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IN THE CIRCUIT COURT FOR BALTIMORE CITY, MARYLAND

STATE OF MARYLAND

vs. Indictment No. 199103042-46

ADNAN SYED,

Defendant.

_____/

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

Baltimore, Maryland

February 10, 2000

BEFORE:

HONORABLE WANDA KEYES HEARD, Associate Judge

APPEARANCES:

For the State:

KEVIN URICK, ESQ.,
KATHLEEN MURPHY, ESQ.

For the Defendant:

CRISTINA GUTIERREZ, ESQ.

RECORDED BY: VIDEOTAPE

TRANSCRIBED BY:

Christopher W. Metcalf
Official Court Reporter
507 Courthouse West
Baltimore, Maryland 21202

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1

Page 2

PROCEEDINGS

(Jury not present upon reconvening.)
THE COURT: Yes, sir, ma'am.
MS. MURPHY: Good morning, Your Honor. We just want to make the Court and Ms. Gutierrez aware. Yesterday when the alternate or when juror number six was excused and the court instructed her that she could talk to any of the attorneys if she wanted someone from our office attempted to speak to her and approached the wrong juror. He simply -- he didn't -- there was not a conversation. He approached a juror, I don't know which one, he said are you juror number six, she said no and that was the -- I think he apologized. That was the extent of the conversation. I just wanted the Court to be aware.
THE COURT: Who was the person that approached?
MS. MURPHY: He's an Assistant State's Attorney named Mark Floerscheimer.
THE COURT: All right. So, I should expect to hear from one of my jurors then that someone tried to talk to them because they're suppose to report --
MS. MURPHY: Right.
THE COURT: And they have been directed to

Page 3

report any conversations and they approached juror number who?
MS. MURPHY: I don't know which juror it was and neither does he because he really didn't -- doesn't --
THE COURT: No, they're talking about an Assistant State's Attorney approaching one of the other jurors that was no excused in error.
MS. MURPHY: Right.
THE COURT: The --
MS. MURPHY: But he said she did not speak to him, she simply said no and continued.
THE COURT: Okay. It was a woman obviously.
MS. MURPHY: Right.
MS. GUTIERREZ: Is the Assistant State's Attorney anyone that's been here that the juror might have seen?
MS. MURPHY: He was here for --
MS. GUTIERREZ: In the courtroom.
MS. MURPHY: He was here for a little while yesterday and was present when the jury was excused and that's why he was willing to try to speak to the alternate and simply approached the wrong juror.
THE COURT: Is the Assistant State's Attorney here?

Page 4

MS. MURPHY: No, he's not present this morning. I'm sure if the court wanted to hear from him.
THE COURT: Is (inaudible)?
MS. MURPHY: I don't know. If the Court wanted to hear from him I'm sure we could arrange to have him here at some point today.
THE COURT: Well, I think probably the more appropriate thing is to find out --
MS. GUTIERREZ: From the juror.
THE COURT: From the jurors, if anyone tried to speak to them or approach them or talk to them about this case.
MS. MURPHY: Okay.
THE COURT: But off of what you're saying he never even had a chance to identify himself, is that correct?
MS. MURPHY: I think he said he identified himself as an Assistant State's Attorney, said, are you juror number six, she said no, he said, I apologize and that was it.
THE COURT: Okay. Obviously --
MS. GUTIERREZ: Well, obviously I'm concerned, Judge.
THE COURT: I'll ask the jurors if you have

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Page 5

any problem with that.
MS. GUTIERREZ: Yeah. No, I think and then lets see. If they don't answer then I'm even more concerned.
THE COURT: Well, it maybe that they don't see it --
MS. GUTIERREZ: Especially since they identified themselves as Assistant State's Attorney, but when --
THE COURT: But it could be that it means nothing to the person.
MS. GUTIERREZ: Right, right.
THE COURT: And it could be that --
MS. GUTIERREZ: Well, that's why I asked, was the Assistant State's Attorney available? He may not know the number but he could describe the juror. Obviously he recognized enough of the juror to think that they might be that juror.
THE COURT: Right.
MS. GUTIERREZ: Might be able to help us, but obviously if the juror answers the Court's inquiry then we may not need to go there.
THE COURT: Right.
MS. GUTIERREZ: I guess I would ask that efforts would be made to locate that State's attorney

Page 6

and have him easily available if we need to rather than waste more time trying to locate him.
THE COURT: Ms. Murphy, I would ask that you do that. If you could locate the assistant and ask that he make himself available at the lunch and recess. What we're going to do at this point is, though I'm going to make an inquiry of the jurors as they come out.
MS. GUTIERREZ: Okay.
THE COURT: Did anyone -- was anyone approached by anyone at the end of the day.
MS. GUTIERREZ: However, simply -- maybe to -
THE COURT: And if whether or not the fact that they were approached --
MS. GUTIERREZ: Even if -- maybe if it appeared to be a mistake.
THE COURT: Mistake, right. If they were -- if as a result of being approached that it interferes with their ability to be fair and impartial, did the person say anything to them that caused them any concern and then they can indicate yes or no.
MS. GUTIERREZ: Well, I guess I would ask that the Court not ask that second series of questions interrupt and bring us up because it is of concern to us and I don't think that would end the inquiry.

Page 7

Perhaps the Court is right that, you know, there's a juror who didn't make anything of it, you know, didn't make any connection between the question and the case and therefore, might not answer the Court's inquiry. I guess we may mind --
THE COURT: If that's --
MS. GUTIERREZ: I think it is of concern. So, I would ask that the Court not go any further, that we just take it baby steps, ask, see if somebody responds, if they don't -- if they do respond well then we know where to go. If they don't respond then I'd ask that you bring us up and then discuss where to go from there.
THE COURT: There's one other concern that I have because you may recall that we're at a juncture where juror number six is missing.
MS. GUTIERREZ: Is not here, yes and they don't --
THE COURT: And so they may draw a connection between --
MS. GUTIERREZ: Right.
THE COURT: The fact that we make that inquiry and then -- six be missing.
MS. GUTIERREZ: And juror number six isn't here. Right. With no explanation.

Page 8

THE COURT: Right. So, what I could do and I think probably the best thing to do is to first seat alternate number one in the box and then before they are left to go away again, ask if there was anyone and if anyone says yes, ask that person to stay and then we can make the inquiry out of the presence of the rest of the members of the jury.
MS. MURPHY: And we certainly apologize, Your Honor.
MS. GUTIERREZ: And you're going to tell them while, I mean you're going to tell them.
THE COURT: Right.
MS. GUTIERREZ: That for reasons unrelated to you --
THE COURT: As I instructed you, right.
MS. GUTIERREZ: We're moving alternate number one.
THE COURT: Right and also at the end if we have someone stay I'll say, as we've done throughout the trial I've asked if anyone -- has anyone approached them to let me know and --
MS. GUTIERREZ: Judge, I guess my request would be that you ask them first. It happened yesterday at the end of Court and that obviously we're concerned. We'd like to know, but also it would be

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Page 9

freshest in the jurors mind rather than waiting until another break and other things may or may not have happened that jurors are now concentrating on. That you bring them out and inquire first. That -- that -- in that the Court I suggest could incorporate that with what you're going to tell them about, you know, seating alternate number one in juror number six's seat so it's not like a separate inquire or separate interruption, but that that would be our best shot to get an accurate, you know, and complete response before the jurors minds are taken up with other things that would require their concentration.

THE COURT: I understand the concern that you have. Had we not have juror number six leave --

MS. GUTIERREZ: Right.

THE COURT: I would say that you're right, but I'm afraid that if I do it together that it will draw a connection and I don't want them to think that there is any connection between juror number six leaving and my asking the question.

MS. GUTIERREZ: Well, Judge, but I think that there is since what we've been told is that the inquiry from the Assistant State's Attorney to this other juror was, are you juror number six?

THE COURT: Right.

Page 10

MS. GUTIERREZ: And, you know, our concern is frankly a broad range of concern --

THE COURT: I see.

MS. GUTIERREZ: As to what that might mean.

THE COURT: Mean.

MS. GUTIERREZ: And I think that the Court is fully capable of other ways to, you know, if it turns out that there's some connection of reassuring the jury that, you know, they shouldn't focus on why juror number six and that the Court can do that at any time, but that it is important to us. I think that there is the potential, that it is connected at least in this juror's mind since the inquiry was to that juror number and at the time of that inquiry that juror, whoever it might be, wouldn't have known that juror number six was excused permanently. Certainly might have known that something was going on with juror number six because juror number six and then they left before the juror and she was escorted but --

THE COURT: And then she didn't come back today.

MS. GUTIERREZ: Right. But in that -- in that once the jury becomes aware that juror number six, you know, our concern is that there is some impact on the juror who was asked, was she number six, and that's

Page 11

why I do see the Court's concern about the connection. I guess our view is that if that's a concern, that the Court is fully capable of addressing that issue later in other ways with the jury, but that our request is that you inquire now rather than let time pass and whatever connection there might have been that might realistically be of concern to us dissipate in the light of other things.

THE COURT: My concern is that there not being opportunity for the jurors to discuss it.

MS. GUTIERREZ: Right.

THE COURT: And there not be an opportunity for the jurors to have a conversation and I think that as long as they're in this courtroom I know they're not having a conversation, but when we take the break I don't know what they're going to say and that's why I suggested we separate the two. Place the alternate in the box first, then as we break and we send them back to rest or whatever that that's when I hold anyone who has indicated that they have -- were approached. But in any event I have several options in front of me and I thank both sides for your suggestions because I think that they are excellent suggestions, but I also find that I think that however I handle it is got to be within the discretion of the Court. To sort of map out

Page 12

of way to do it that's the least obtrusive and the least item that would cause a problem. Can you get the newspaper reader and indicate that I don't appreciate that in my courtroom. In any event, that's what we'll do at this point and I thank you both. Is there anything else you need to bring to my attention?

MR. URICK: No.

MS. MURPHY: Well, we certainly apologize for the inconvenience.

THE COURT: All right. Very well. Thank you, Ms. Gutierrez.

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

(The jury returned to the courtroom.)

THE COURT: You all may be seated. Thank you. At this time I'm going to ask alternate number one, if you would kindly take six number six. You are now going to be our juror number six. Please step up, take your pad with you and your purse and I think if you walk around to this end there's a step up on this end. You're now alternate number one, alternate number two and alternate number three and I'm going to ask that at this time the witness be sworn in. If you'll stand, sir. Raise your right hand.

JAY W. WILDS,

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Page 13

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

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

MR. WILDS: Jay W. Wilds, [redacted] Catonsville, Maryland.

THE COURT: When we last saw Mr. Wilds we have concluded the direction examination of Mr. Wilds and Counsel for the Defense was inquiring. We're going to resume with Mr. Wilds's testimony at this time. Counsel, witness with you.

MS. GUTIERREZ: Thank you, Your Honor.

CROSS EXAMINATION

BY MS. GUTIERREZ:

Q Mr. Wilds, we saw you six days ago, did we not?

MR. WILDS:

A Yes, ma'am.

