceedings in the matter of State of Maryland versus Adnan Massud Syed, Indictment Numbers 199103042-46 in the Circuit Court for Baltimore City, on December 14, 1999, before the Honorable William D. Quarles, Associate Judge, and a jury were recorded by videotape.

I further certify that the page numbers 1 through 225 constitute the official transcript of the proceedings as transcribed by me from said videotape to the within typewritten matter to the best of my ability.

In Witness Whereof, I have affixed my signature this 11th day of February, 2001.

Charles F. Madden
Official Court Reporter

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