Q Okay. And you remember that occasion, do you not?

A Yes, ma'am.

Q On that occasion when we broke we were discussing your plea agreement, were we not?

A No, ma'am.

Page 14

Q Sir, do you remember your plea agreement?

A Yes, ma'am.

Q You've alternately referred to it as your truth agreement, right?

A Yes, ma'am.

Q That's the words you used last Friday, wasn't it?

A Yes, ma'am.

Q And you understood that that plea agreement required you to enter a plea, did it not?

A Yes, ma'am.

Q To the crime of an accessory after the fact to the murder of Hae Lee, right?

A Yes, ma'am.

Q And you understood that that's a crime in Maryland, did you not?

A Yes, ma'am.

Q Now, you entered that plea on September 7th, correct, when you signed that plea agreement on September 7th, did you not?

A Yes, ma'am.

Q And you had a lawyer then, did you not?

A Yes, ma'am.

Q Now, let me take you back to February 28th at 1:30 in the morning. That was a Sunday, was it not?

Page 15

A I believe so.

Q And, sir, you were at the police station headquarters on Fayette Street, just a couple blocks from there, were you not?

A Yes, ma'am.

Q And you hadn't just happened to arrive there, had you?

A No, I did not.

Q You had been brought there, had you not?

A Yes, ma'am.

Q By detectives from the Baltimore City Police Department, had you not?

A Yes, ma'am.

Q And they came to your home, sir?

A No, ma'am, they did not.

Q They found you where?

A I believe I was at work.

Q At work and at work at that time, sir, is that the pornographic video store?

A Yes, ma'am.

Q And they knew where you worked, did they not?

A Yes, ma'am.

Q And when they walked in the door it really wasn't such a surprise to you, was it?

A Yes, ma'am, actually it was.

Page 16

Q It was. Now, sir, on Friday, six days ago you were asked about your very good friend Jen Pusateri, were you not?

A Yes, ma'am.

Q Jen Pusateri went to school with you, did she not?

A Yes, ma'am.

Q At Woodlawn Senior High?

A Yes, ma'am.

Q And you had previously described her as a very good friend, have you not?

A Yes, ma'am.

Q And you're aware that Jen Pusateri described you as a very, very good friend, are you not?

A Yes, ma'am.

Q Your talking to her on January 13th was not anything unusual, was it?

A No, ma'am, it was not.

Q And your going to her home on January 13th was not anything unusual, was it?

A No, ma'am, it was not.

Q You had been very, very good friends with Jen Pusateri for a long time, had you not?

A Yes, ma'am.

Q And you generally talked to her every day,

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Page 17

did you not?
A Yes, ma'am.
Q And sometimes you saw her every day, did you not?
A Yes, sometimes.
Q And there wasn't anything unusual about that, was there?
A No, ma'am.
Q You were aware, sir, and in fact, you were asked were you girlfriend and boyfriend with Jen Pusateri, were you not?
A I believe so.
Q And well that's not something you forget, would it?
A A lot of people ask me that.
Q Jen Pusateri was critical to your story wasn't she?
A Yes.
Q And you knew that before the tape went on, didn't you?
A Yes.
Q And you were aware that the police had already talked to Jen Pusateri, were you not?
A At the time of the interview?
Q Pardon.

Page 18

A At the time of the interview?
Q Yes, sir.
A Yes, ma'am.
Q So, and you knew that she had interviewed with the police going down there herself with a lawyer and her mother, did you not?
A No, ma'am. I did not.
Q You talked to her afterwards, didn't you?
A Yes, ma'am.
Q Okay. After she went to the police, right?
A Yes, ma'am.
Q And she told you what they asked her, didn't she?
A No, ma'am, she did not. No she did not.
Q No, she didn't tell you, but you talked to her and you knew that she had been there?
A Yes, ma'am.
Q And you knew it involved the death of Hae Min Lee, didn't you?
A Yes, ma'am.
Q And you knew it involved the events of January 13th, didn't you?
A Yes, ma'am.
Q In fact, you knew that she had talked to the police on the day before, the day before meaning she

Page 19

had talked to the police on the 26th of February, did you not?
A No, ma'am, I did not.
Q She called the police that she had talked to you the night before she came down there with her lawyer, is that a surprise to you?
A No, ma'am.
Q And so it's not like you don't remember talking to her?
A Yes, ma'am. We didn't talk about what she was questioned.
Q You didn't talk to her on the 26th?
A I spoke to her, yes.
Q Okay. And you weren't aware that she had talked to the police?
A No, ma'am.
Q About these events?
A No, ma'am.
Q You would describe Jen as your very good friend. Would that include a definition of best friend?
A No, ma'am.
Q And when you were asked about the status of your relationship as to whether or not you were girlfriend and boyfriend you answered the police, did

Page 20

you not?
A Yes, ma'am.
Q You insisted you were not?
A Correct.
Q Did you not?
A Yes, ma'am.
Q You became aware, did you not, that Jen Pusateri's answer to that question, the girlfriend and boyfriend nature of her relationship with you was, no, not like, you know, not really, but I mean we're really close. Like I love Jay as a friend, I mean with all my heart. Jay is like, I trust Jay with my life. That's not a surprise to you that she would answer not really girlfriend and boyfriend, was it?
A No, ma'am.
Q Now, at the time of these events the person you publicly declared to be your girlfriend was Stephanie [redacted], was she not?
A Yes, ma'am.
Q And you had know Stephanie [redacted] since middle school, had you not?
A Yes, ma'am.
Q And you had been publicly her boyfriend since that time, correct?
A Yes, ma'am.

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Page 21

Q And you both attended Woodlawn High School, did you not?
A Yes, ma'am.
Q Stephanie was a very good student, a scholar, was she not?
A Yes, ma'am.
Q She was in the MAGNET program, was she not?
A Yes, ma'am.
Q The same program Adnan Syed was, correct?
A Yes, ma'am.
Q Stephanie was your girlfriend throughout high school, right?
A Yes, ma'am.
Q And as you tell it she's still your girlfriend, right?
A 'Till most recently, yes.
Q Until most recently?
A Yes.
Q How most is that?
A About a month.
Q Stephanie [redacted] is the one that ended the relationship, is she not?
A Yes, ma'am.
Q You didn't end this relationship, did you?
A No, ma'am.

Page 22

Q You were aware, she's in college now, isn't she?
A Yes, ma'am.
Q As she was always expected to be, isn't the correct?
A Yes, ma'am.
Q Everybody always knew Stephanie was going to college, didn't they?
A Yes, ma'am.
Q And you were aware that Stephanie's family didn't really approve of you?
A Yes, ma'am.
Q And that was always the case, wasn't it?
A Yes, ma'am.
Q And you were always aware throughout the course the of the relationship that you, the boyfriend, were always on thin ground, were you not?
A Pertaining to?
Q Pardon.
A Pertaining to?
Q Pertaining to her. Her family's opposition to you never changed, did it?
A No, it did not.
Q And -- now, you were aware at least during the time that Stephanie matriculated at Woodlawn Senior

Page 23

High School that her best friend, the person she would call her best friend was Adnan Syed, were you not?
A I was not.
Q You were not?
A No.
Q You were aware how close they were, weren't you?
A Yes, ma'am.
Q And that they had been very close for a good long time?
A No they had not.
Q You didn't know that?
A They had not.
Q You saw your girlfriend every day?
A Yes, ma'am.
Q And just like you saw, likely, Jen Pusateri every day?
A Yes, ma'am.
Q When you saw Jen is was not the same time generally that you saw Stephanie, was it?
A No.
Q Stephanie wasn't good friends with your very good friend Jen, was she?
A No, ma'am.
Q And Jen wasn't good friends with Stephanie,

Page 24

was she?
A No, ma'am.
Q In fact, Jen didn't particularly like Stephanie, did she?
A No, ma'am.
Q And the two of them really never spent any time --
THE COURT: I'm sorry.
BY MS. GUTIERREZ:
Q Free time together, did they?
THE COURT: Counsel, I'm sorry. Your voice is fading.
MS. GUTIERREZ: Thank you.
THE COURT: I frankly don't know if the monitors are even picking it up. If you could repeat your last question.
BY MS. GUTIERREZ:
Q Okay. Mr. Wilds, Jen didn't spend any independent time with Stephanie, did she?
MR. WILDS:
A Some occasion, yes.
Q Yes. And what did they do?
A Jen would give Steph a lift if she needed one, I believe they played softball together when they were younger.

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Page 25

Q Stephanie had her own car, didn't she?
A At one point, yes.
Q Stephanie was aware that Jen didn't really like her, wasn't she?
A Yes.
Q And Jen, your very good friend made it clear that she didn't like Stephanie to you, did she not?
A Yes.
Q And that never changed, did it?
A No, ma'am.
Q And if would not have been okay with your girlfriend, Stephanie the person if you were intimate with any other girl, would it have been?
A No, ma'am.
Q And that was clear, was it not?
A Yes, ma'am.
Q Now, the other day, on Friday you described Adnan as an acquaintance, did you not?
A Yes, ma'am.
Q And that's a word different from a friend, isn't it?
A Yes, ma'am.
Q And you intended it to be, did you not?
A Yes, ma'am.
Q But if Adnan would lend you his car you would

Page 26

take it, would you not?
A Yes, ma'am.
Q Now, lets go back again to Jen Pusateri. Stephanie wasn't happy about all the time you spent with Jen, was she?
A She never made me aware of that.
Q Pardon.
A She never made me aware of that.
Q Well, you didn't make her aware of all the time you spent with Jen, did you?
A Yes, ma'am, I did.
Q Did you report to her when you were going over Jen's?
A I wasn't required to report it.
Q Not by Stephanie?
A No, ma'am.
Q And you certainly didn't do it on your own, did you?
A Yes, ma'am, I did.
Q Reported to her?
A Yes, ma'am.
Q The times you spent with Jen?
A Yes, ma'am.
Q Now, Mr. Wilds, if you were stepping out on Stephanie that would have impacted on your

Page 27

relationship, would it have not?
A With whom?
Q With anyone?
A With Stephanie?
Q If you were stepping out on Stephanie, you understand what that term means, don't you?
A Yes, ma'am.
Q Okay. If you had another girlfriend, anyone, any name, anywhere, that would have impacted with Stephanie, would it have not?
A Pardon me. I didn't hear the last part of it.
Q If you were stepping out with any girl, of any name, from any location that would have impacted your relationship with your girlfriend, Stephanie, would it have not?
A Yes, ma'am.
Q And you were always aware of that, weren't you?
A Yes, ma'am.
Q In regard to Jen Pusateri, were you ever intimate with her?
A No, ma'am, I was not.
Q No, not before Stephanie?
A No, ma'am, I was not.

Page 28

Q Not any time during?
A No, ma'am, I was not.
Q And not now?
A No, ma'am, I am not.
Q But you would agree with her characterization that you were very, very good friends?
A Yes, ma'am.
Q And that you talked every day?
A Yes, ma'am.
Q And that you generally saw each other every day?
A Yes, ma'am.
Q Now, when you went down to the police station at 1:30 in the morning on the 28th you had no idea of what your friend, Jen said about the events of January 13th?
A No, ma'am, I did not.
Q No. Because your good friend, although you had spoken to her that you were aware that she had seen the police the day before in the late afternoon of February 27th, hadn't told you what she was asked or what she said?
A Not in detail, no.
Q Not -- so, she told you a little bit?
A She told me she was questioned.

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Q She told you she was questioned about the events of January of 13th, did she not?
A Yes, ma'am.
Q Now, Mr. Wilds, Jan Pusateri was never in Adnan Syed's car at any time you were in it on January 13th, were you?
A No, ma'am.
Q No, and she wasn't present during the events that you describe that occurred in Lincoln Park, whenever they occurred, was she?
A No, ma'am.
Q And to your knowledge Jen barely knew Adnan, correct?
A Yes, ma'am.
Q She wasn't a friend of her's, was he?
A No, ma'am.
Q And you knew then before she offered any information that the only thing about which she could be questioned was information that was suppose to come from you, right?
A That's an assumption.
Q Well, sir, you made that assumption, didn't you?
A No, ma'am.
Q When you talked to Jen on the 13th she didn't

indicate to you she knew anything else about this, did she?
A No, ma'am.
Q When you told her what had happened in Lincoln Park she didn't say, I already know about that, I know about Hae Lee, I know about Adnan, you don't have to tell me, did she?
A No, ma'am.
Q And you knew that she had no other source of information except for you, did you not?
A No, ma'am, I did not know that.
Q Well, sir, when she told you that she was questioned by the police did you ask her what it was about?
A No, ma'am, she told me.
Q You didn't ask her why the police were questioning her?
A She told me.
Q But she didn't tell you in detail, did she?
A No, ma'am.
Q And you didn't ask any follow up questions to whatever it is she said, did you?
A No, ma'am.
Q You didn't go fishing for information from your very, very good friend, correct?

A No, ma'am.
Q And did you talk to her by phone on the 27th?
A I believe so.
Q Not in person. Did what she say concern you?
A Yes.
Q Did she tell you it was about the events of January 13th?
A I believe so.
Q And that it was about you?
A I believe so, yes.
Q And that it was concerning the death of Hae Min Lee?
A I assumed that.
Q And exactly what else did she tell you, sir?
A That they had questioned her, that she thought she was going to get in trouble.
Q She thought --
MR. URICK: Objection.
BY MS. GUTIERREZ:
Q Is that what she said?
MR. URICK: Counsel is not letting the witness finish his answer.
THE COURT: Sustained.
MS. GUTIERREZ: I didn't hear the answer, Judge, I apologize.

THE COURT: Sustained.
MR. WILDS: That she thought that --
THE COURT: You may finish your answer.
MR. WILDS: She thought she was going to get in trouble and that she asked me what was going on, and she hoped that I wasn't in trouble.
BY MS. GUTIERREZ:
Q Now, you hadn't talked to the police yet, right?
MR. WILDS:
A No, ma'am, I had not.
Q You hadn't been approached by any police officer?
A No, ma'am, I had not.
Q From Baltimore County?
A No, ma'am.
Q And not from Baltimore City?
A No, ma'am.
Q And you hadn't spoken to anyone else about those events of January 13th, had you?
A Besides Ms. Pusateri?
Q Besides Ms. Pusateri.
A No, ma'am, I had not.
Q No. Now, when you said she, you meant to refer to Ms. Pusateri, did you not?

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Page 33

A Pardon me.
Q When you said she in your previous answer indicating that she thought she was going to get in trouble you were referring to your very good friend, Ms. Pusateri, were you not?
A Yes, ma'am.
Q No, that was a surprising statement, wasn't it?
A No.
Q She hadn't done anything, had she?
A No, ma'am.
Q And there was no reason to expect for her to think that she would be in trouble, would there?
A She was questioned by the police, anyone would think they were in trouble.
Q Sir, I'm asking you what you thought when she said she thought she would get in trouble, that was as surprise to you, was it not?
A It was not a surprise that she thought that she would get in trouble, no, ma'am.
Q When she said that, sir, you of course reassured her there was no trouble here for her, did you not?
A No, ma'am, I did not.
Q And whatever else it is she said you didn't

Page 34

ask any follow up questions of her?
A No, ma'am, I did not.
Q You just went on to work?
A Yes, ma'am.
Q She had reached you at work, had she not?
A Is the same occasion?
Q Yes, sir.
A No, ma'am, she did not.
Q So, she reached you before you went to work, right?
A Yes, ma'am.
Q And work is the place where you rented pornographic videos?
A I was a clerk, yes.
Q And you gave people quarters, you made change for them so they could see the pornographic peep shows, did you not?
A Tokens, yes.
Q And when the police showed up at that pornographic video store they took you downtown so that your statement began at 1:30, sir, and it was not a surprise to you, was it?
A Yes, ma'am, it was.
Q It was. Even though you had already talked to Jen Pusateri?

Page 35

A Yes, ma'am.
Q Now, when you got down to the police headquarters, sir, at some point they turned a recorder on, did they not?
A Yes, ma'am.
Q But before they turned a recorder on you spoke to them, did you not?
A Yes, ma'am.
Q You spoke to them in a little room, right?
A Yes, ma'am.
Q And both Detective Ritz and Detective McGilvary were present, were they not?
A Yes, ma'am.
Q And they asked you about these events, right?
A Yes, ma'am.
Q And you answered all their questions, did you not?
A Yes, ma'am.
Q And at that time you hadn't been asked to take an oath like you were asked to take today, right?
A No, ma'am.
Q You hadn't had to raise your right hand and swear to tell the truth, had you?
A No, ma'am.
Q And there was nobody else there but you,

Page 36

Detectives McGilvary and Witts, right?
A Yes, ma'am.
Q And that statement lasted how long?
A I believe about three or four hours.
Q Three or four hours, before the tape recording --
A Oh, no, I'm sorry.
Q Got turned on.
A I'm sorry. About two hours.
Q About two hours and that's two hours before the tape recorder got turned on, right?
A Yes, ma'am.
Q And the only questions they asked you were about the events of the 13th, right?
A Yes, ma'am.
Q And they never during any of that time asked you to raise your hand and take an oath, did they?
A No, ma'am, they did not.
Q And they never asked you to swear that you were telling the truth, did they?
A No, ma'am.
Q And after that interview was over and they took notes during that, did they not?
A Yes, ma'am.
Q They took note of their pads, did they not?

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Page 37

A Yes, ma'am.
Q Both of them, correct?
A Yes, ma'am, yes, ma'am.
Q And you answered all of their questions, did you not?
A Yes, ma'am.
Q And during that interview they confronted you with things that Jen Pusateri said, did they not?
A Yes, ma'am.
Q And you knew more about her interview as they told you about it, did they not?
A Yes, ma'am.
Q And during that time period, sir, you weren't under arrest, were you?
A No, ma'am.
Q You were free to leave, were you not?
A After a period of time, yes.
Q Afterwards, but during those first two hours you would not have been allowed to leave, correct?
A I didn't try.
Q And you had taken yourself down there, had you?
A No, ma'am.
Q They took you down there, did they not?
A Yes, ma'am.

Page 38

Q In their vehicle, correct?
A Yes, ma'am.
Q And they took you up through the police headquarters building to the homicide floor, did they not?
A Yes, ma'am.
Q After the two hour interview, sir, there was a break, was there not?
A Yes, ma'am.
Q And that break lasted how long?
MR. URICK: May the witness get some more water?
THE COURT: Yes. One moment. We'll get it for him. Thank you.
MR. WILDS: About twenty minutes.
BY MS. GUTIERREZ:
Q And after that twenty minutes and in that twenty minutes you were kept in this little interview room, were you not?
MR. WILDS:
A Yes, ma'am.
Q Didn't have any windows, did it?
A No, ma'am.
Q And the door was locked, wasn't it?
A I do not believe so.

Page 39

Q Well, they went out of it, did they not?
A Yes, ma'am.
Q And you never went through the door, did you?
A I didn't attempt to, no.
Q It was clear to you, you couldn't then there leave, wasn't it?
A I didn't try.
Q Now, you didn't make any effort to leave?
A No, ma'am.
Q Now, after that twenty minutes both Detective Ritz and Detective McGilvary came back into that little interview room, did they not?
A Excuse me, yes.
Q And they advised you that during what they call the first interview that there were a lot of inconsistencies, did they not?
A Yes, ma'am.
Q And they then asked you to address them, did they not?
A Yes, ma'am.
Q And before they did that, sir, did they turn on the tape recorder?
A I believe so.
Q And you were aware of that tape recorder, were you not?

Page 40

A Yes, ma'am.
Q And you were aware that what you said was being recorded or at least appeared to be, correct?
A Yes, ma'am.
Q And you then spoke to them starting with explaining the inconsistencies in your first interview, correct?
A Yes, ma'am.
Q And you were advised that there inconsistencies about what you said and about other information they knew, right?
A Yes, ma'am.
Q Like the chronology of events, correct?
A I believe so.
Q And about conflicts with Jen Pusateri's statement --
A Yes.
Q Correct?
A Yes, ma'am.
Q About when things occurred?
A Yes, ma'am.
Q And in what order?
A No, ma'am.
Q And where things occurred?
A Yes, ma'am.

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Q Okay. Now, you then spoke to them with this tape recorder running for how long?

A I believe it was about two hours.

Q And during that period of time, so that two hours and twenty minutes and another two hours.

A I believe so.

Q You answered a lot of questions, did you not?

A Yes, ma'am.

Q And there came a point, sir, when you asked to turn the tape recorder off?

A Yes, ma'am.

Q And they didn't tell you to do that, did they?

A No, ma'am.

Q That was your request, right?

A Yes, ma'am.

Q Because you were aware that the tape recorder was recording what you said, correct?

A Yes, ma'am.

Q And you, sir, were aware that in that first interview that was not taped which they took notes on and now your second interview on tape that you were not telling them the truth, were you not?

A I was not telling them everything, no.

Q You were not. And what you were telling them

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were lies, were they not?

A Some.

Q So, the answer to my question is yes, I was not telling the truth, is it not?

MR. URICK: Objection.

THE COURT: Sustained.

BY MS. GUTIERREZ:

Q Mr. Wilds, they didn't know that you weren't telling the truth, did they?

MR. WILDS:

A I don't know.

Q Well, the only thing that they knew that they told you was that what you first told them off the tape recorder was inconsistent with their other information, did they not?

A Right.

MR. URICK: Objection.

THE COURT: Sustained as to what they knew.

BY MS. GUTIERREZ:

Q They told you that your information contained a lot of inconsistencies, did they not?

MR. WILDS:

A Yes, ma'am.

Q And when they told you that you answered, yes, did you not?

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A Yes,

Q And shortly thereafter you asked them, can we turn the recorder off?

A Yes, ma'am.

Q And you then spoke to them without the recorder on, did you not?

A Yes, ma'am. Yes, ma'am.

Q About the same things, right?

A No, ma'am.

Q About the inconsistencies, right?

A Some of them, yes.

Q And during the time you had the recorder off there was no record being made of that conversation, was there?

A I don't know.

Q Well, when you asked to turn it off they turned it off, didn't they?

A The recorder, yes.

Q And did they begin again to take notes?

A I believe so.

Q And did what you say to them off of the record, outside of the tape recording it match the same thing you told them in your first interview before the tape recorder got turned on?

A It wasn't pertaining to that?

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Q And, sir, did it -- so, the answer to the question is no?

A The subject matter was not the same.

Q So, in the middle, now, sir, in the first interview going off the tape recorder that was an issue were the events of January 13th, were they not?

A I'm sorry, could you speak up please?

Q The only thing about which you were questioned in the very first interview, the one that occurred before the tape recorder got turned on, sir, were about the events of January 13th, were they not?

A Yes, ma'am.

Q The police didn't have other questions for you about unrelated things, did they?

A Not unrelated, no.

Q They didn't ask you about other murders, did they?

A No, ma'am.

Q Or other dates, did they?

A No, ma'am.

Q Or other victims other than Hae Min Lee?

A No, ma'am.

Q Now, your interview off the record at your request, concerned different things entirely?

A Pardon me.

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Q Your interview off the record at your request concerned different things entirely?

MR. URICK: Objection.

THE COURT: Sustained.

BY MS. GUTIERREZ:

Q Mr. Wilds, you just told me that you couldn't answer the question that I asked you yes or no because your interview concerned different matters off the record, did you not?

MR. WILDS:

A Yes, ma'am.

Q And the difference in those matters were not connected to January 13th?

A No, ma'am.

Q Meaning no they were not connected?

A Correct.

Q And they didn't concern the murder of Hae Min Lee?

A No, ma'am.

Q And it didn't concern anything regarding what you may or may not have told or done with your very good friend, Jen Pusateri?

A No, ma'am.

Q And, sir, there was no other reason that you knew of while you were hauled down to police

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headquarters in the middle of the night, was there?

A No, ma'am.

Q You weren't under investigation for the (inaudible), were you?

A No, ma'am.

Q Nobody else had given your name as someone who may know something, had they?

MR. URICK: Objection.

THE COURT: Overruled. That you know of.

MR. WILDS: I do not know.

BY MS. GUTIERREZ:

Q So, to your knowledge the only person that mentioned your name was Jen Pusateri, correct?

MR. WILDS:

A Yes, ma'am.

Q And you were aware from her phone call when she reached you at your home after she spoke to the police?

A I was aware of her phone call? I'm not understanding your question.

Q I'll repeat it. Mr. Wilds, you've already told us that you got a phone call from your very good friend, Jen Pusateri on Saturday evening, the 27th of February prior to your going to work, do you recall that?

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A Yes, ma'am.

Q All right. And in that phone call she gave you some information, not in any detail about her conversation with the police, correct?

A Yes, ma'am.

Q And from whatever she told you -- and at the time she called you, you were aware from what she said that she had already talked to the police, were you not?

A Yes.

Q And from what she told you, you understood that your name had come up, did you not?

A Yes.

Q And that wasn't a surprise to you, was it?

A Not much, no.

Q Okay. So, sir, when you were being interviewed by the police you already knew that Jen Pusateri had told them some things, right?

A Yes, ma'am.

Q And that the things about which she had spoken, the police involved the same events they were questioning you about, isn't that correct?

A Yes, ma'am.

Q And when you asked the police to turn off the recorder, sir, what was the subject of the

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conversation?

A Acquiring a lawyer.

Q Pardon.

A Acquiring a lawyer.

Q Acquiring a lawyer. So, you asked them to provide you a lawyer in the middle of your tape recorded statement?

A No, ma'am.

Q You asked them how do you go about getting a lawyer?

A Yes, ma'am.

Q And they answered you, did they not?

A No, ma'am, they did not.

Q They didn't give you any information about how you went about acquiring a lawyer?

A No, ma'am.

Q They assured you, sir, that you had not been charged with any crime, did they not?

A No, ma'am.

Q They assured you that you had not yet been charged with the crime, did they not?

A No, ma'am.

Q Did they just sit there and say nothing when you asked them, guys by the way, how do I get a lawyer?

A No, ma'am.

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Page 49

Q Did you tell them why it was in the middle of the tape recorded statement right after they advised, well, Mr. Wilds, there's a lot of inconsistencies here. Did they say why they wouldn't answer your question?
A The answer to -- when I asked them the question they said, why would I want to do that.
Q They answered what?
A Why would I want to do that?
Q Why would you want to get a lawyer?
A Yes.
Q You, the guy in the middle of the night at the homicide floor, right?
A Yes.
Q But they didn't reassure you that, no, you don't need a lawyer?
A No, ma'am.
Q Did they? They never said anything remotely like that, did they?
A No, ma'am.
Q And this conversation while the tape recorder was not running took how long?
A Not very long. I don't remember.
Q How long is that?
A Estimating ten minutes.
Q Ten minutes. So, you were there talking with

Page 50

them before the tape recorder was turned on for two hours, right?
A Yes, ma'am.
Q Then there was a twenty minute break, right?
A I believe so.
Q And then you asked -- and then they asked if they could turn on the tape recorder, right?
A Yes, ma'am.
Q And they began asking you questions about the exact same subject matter that you talked about off the tape recorder, right?
A Yes, ma'am.
Q And then out of their mouths came something to the effect of saying, well, you know there are a lot of inconsistencies here we have to ask you about, right?
A Yes, ma'am.
Q And it was clear that what they were referring to were inconsistencies in the information you gave them, right?
A Yes, ma'am.
Q That it didn't match up, right?
A Yes, ma'am.
Q And that it also didn't match up with other information at the time that they had, right?

Page 51

A They didn't let me know of any information that they had.
Q They then wanted to ask you more questions, did they not?
A Yes, ma'am.
Q About the very inconsistencies to which they referred, correct?
A Yes, ma'am.
Q And, sir, that ten minutes you told them it was okay to turn the tape recorder on, right?
A Yes, ma'am.
Q Even though they hadn't asked you questions, answered your questions about getting a lawyer, right?
A They asked me, why would I want to do that
Q Pardon.
A They asked me, why would I want to do that?
Q And they didn't answer your questions as to how to do so, right?
A No, ma'am.
Q They didn't provide you a lawyer, did they?
A No, ma'am.
Q They didn't walk out of the room and say, okay, this is over not that you want a lawyer, did they?
A No, ma'am.

Page 52

Q They didn't give you a lawyer's business card, did they?
A No, ma'am.
Q They didn't give you a phone and a yellow pages, did they?
A No, ma'am.
Q They didn't tell you that you could hire a lawyer, did they?
A No, ma'am.
Q So, they did not answer your question about how do you go about getting a lawyer, right?
A No, ma'am.
Q At the time, sir, you were serious when you asked that question, correct?
A Yes, ma'am.
Q And you were thinking clearly enough to not want the tape recorder running when you answered that question, right? When you asked that question?
A Yes, ma'am.
Q Okay. And so you were the one who asked the tape recorder be turned off?
A Yes, ma'am.
Q And after they asked you why you wanted a lawyer, you of course told them, didn't you?
A Yes, ma'am.

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Page 53

Q You asked for reassurance as to whether or not you were going to get charged, didn't you?
A Reassurance, no.
Q Before you asked them to turn off the tape recorder and asked them about how you get a lawyer, things were getting a little uncomfortable, were they not?
A Yes, ma'am.
Q They didn't appear to believe you about many things, did they?
A I do not know what they were thinking.
Q Pardon.
A I do not know what they were thinking.
Q Well, you thought they didn't believe you, didn't you?
MR. URICK: Objection.
THE COURT: Sustained.
BY MS. GUTIERREZ:
Q You were concerned about how things were going, weren't you?
MR. WILDS:
A Yes.
Q Nobody had suggested you that maybe you might want to seek a lawyer, did they?
A No, ma'am.

Page 54

Q No. That was your thought, right?
A Yes, ma'am.
Q Your request that turned off the tape recorder, right?
A Yes, ma'am.
Q And during that ten minutes they gave you no information to answer your question, right?
A No, ma'am.
Q Did you ask them again?
MR. URICK: Objection.
THE COURT: Sustained.
BY MS. GUTIERREZ:
Q During when they didn't answer -- when they asked you the question, why did you not have a lawyer, did you tell them?
MR. WILDS:
A Yes.
MR. URICK: Objection.
MR. WILDS: I'm sorry.
THE COURT: Sustained.
BY MS. GUTIERREZ:
Q In any event, no lawyer appeared, did they?
MR. URICK: Objection.
THE COURT: Sustained.
BY MS. GUTIERREZ:

Page 55

Q You then told them it was okay you resume running the tape recorder, did you not?
MR. WILDS:
A Yes.
Q And the tape recorder then ran again for how long?
A I believe about an hour and a half.
Q So, another hour and a half and during that time they asked you a lot more questions?
A Yes, ma'am.
Q And all of those questions concerned the events of January 13th, correct?
A Yes, ma'am.
Q And you answered them, did you not?
A Yes, ma'am.
Q For another hour and a half, correct?
A Yes, ma'am.
Q And did you ever tell them to turn off the tape recorder?
A Again?
Q Did you ever again?
A No.
Q And during any of that hour and a half did they ever answer your question about how to get a lawyer?

Page 56

MR. URICK: Objection.
THE COURT: Sustained.
BY MS. GUTIERREZ:
Q Sir, did you ever repeat the question during the hour and a half?
MR. URICK: Objection.
THE COURT: Sustained.
BY MS. GUTIERREZ:
Q At the end of the ten minute break, sir, were you no longer concerned about how to reach a lawyer?
MR. URICK: Objection.
THE COURT: Sustained.
BY MS. GUTIERREZ:
Q Mr. Wilds, at the end of the interview they turned off the tape recorder, did they not?
MR. WILDS:
A Yes, ma'am.
Q And then you were asked to go with them and show you locations about which you had spoken, were you not?
A I do not believe that was the same occasion.
Q You think that happened at another time?
A Yes, ma'am.
Q Sir, do you recall that you took them to the location that you had already told them about where

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Page 57

they should find Hae Min Lee's car?
A Yes, ma'am.
Q And that's a specific location, is it not?
A Yes, ma'am.
Q And that's in Baltimore City, is it not?
A Yes, ma'am.
Q It's off of Edmondson Avenue, is it not?
A Yes, ma'am.
Q Right west of the overpass that goes over Clinton Parkway, is it not?
A Yes.
Q And you had told them about that location, correct?
A Yes.
Q And you were talking -- showing where it was, had you not?
A Yes, ma'am.
Q And at that location would be found Hae Min Lee's car, right?
A Yes, ma'am.
Q And that was after you had described to them how it is you got to that location, correct?
A Pardon me.
Q That's after --
A I just couldn't hear you, I'm sorry.

Page 58

Q That's after you had described to them how you had gotten to that location, the location where the car was, right?
A Yes, ma'am.
Q And they took you in their cars, did they not?
A Yes, ma'am.
Q Detective McGilvary went?
A Yes, ma'am.
Q And Detective Witts?
A Yes, ma'am.
Q And a couple of other detectives, right?
A Yes, ma'am.
Q And a couple other police officers, right?
A I don't remember any marked cars.
Q At this point, sir, it was light outside, was it not?
A No, not quite.
Q Not quite, it was still a little dark?
A Yes, ma'am.
Q And this was after the second part of your statement on tape, right?
A Yes, ma'am.
Q And they asked you if you could lead them, did they not?

Page 59

A Yes, ma'am.
Q Then you told them that you could?
A Yes, ma'am.
Q And, in fact, you had discussed her car and the location of the car at length with the detectives, had you not?
A Yes, ma'am.
Q And, in fact, you had told Detective Ritz and McGilvary that, in fact, in the intervening time from January 13th to February 28th that you had, in fact, gone back to check to see if the car was there, didn't you?
A No, ma'am.
Q You didn't tell them that?
A That's not what I told them, no.
Q And, sir, if that appears on the tape recorder that must be some kind of mistake?
A I didn't tell them I went back to check, no.
Q You never and you didn't go back to check, sir or you --
A I went back to the area, yes.
Q You had gone back between January 13th and February 28th to check on the car?
A I had been through the area. My intent was not to check on the car.

Page 60

Q Oh, so, you just happened to be going by and you saw the car?
A Yes, ma'am.
Q And you noted that the car was still there, right?
A Yes, ma'am.
Q And did you tell the detectives that?
A Yes, ma'am.
Q That helped out, did it not?
A Yes, ma'am.
Q Knowing where the car was and being able to show them where it was, right?
A Yes, ma'am.
Q And you were there and you actually pointed out the car, did you not?
A Yes, ma'am.
Q Were the car was, was a lot that was behind a series of row houses that surrounded it, was it not?
A Yes, ma'am.
Q And it was on what we call a lot, but it really wasn't paved over all the way, was it?
A No, ma'am.
Q And it didn't have parking slots painted on a lot, did it?
A No, ma'am.

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Page 61

Q It was part grass and part dirt, wasn't it?
A Yes, ma'am.
Q And there were other cars in the same place, were they not?
A Yes, ma'am.
Q And you had described that to the detectives while the tape recorder was on, right?
A Yes, ma'am.
Q And then you told them, oh, I can take you there, I can show you where the car is, did you not?
A Yes, ma'am.
Q And they took you on your word, did you -- did they not?
A Yes, ma'am.
Q And while you were out you showed them some place else, did you not?
A I believe so.
Q You believe so. That really means a yes, doesn't it, Mr. Wilds?
MR. URICK: Objection.
THE COURT: Overruled. Does that mean a yes?
MR. WILDS: Yes, ma'am.
BY MS. GUTIERREZ:
Q You did show them some place else, did you not?

Page 62

MR. WILDS:
A Yes, ma'am.
Q And the place that you showed him -- them was on the east side of that bridge of Edmondson Avenue under which Hilton Parkway runs, was it not?
A Yes, ma'am.
Q It was at a location as close as you can get to where Hilton Parkway and Poplar Grove is, is it not?
A I don't know, I'm sorry.
Q Well, sir, it's a location -- you're familiar with Lincoln Park, are you not?
A I know where it is, yes.
Q Well, January 13th wasn't the first and only time you had been through there?
A No, ma'am.
Q And you had driven the road named Dogwood that turns into Franklintown all the way through, had you not?
A No, ma'am.
Q Where Franklintown Road after it goes through Lincoln Park it comes up and ends into two other streets. One by the name of Poplar Grove, does it not?
A I don't know.
Q The other by the name of Elliott Drive?
A I don't know.

Page 63

Q You are familiar, sir, with Edmondson Avenue where it is closest to Poplar Grove, are you not?
A I'm familiar with Edmondson Avenue, I don't know where Poplar Grove is.
Q Well, sir, you're familiar with the strips on and off Edmondson Avenue, are you not?
A Yes, ma'am.
Q Strips is a word that came up even while the recorder was on, is it not?
A Yes, ma'am.
Q Strips is a word that refers to places that sell drugs to people who want to buy them, is it not?
A Yes, ma'am.
Q And strips is a place that you -- are places that you are familiar with, are you not?
A I know of them.
Q And, sir, you visited them, have you not?
A Not, no.
Q No?
A No, ma'am.
Q Never?
A No.
Q No strip?
A No strip.
Q Anywhere?

Page 64

A Not there.
Q That's not -- I didn't there, sir. Anywhere?
A Yes.
Q There are strips all over, aren't they?
A Yes, ma'am.
Q And people who deal in any kind of drugs know where strips are, aren't they?
A I don't know what people want.
Q Strips are just various locations, right?
MR. URICK: Objection.
THE COURT: Sustained as to what general people do. Overruled as what strips are and in terms of what that question is to this witness. You may answer what are strips.
MR. WILDS: Places where people sell drugs.
THE COURT: Next question.
BY MS. GUTIERREZ:
Q And by places it's really any place where people sell drugs, right?
MR. WILDS:
A It's outside, it's not inside.
Q Strips mean outdoor places where people sell drugs, right?
A Yes.
Q Not protected inside a building, right?

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Page 65

A No, ma'am.
Q Or inside a house, right?
A No, ma'am.
Q Generally a corner, right?
A Yes, ma'am.
Q Or a corner where a street meets an alley, right?
A Yes, ma'am.
Q And people who need to buy drugs of any kind have their strips to go to, do they not?
A If they please.
Q Sir, strips are all over Baltimore County, are they not?
A I do not know.
Q Well, you know of some, don't you?
A Yes, yes, ma'am.
Q Many, do you not?
A In terms of?
Q Where they are?
A Many, I know of some strips in Baltimore and where they are, yes.
Q What's the maximum number of strips that you know about?
MR. URICK: Objection.
THE COURT: Sustained.

Page 66

BY MS. GUTIERREZ:
Q You describe in your own words the location of where the car was, was off Edmondson Avenue near a strip, did you not?
MR. WILDS:
A Yes, ma'am.
Q When you spoke to the police on February 28th, correct?
A Yes, ma'am.
Q That was while the tape recorder was running, was it not?
A Yes, ma'am.
Q And where the car was, was in close proximity to a strip, was it not?
A Yes, ma'am.
Q In addition to that strip you took the police that very same occasion to a location down Edmondson Avenue, isn't that correct?
A Yes, ma'am.
Q And you pointed out a place to them that while the tape recorder was running and either the first time or the second time was the location where Adnan popped the trunk and you saw the body, right?
A Yes, ma'am.
Q You took them to this place, right?

Page 67

A Yes, ma'am.
Q Near the strip located at Edmondson and Poplar Grove?
A Yes, ma'am.
Q Yes, because that was a location you knew about, right?
A No, ma'am.
Q But you directed them there, correct?
A Yes, ma'am.
Q They didn't take you along for the ride, right?
A No, ma'am.
Q You were showing them the locations about which you had spoken with them when you were back down on Fayette Street, right?
A Yes, ma'am.
Q During the time the tape recorder ran, right?
A Yes, ma'am.
Q And that's the place that on the tape recorder you had told them the trunk popped and you saw a body, is that right?
A Yes, ma'am.
Q Now, they asked you questions about it, did they not?
A Yes, ma'am.

Page 68

Q They asked you questions while they were there, right?
A Yes, ma'am.
Q And they later asked you other questions about it, didn't they?
A Yes, ma'am.
Q And what you told them and you act of showing them that place, those were lies, weren't they?
A They were not the truth, no.
Q They weren't the truth. What's the opposite of the truth?
MR. URICK: Objection.
THE COURT: Sustained.
BY MS. GUTIERREZ:
Q If you tell them that was not the truth then you back it up by showing them a place that you chose, right?
MR. WILDS:
A Pardon me.
Q You told them something that was not the truth --
A No, I told them the truth.
Q And then you backed it -- let me finish.
A I'm sorry.
Q And then you backed it up showing them a

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Page 69

place that was not true, correct?
A I told them the truth. I did not show them a location that was true, no.
Q You told them that the location of where the trunk popped when you saw the body was off of Edmondson Avenue, did you not?
A Yes, ma'am.
Q That was on the recording, was it not?
A Yes, ma'am.
Q You picked the words to describe the location, correct?
A Yes, ma'am.
Q And that was not the truth, was it?
A No, ma'am.
Q And showing them that place was not the truth, was it?
A No, ma'am.
Q So, those things were not the truth, right?
A The location was not the truth, no.
Q And telling them about it wasn't the truth, right?
MR. URICK: Objection.
THE COURT: Sustained.
BY MS. GUTIERREZ:
Q They didn't try to steer you to any specific

Page 70

place, did they?
MR. WILDS:
A No, ma'am.
Q And the place where you showed them was, in fact, right at Edmondson Avenue, was it not?
MR. URICK: Objection.
THE COURT: I'm sorry. I couldn't hear the question.
MS. GUTIERREZ: The place where you showed them was at Edmondson Avenue, was it not?
THE COURT: Sustained.
BY MS. GUTIERREZ:
Q Where was the physical place you showed them, Mr. Wilds?
MR. URICK: Objection.
THE COURT: Sustained.
BY MS. GUTIERREZ:
Q Did you take them to a specific location?
MR. URICK: Objection.
THE COURT: Sustained. Asked and answered. Will you please move on.
MS. GUTIERREZ: Not as to the specific location, Judge.
THE COURT: Witness has already testified it was off of Edmondson Avenue, he's already testified

Page 71

that he did know the name of the street.
BY MS. GUTIERREZ:
Q Sir, you've answered that you are familiar with Poplar, correct, you know where it is?
MR. WILDS:
A I do not know of the street, no.
Q Well, sir, you've testified that you are familiar with the strips on Edmondson Avenue.
MR. URICK: Objection.
THE COURT: Overruled. I'm sorry. Your question was, you're familiar with?
MS. GUTIERREZ: Edmondson Avenue.
THE COURT: The strips on Edmondson Avenue was you question.
MS. GUTIERREZ: Well, I already asked that.
THE COURT: Very well. Your next question.
BY MS. GUTIERREZ:
Q You are familiar with Edmondson Avenue, are you not?
MR. WILDS:
A Yes.
Q You are familiar that Edmondson Avenue, if it comes east toward Baltimore City separates, are you not?
A Yes.

Page 72

Q And that Edmondson Avenue goes straight on the left, correct?
A Yes.
Q And another road that ends up with another name Franklintown Road goes off to the right, are you not?
A No, Edmondson splits with Route 40.
Q Well, you're aware that in Baltimore County what's called Edmondson Avenue in Baltimore City is called Route 40, are you not?
A No, ma'am.
Q You're aware that it's the same road, aren't you?
A Yes, ma'am.
Q Okay. Now, that road, whatever name it has as it goes into Baltimore City shortly after the bridge under which Hilton Parkway runs splits as we've discussed, correct?
A Yes, ma'am.
Q That is near the place, although you may not know the name where you took the police, isn't it?
A Yes, ma'am.
Q To show them where the trunk popped, right?
A The trunk popped?
Q You understand what I'm talking about when I

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Page 73

refer to the trunk popped, aren't you, sir?
A You're referring to display the body?
Q Yes, sir.
A Yes, ma'am.
Q There was only one time in your life that a trunk popped and you saw a dead body, wasn't there?
A Yes, ma'am.
Q All right. Now, back to my question. Near there between the bridge under which Hilton Park and Edmondson Avenue or Route 40 or whatever name the street is then divides is where the place you took the police at the same time after you had shown them where the car was, was it not?
MR. URICK: Objection.
THE COURT: Overruled.
MR. WILDS: Yes, ma'am
BY MS. GUTIERREZ:
Q Okay. And where you took them whether you know --
THE COURT: One moment, Counsel. One moment, Counsel. We're getting some feed back here with something that is evidently is outside -- outside of the building and so, if it interferes with the jury's ability to hear or the witness's ability to hear let me know and we'll recess and try to take care of it. You

Page 74

may proceed with your next question.
BY MS. GUTIERREZ:
Q That location, whatever the street name was, was a street that emptied into Edmondson or cut into Edmondson Avenue, was it not?
MR. WILDS:
A I believe so.
Q And that location was near the strip with which you are familiar, was it not?
A I'm not familiar with that strip, no.
Q And, sir, that location is heavily populated, is it not?
MR. URICK: Objection.
THE COURT: If you know.
MR. WILDS: I don't know.
BY MS. GUTIERREZ:
Q There are row houses there, are they not?
MR. WILDS:
A Yes.
Q And neighborhoods of people?
A Yes.
Q And Edmondson Avenue or Route 40 or whatever name that street is, is heavily traveled, is it not?
A I would say so.
Q It's a major thoroughfare, is it not?

Page 75

A Yes, ma'am.
Q At all hours of the day or night, correct?
A I don't know.
Q Sir, I was asking you about, when you took the police to where the car was parked you recall or didn't recall, do you recall that Detective Ritz asked you the area where Adnan parked the car and got all the things out of it, had you gone back to that location to see if the car was still there? Do you recall him asking you that question?
A Yes.
Q And do you recall answering, I was -- during the commute I made an effort, yeah, out of way to see if it was still there. Yeah, it was. Do you recall that?
A Yes, ma'am.
Q That was your answer to him, was it not?
A Yes, ma'am.
Q And do you recall Detective Ritz asking you further, when was the last time that you went out of your way to see if the car was still there? Do you recall that?
A Yes, ma'am.
Q And your answering four days ago. So, the 24th, is that correct?

Page 76

A Yes, ma'am.
Q And that was your statement while the tape recorder was on?
A Yes, ma'am.
Q On the 28th of February, correct?
A I believe so.
Q Now, sir, at some point during your discussions with your very good friend, Jen Pusateri she raised to you the issues of about Best Buy, did she not?
A Yes.
Q Some time after you told what was not the truth and you made the effort of showing the police something that was not truth about both -- about the place where you saw the body in the trunk you later told them that that place was some place different, correct?
A Yes, ma'am.
Q And the place that you told them was some place different, was at the Best Buy off Security Boulevard, correct?
A Yes, ma'am.
Q And that Best Buy is a boxy structure with the Best Buy logo at an angle, is it not?
A Yes, ma'am.

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Page 77

Q And it's plainly visible from Security Boulevard, is it not?
A Yes, ma'am.
Q Right at -- and that's also a road that changes its name, there's a light there and if you are not on Security Boulevard along that street and you went straight you would go into the parking lot of Security Mall, correct?
A Yes, ma'am.
Q And on the other side of the light, not the mall side there's a gas station there, is it not?
A I believe so.
Q Right past the gas station there's a little tiny entrance way, that if you continue on you get to Best Buy, right?
A Yes, ma'am.
Q But if you go right, right away you're at a McDonald's lot, are you not?
A Yes, ma'am.
Q And there's a lot that surrounds McDonald's, isn't that correct?
A Yes, ma'am.
Q Because there's a big drive-in window at that McDonald's, is there not?
A Yes, ma'am.

Page 78

Q And the next structure is the Best Buy, is it not?
A Yes, ma'am.
Q It has the trademark entry way of Best Buy against the big block building that's glass etched in red, does it not?
A I haven't paid that much attention, no. But, yes, Best Buy I was at.
Q Well, that's the place that you later told them was the place where you saw the body in the truck, right?
A Yes, ma'am.
Q And right at the entrance, and that wasn't the first time you went to Best Buy, was it?
A No, ma'am. I'm sorry.
Q You were -- you had been there on previous occasions, right?
A Yes, ma'am.
Q And you were aware previous to January 13th that the entrance to Best Buy if one stands in it looks directly to Security Boulevard, are you not?
A Yes, ma'am.
Q And that's the second place that you told the police that you saw the body in the trunk, right?
A Yes, ma'am.

Page 79

Q And you had to explain why you hadn't told them the truth the first time, right?
A Yes, ma'am.
Q Now, Mr. Wilds, you would have us believe --
MR. URICK: Objection.
Q That you had nothing to do with the death of Hae Lee, right?
THE COURT: Sustained. Form of the question.
BY MS. GUTIERREZ:
Q Mr. Wilds, did you kill Hae Min Lee?
MR. WILDS:
A No, ma'am.
Q And you weren't present when she was killed?
A No, ma'am.
Q So, you had no concern about involvement in her actual death, right?
A No, ma'am.
Q And it difference to you where it was that she was killed, did it?
A Yes, ma'am.
Q It did?
A Yes, ma'am.
Q And it became an issue for you, did it not?
A Yes, ma'am.
Q And that is she was brought to your attention

Page 80

by your very good friend, Jen Pusateri, was it not?
A In conjunction, yes.
Q Yes. And she raised the issue that at Best Buy there were video cameras at the entrance and on the outside of the building, did she not?
A Yes, ma'am.
Q And that those video cameras would have recorded the events as they occurred, did she not?
A Yes, ma'am.
Q And you and she discussed that at length, did you not?
A Pardon me.
Q You and she discussed that at length, correct?
A Not at length, no.
Q You said you were not aware of anything that Jen Pusateri discussed with the police except what she told you before you went to work on the evening of the 27th, correct?
A Yes, ma'am.
Q And that she really didn't give you a lot of detail, right?
A No, ma'am.
Q And, sir, had she told you that she had mentioned that you had told her Best Buy?

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Page 81

A No, ma'am.
Q No. And on the time when you told them and let me get this straight. On the 28th after the two hour conversation that wasn't recorded, after the twenty minute break, after the next -- how long was the first time the conversation was on the recorder before you asked them to stop?
A It wasn't very long.
Q How long?
A It was about two hours total.
Q Two hours. So, at least a half an hour?
A Probably.
Q And then after the ten minute break, that's when you then went out and showed them where the car was, right?
A Yes, ma'am.
Q And then showed them a place, literally around the corner from there where you saw the body in the trunk, right?
MR. URICK: Objection.
THE COURT: Sustained.
BY MS. GUTIERREZ:
Q After all of that, Mr. Wilds, you weren't charged with anything were you?
MR. WILDS:

Page 82

A Not at the time, no.
Q You weren't put in jail, were you?
A No, ma'am.
Q You were then taken back, correct?
A Yes, ma'am.
Q And after that ended, sir, you were asked to talk to the police again, were you not?
A Yes, ma'am.
Q One of those occasions occurred on March 15th, correct?
A Yes, ma'am.
Q Two weeks and a day from when you first talked to them, correct?
A I believe so.
Q And on that occasion, once again, you were asked to explain some inconsistencies that were still of concern to Detectives McGilvary and Witts, were you not?
A Yes, ma'am.
Q And you attempted to explain them, right?
A Yes, ma'am.
Q And then -- after that event on the 15th of March and that conversation that was also recorded on the tape recorder, was it not?
A I believe so.

Page 83

Q And on that occasion you told them things different from what you told them on the previous occasion, correct?
A Yes, ma'am.
Q The first statement that was not recorded, right?
MR. URICK: Objection.
THE COURT: Overruled.
BY MS. GUTIERREZ:
Q On the 20th, right?
MR. WILDS:
A Right.
Q And then you had the statement that was recorded that was interrupted by your deciding to tell them to turn the tape recorder off, right?
A Yes, ma'am.
Q Then you had the statement that was recorded on the 15th, right?
A Yes, ma'am.
Q Did they speak to you through any means between the 28th and the 15th?
A No, ma'am.
Q And were you ever arrested during that time?
A No, ma'am.
Q Or brought down to police headquarters?

Page 84

A No, ma'am.
Q Or asked to do anything else?
A No, ma'am.
Q Did they ever call you up on the phone and say, hey, Jay, we've got a question about this, it doesn't match up?
A No, ma'am.
Q And Jen Pusateri continued to be your very, very good friend, did she not?
A She was a little upset with me, but yes we were still friends.
Q So, the answer is yes, she continued to be your very good friend?
A Yes, ma'am.
Q There was a period of time when she was very upset with you, was she not?
A Yes, ma'am.
Q You had to reassure her, did you not?
A Reassure, no.
Q In any of the times that the tape recorder was on, on February 28th, did you mention Jen Pusateri, your very, very good friend?
A No.
Q No. And that wasn't the truth, was it?
A No, ma'am.

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Page 85

Q And so you told them the chain of events that did not include even the mention of your very, very good friend, Jen Pusateri?
A Yes, ma'am.
Q Even though you were aware that she had talked to the police right before they came and got you, right?
A Yes, ma'am.
Q None of what she had told you went on there gave you concern about yourself, did it?
A Some.
Q Some. Now, when you spoke to the police on the 15th of March, which now would really be your third statement, right?
A Yes, ma'am.
Q That took place down at police headquarters, did it not?
A Yes, ma'am. Ms. Gutierrez, I don't mean to interrupt you, but I need to go to the bathroom. May I be excused?
THE COURT: You may take a break. We're going to take a break. In fact, why don't we take a break for lunch at this time. I note that it's 12:20. Mr. Wilds, I'll remind you, you're still on the witness stand, you may not discuss your testimony with the

Page 86

State or the Defense. At this time you may leave, you may go out.
MR. WILDS: Okay.
THE COURT: Ladies and gentlemen, I'm going to ask as Mr. Wilds exits --
MR. URICK: What time should he return?
THE COURT: We're going to resume Mr. Wilds at -- I have a bench meeting, at two o'clock. You should be here about ten of two.
MR. WILDS: Okay.
THE COURT: All right. Ladies and gentlemen, we're going to recess for lunch at this time. I must advise you to leave your note pads face down on your chairs. I'm also going to ask that you not discuss the testimony that you've heard with anyone and not allow anyone to discuss it with you, even amongst yourselves.

And I have an inquiry of the members of the jury panel. Has any member of the panel, has anyone approached them or attempt to speak to them about this case? Anyone at all? If so, signal so by raising your hand. Anybody approach you either on behalf of the Defense, on behalf on the State or anyone at all. If so, please raise your hand or signal by raising your hand at this time. Very well. I see that no one is

Page 87

raising their hand and I note that I just need to remind you that if anyone should try to talk to you about this case, anyone should approach you in any way in attempt to even get your identity or find out who you are, that I'd ask that you notify the Court immediately. You can do so by writing a note or by notifying the courtroom clerk or Deputy Church or my law clerk and I'd ask that you do so right away. As I indicated to you before I'd ask that no one have any contact with you. They not try to talk to you, to catch the next elevator, I indicated no witnesses should talk to you and the purposes of my doing that is to make sure that you are not in any way having any conversations.
I also ask that during the break as I've asked you before, don't read the newspaper about this case, do not listen to the radio, do not look at television with regard to this case and at this time I'm going to tell you you're free to go to lunch. Ask that you return and be there no later then ten minutes to two.
MS. GUTIERREZ: Can we approach the bench before we're released?
THE COURT: Certainly, one moment. Counsel, you want to step up for me please?
(Counsel and Defendant approached the bench

Page 88

and following ensued:)
MS. GUTIERREZ: Judge, I guess I need to inquire. Is the Assistant State's Attorney available?
MS. MURPHY: I haven't been able to call, we haven't had a break yet since we had the last discussion.
MR. URICK: When this was done that may very well have been juror number six that he tried to talk to and she just didn't want to talk to anyone.
THE COURT: You mean the one that was already excused?
MR. URICK: Yeah.
THE COURT: So, we don't really know. For the record, no one raised their hand, none of the jurors indicated that anybody tried to approach them that anybody tried to talk to them and I it in the context of the instructions that I've been giving them every day as they depart and also reiterated that they should let me know if anyone has. Since they don't -- they're not indicating who is was and we don't know, the only best thing is to ask that the Assistant State's Attorney be available --
MS. GUTIERREZ: Be here after the break.
THE COURT: After the break.
MS. GUTIERREZ: To at least maybe, they could

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Page 89

identify who is that they spoke to.
THE COURT: So, that Ms. Gutierrez can inquire. Right, right. And I don't want them to step up here, but they can have a seat in the courtroom and I'd ask that you inquire if they recognize the juror if they come. If the answer is that they don't recognize the juror it could be as Mr. Urick suggested that he in fact saw the juror that didn't want to talk to him and she's departed.
MS. MURPHY: Because if the Court will recall, the panel was excused several minutes before juror number six and, in fact, the Court even remarked that they would probably be gone before she gathered her things.
THE COURT: No, I made sure she was escorted.
MS. GUTIERREZ: Right.
THE COURT: By Deputy Church and Ms. Connelly to make sure there was no mix up between the excused juror and panel.
MS. MURPHY: Right, it may have been her. It could be.
THE COURT: I have no way of knowing. The only thing I can do is ask the question.
MS. MURPHY: Right.
THE COURT: No one seems to recall being

Page 90

approached, no one is acknowledging that they were approached and no one is indicating that anybody tried to talk to them. So, that's the best I can do.
MS. GUTIERREZ: Well, I would ask to have the Assistant State's Attorney here.
THE COURT: And I'm asking that they be here at the break.
MS. MURPHY: Certainly.
THE COURT: So, that we can inquire, but I don't want to do in a way that draws any more attention to it. So, if the --
MS. GUTIERREZ: Well, the other I would ask that neither prosecutor speak that Assistant State's Attorney since the first view this morning is based on what he said that he approached someone who's not juror number six. Now, their inference is well, maybe they did approach juror number six. I don't want that prosecutor's perceptions influenced in any way by the later thought of these prosecutors.
THE COURT: Ms. Murphy, I just ask you to have him here. Don't talk to him in detail.
MS. MURPHY: Thank you.
THE COURT: Just indicate to him that it's about him approach one of the jurors.
MS. MURPHY: Right. I will note, Your Honor

Page 91

--
THE COURT: And just leave it that way.
MS. MURPHY: He's an officer of the Court. He told us immediately. We're just --
THE COURT: I understand, but we don't know
MS. MURPHY: I understand.
THE COURT: The details and frankly, you're doing the best you can in relaying what he told you, but the old saying is, nothing better then to hear it from the horse's mouth.
MS. MURPHY: I understand.
THE COURT: And that's what I'd like to do. So, if we could do that after the break, I'd appreciate it. Thank you.
MS. MURPHY: Thank you, Your Honor.
(Counsel and Defendant returned to the trial tables and the following ensued:)
THE COURT: Very well. All right. Now, ladies and gentlemen, we're going to send you to lunch. Please return to the jury room. I have no other cases, I will be at a bench conference, but the bench meeting usually goes from 12:30 to a few minutes before two and that's generally how it goes, so that as soon as that is done, it's on this floor, on the fifth floor so as soon as that's done I'll come back here. That's the

Page 92

only thing that holds up this Court, so we should try to get started as close to two o'clock as possible.
With that said, if you all could be there a few minutes before two, I'm going to try again to stick to the schedule that I gave you. Please go with Ms. Connelly, Deputy Church is at the door, go with Deputy Church at this time. Leave your note pads face down, the clerk will secure them and at this time this Court will stand in recess.
(The jury was excused from the courtroom.)
MR. URICK: I do have a brief question on scheduling, if I may.
THE COURT: All right. Then I'll let the jury go out and I'll deal with your scheduling issue. Your scheduling issue?
MR. URICK: We'd like some direction from the Court. Should we have other witnesses available this afternoon?
THE COURT: Now, Mr. Urick, how am I going to answer that question for you? Mr. Urick wants to know whether or not you expect -- I guess the question is, Ms. Gutierrez, do you think you're going to finish with Mr. Wilds today? Do you have any idea?
MS. GUTIERREZ: Judge, I have no idea and I notoriously have a bad record for estimating time so I

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Page 93

don't attempt.
THE COURT: And the record I'm establishing with the jury is the same. So, the best thing I can tell you is have a witness available. The worst that could happen is that we finish with Mr. Wilds, you may have a few cross and we start with a new witness. The worst that could happen is that your witness comes in and we don't get to that witness. Do you have a short witness? A witness who's proximity to this building is such that it would be easy to call the witness and have them come over?
MR. URICK: I believe we have witnesses we could place on call if we could have about a half an hours notice. We would even arrange transportation for them.
THE COURT: I think that would be fair enough. I would think that if Ms. Gutierrez is done, would you anticipate having at least fifteen or twenty minutes worth of redirect form Mr. Wilds?
MR. URICK: I would be surprised if I went fifteen minutes.
THE COURT: Well, Mr. Urick, I'm doing the best I can to try to give you a sense of how -- I don't -- I'm not going to ask Ms. Gutierrez to alert me when she's thirty minutes before the end. But if she's

Page 94

winding down if she could give us a high sign, that would be helpful, but I'm not requiring her to do that.
MR. URICK: I believe if we had a brief break at the end of cross I could probably have another witness here.
THE COURT: A few questions and then get back it. I mean I willing to work with you, I just have no way of knowing and frankly, I think Ms. Gutierrez has some points that she wants to get to whether it takes her an hour to get there, two hours or into tomorrow, those are her points and issues and I am not going to restrict her in her questions except I am going to ask Ms. Gutierrez that we try not to go over the same subject matter several times. And if there are objections in the form of asked and answered I am going to sustain them because at least with the point of this morning we went over the same subject matter a couple of times. That's the only restriction I'm going to place on you is that ask if you would move on unless you are trying to make a particular point and you're going back to it for that purpose I'm not going to restrict you in that regard, but if it appears that you're just merely revisiting the same questions I will be sustaining those objections. With that said we're going to break now until two o'clock. This Court

Page 95

stands in recess.
BAILIFF: All rise.
(Lunch recess.)
(Counsel and Defendant approached the bench and following ensued:)
(Jury not present upon reconvening.)
THE COURT: Yes, ma'am.
MS. GUTIERREZ: Judge, at this time I would move for the production of all and any notes written by Detectives McGilvary and Ritz regarding what I would now term as the first statement of Jay Wilds. This witness has testified he made a statement that it took two hours, that during that time Detectives McGilvary and Ritz took notes, that it was non recorded. The existence of such a statement or any information regarding anything he may have said whether it was consistent with what was made in his second statement or not it was discoverable.
This witness, Jay Wilds has been the subject of several motions to compel under a number of theories, the Rules, Brady, Jenks and, in fact, the late turning over of his two recorded statements which we received mistrial. The first trial was the occasion of an early day for Court and recess since they weren't given to us in time to react or respond and to start the cross

Page 96

examination of Mr. Wilds. We've established that there is a statement, I would state categorically such a statement has never been disclosed to the Defense, notwithstanding prior motions regarding compulsions to turn over his statements.
This is a witness who testified any and all such statements whether or not they were recorded, it is unimaginable that the detectives spoke to this witness for two hours without their taking notes particularly in regard to the later statements of this witness about this event and we would be entitled to them under inner theory. They've never been mentioned that they exist.

Those notes, in light of the track record of this witness's having already acknowledge that he lied to the police, whether or not they are consistent with his first, second or third statement or with his prior recorded testimony they are significant and consistent with due process Brady and Maryland Rules, Jenks, any other theory we would demand the production of those notes now and an opportunity to review them.
THE COURT: Do you have any notes of the witness -- the notes taken by the officers while examining this witness, either written, recorded by audio or video or hand written or any of the notes

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Page 97

taken by any witnesses who interviewed this Jay Wilds?
MR. URICK: Do I have them?
THE COURT: Do you them that have not -- the question is, that have not been disclosed to the Defense?
MR. URICK: I do not, no. If there are any such notes.
THE COURT: You do not know if there are any such notes?
MR. URICK: Yes. I will not speak for the officer, whether or not he took any notes. I will point out that under Jenks the -- what is a statement for purposes of disclosure is quite explicit. It has to be a taped conversation, it has to be a written conversation that is adopted by the witness. If the detective took notes the case law under Jenks is quite explicit that is not discoverable as a prior inconsistent statement because it is not a statement of the witness. It is not in his own words, it is not adopted by him. In so far as there would be any allegation of Brady material that's already been disclosed. It's clear Defense Counsel knows about that. If there were any such notes they would not be discoverable under Jenks because they are not a statement and they could not be used to impeach this

Page 98

witness because he did not adopt them, it would not be a recording in his voice. It would not be a statement as required under Jenks and the case law that has interpreted it.
MS. GUTIERREZ: Judge, I would not for the record, although I refer to Jenks since the prosecutor has referred to it --
THE COURT: You weren't limiting your point by it.
MS. GUTIERREZ: I haven't limited to it. Jenks Act is a federal statute covering discovery in Federal Court. Discovery is extremely limited in the Federal Court, it is not so limited in State Court and therefore, things like definitions of statements that are contained in that actual Jenks Act would not be applicable to a State Court ruling under due process under Brady or under the Rules itself. The discovery don't clarify exactly when or at least 464 -- 263 doesn't outline exactly when. I believe that's a case law determination under the Maryland Law that stands for the proposition that after a witness has testified given a prior request and, Judge, I didn't bring over my whole discovery file with me, but this issue has been the issue of numerous hearings.
We have prior made requests, I believe the record

Page 99

would reflect that and, in fact, there was a prior order that all such material including material, not limited, but including material that we would be entitled to it under Jenks which also speaks to the disclosure of statements after the witness has testified, be given to us in ample enough time to not delay the trial were, in fact, order and pursuant to that order Mr. Urick has repeatedly said all statements of this witness have been turned over. Since we weren't on any notice that there was another unrecorded statement, of course we wouldn't have known to even inquire as to that.
The other, Judge, is that I think that the State's attorney's obligation extends not just to what he knows about. He's required under the rules to know about it and he's charged with the knowledge as long as any of that mandated material under any theory would be due certainly to the chief detectives in this case or anyone else from law enforcement or otherwise that regularly reports to the State. I don't think there's any issue that Detectives McGilvary and or Rice would fit into that category.
THE COURT: All right. Anything else the State has in response other than the fact that you feel that you have met the discovery requirements under the

Page 100

Maryland Rules in providing the Defense with all statements of the witness, Mr. Wilds and you've done so already?
MR. URICK: Yes, Your Honor. Nothing further.
THE COURT: There's nothing further. All right. Will both of you step back just for one moment.
MS. GUTIERREZ: Sure. Ms. Connelly, get me 300 Maryland out of my chambers please. Court's going to take a brief recess.
BAILIFF: All rise.
(Brief recess.)
THE COURT: It's on. Due to the motion that's been made by Ms. Gutierrez and the testimony of Mr. Wilds that he had several conversations with the police that were not recorded and in light of the information that's been thrust out on cross examination. Although I don't find any fault with the State having not previously disclosed any notes of those conversation, those statements with Mr. Wilds, at this time I find that this information may in some way be used to negate or mitigate the guilt of the Defendant and we don't know what those notes say or how they may be useful to the Defense.
In light of the testimony of this witness I'm

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Page 101

going to direct the State to inquire of the officers whether or not they took notes either, I think it's Detectives Ritz or Ritz or McGilvary as they took notes during their conversations with Mr. Wilds that they produce the notes to the Court. If they did not takes notes then they should prepare an affidavit and/or come to Court because I would like speak to them with regard to whether or not these notes existed and if they did exist, where are they and if they did not exist or they do not exist that they can indicate so to the Court. That would be any unrecorded meetings, conversations that they had with Mr. Wilds where they took notes relative to any statements made. The witness has indicated that there has been inconsistencies that were brought to his attention, some of which were recorded, some of which were not and to the extent that there are any notes in existence I direct the State to inquire of the two officers, detectives and respond to this Court and I'd ask that that be provided first thing tomorrow morning. By 9:30 tomorrow morning when we resume.

In the interim I'll allow Ms. Gutierrez to continue with her questioning of this witness and at such time we break for the day, perhaps Counsel can send a message through someone in their staff to make

Page 102

the inquiry to the detectives to find out whether or not the -- these notes exist at all. And so with regard to that particular request that the State -- that the Defense has just made that will be my ruling.

MR. URICK: Your Honor, I would just like to correct one thing about the record. Ms. Gutierrez at the bench said she was not on notice on any of this. Jay Wilds first statement starting on page 24 discusses the earlier verbal conversation he had with the officers and the inconsistencies, this was also discussed previously in the previous proceeding that we had. This prior conversation has already been gone through, she's been on notice on it, she's now had two chances to go through it with the witness, but if I can have five minutes I can go ask the detective right now.

THE COURT: All right.

MR. URICK: About any notes.

THE COURT: Well, first let me tell you I would appreciate that what happened in the last proceeding not overly complicate this proceeding. The Court wasn't there the last proceeding and as I indicated at the outset a number of motions that are made and ruled on by this Court are discretionary and where one Judge might see it one way another Judge may see it a different way.

Page 103

I was not present during the questioning of Mr. Wilds, I did not know nor did I hear what the testimony of Mr. Wilds was. I heard it today and I heard reference made to inconsistencies and unrecorded conversations and in abundance in caution in accordance to the request of the Defense I believe that Defense is entitled to know whether the notes exist and the Court is directing you to produce those notes to m if they are in existence and so, regardless of what Ms. Gutierrez has said, she has merely brought to my attention something that I heard myself.

I've considered this, I've looked at the rule, I've looked at a couple of cases and most recently there is a case that talks about arguably, exculpatory material. We I believe had this discussion once before out the outset of the trial when we talked about whether investigatory information would -- could be exculpatory or not and we went into that, but at this juncture I'd ask that you do that and I'd rather not take a lot of time making inquiries to your detectives if there's someone that you could ask, Ms. Murphy perhaps could assist you or someone from your office could make the inquiry so that we could continue with the case.

MR. URICK: Well, if I -- if we could, if Ms.

Page 104

Murphy could approach the Defense Counsel to discuss the earlier matter that the Court brought up before the lunch break I could, while that's being handled --

THE COURT: That would be fine with me. You can do that.

MR. URICK: Thank you.

THE COURT: Could you give me one second, Counsel.

MS. GUTIERREZ: Certainly.

THE COURT: Okay.

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

MR. URICK: Mr. Floerscheimer is here. He wants to know if he needs to stick around or he does have other things he would like to do. He's not sure what he's suppose to be doing here.

THE COURT: Mr. --

MR. URICK: Mark Floerscheimer.

MS. GUTIERREZ: Assistant who spoke to the juror.

THE COURT: Okay. I thought we were going to handle that matter while you go talk to, um, Gilbert.

MR. URICK: Well, I've already done it.

THE COURT: Very well. Well lets start with Mr. Floerscheimer. Did you speak to him at all or did

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Page 105

you just tell him to come in?
MS. MURPHY: Well, I was instructed not to.
THE COURT: Okay. Is he here?
MS. MURPHY: He is here.
THE COURT: Have him step up since we're at the bench. I didn't recognize the name when you said Floerscheimer. I'm thinking who is that?
MS. MURPHY: A little out of context.
(Mr. Floerscheimer approached the bench.)
THE COURT: How are you? I understand that at the direction of Counsel for the State you were asked to speak to one of the jurors in the case that was excused or released.
MR. FLOERSCHEIMER: Juror number six from yesterday.
THE COURT: Okay. The person that you approached yesterday, can you describe her?
MR. FLOERSCHEIMER: She looked very similar. A tall, glasses, black female.
THE COURT: What did she have on?
MR. FLOERSCHEIMER: She had a heavy dark coat on.
THE COURT: Okay. Do you remember anything else about her face or features?
MR. FLOERSCHEIMER: Not -- not that I can --

Page 106

THE COURT: Did she have glasses on?
MR. FLOERSCHEIMER: Yeah, she had glasses on. Very similar to the glasses that were -- the lady, juror number six had on.
THE COURT: Wait a minute. You were here during the trial and saw the juror number six --
MR. FLOERSCHEIMER: Number six.
THE COURT: That's sitting there now?
MR. FLOERSCHEIMER: No, juror number six that you excused.
THE COURT: You saw the juror number six that I excused?
MR. FLOERSCHEIMER: Go out.
THE COURT: You saw her go out?
MR. FLOERSCHEIMER: I saw her go out behind your clerk.
THE COURT: Okay.
MR. FLOERSCHEIMER: And that's when I was directed
to --
THE COURT: Why don't we slow down a little bit.
MR. FLOERSCHEIMER: Sure.
THE COURT: Perhaps if you listen to my question.

Page 107

MR. FLOERSCHEIMER: Sure.
THE COURT: We're not sure you spoke to the right person.
MR. FLOERSCHEIMER: I didn't.
THE COURT: Well, you don't know that and we don't know that.
MR. FLOERSCHEIMER: Okay.
THE COURT: And that's our concern.
MR. FLOERSCHEIMER: Okay.
THE COURT: Whoever it is that you spoke to could still be seated on our jury or it could have been that it was in fact juror number six who just said she wasn't.
MR. FLOERSCHEIMER: It could be.
THE COURT: Which is why I'm asking if you recall what she had on.
MR. FLOERSCHEIMER: She had on a dark blue or black overcoat, heavy overcoat.
THE COURT: Over whatever she was wearing?
MR. FLOERSCHEIMER: Correct.
THE COURT: Do you recall the color of her hair?
MR. FLOERSCHEIMER: It was black.
THE COURT: As opposed to brown?
MR. FLOERSCHEIMER: Correct.

Page 108

THE COURT: And her glasses, do you recall if they were gold wire?
MR. FLOERSCHEIMER: No, they were -- they looked like horn rim or black, darker -- darker, thicker glasses.
THE COURT: All right. If you were to see the jury panel as seated, would you recognize if the person you spoke to is still on the panel?
MR. FLOERSCHEIMER: Possibly. I can't guarantee, but possibly.
THE COURT: Was this woman very heavy set?
MR. FLOERSCHEIMER: No.
THE COURT: Very well. Any questions, Ms. Gutierrez?
MS. GUTIERREZ: Yes, I guess I would like to inquire as to what led you obviously to approach that juror believing it was the juror who had been struck, right?
MR. FLOERSCHEIMER: The one who was excused.
MS. GUTIERREZ: Excused, knowing that it was permissible to talk to that juror, right?
MR. FLOERSCHEIMER: Correct.
MS. GUTIERREZ: It would not have been permissible and you understood that, to speak to a seated juror, right?

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Page 109

MR. FLOERSCHEIMER: Clearly, yes.
MS. GUTIERREZ: So, what was it that led you to believe that the juror you approached was in fact, juror number six?
MR. FLOERSCHEIMER: Because she went in with the clerk, a few minutes later she came out --
MS. GUTIERREZ: Out.
MR. FLOERSCHEIMER: With her coat on and she looked like the person who went in with the clerk.
MS. GUTIERREZ: Okay. And when you approached that juror you identified yourself?
MR. FLOERSCHEIMER: Yes.
MS. GUTIERREZ: As an Assistant State's Attorney?
MR. FLOERSCHEIMER: Yes.
MS. GUTIERREZ: And --
THE COURT: One second. Was the clerk still there?
MR. FLOERSCHEIMER: No.
THE COURT: Is she there? All right. Very well. Go ahead.
MS. GUTIERREZ: And when you approached this juror and identified yourself how did that juror react?
MR. FLOERSCHEIMER: She looked like she stiffened up.

Page 110

MS. GUTIERREZ: Okay. And then you asked her if she were juror number six?
MR. FLOERSCHEIMER: Correct.
MS. GUTIERREZ: And where were you when you asked her?
MR. FLOERSCHEIMER: Outside the jury room.
THE COURT: Right out here?
MR. FLOERSCHEIMER: In the atrium out there.
MS. GUTIERREZ: That has benches on both sides?
MR. FLOERSCHEIMER: Correct.
MS. GUTIERREZ: And the atrium meaning the area of space between the exit from this courtroom and then right opposite is the entry way to the jury.
MR. FLOERSCHEIMER: Correct.
MS. GUTIERREZ: And the judge's clerk was not present?
MR. FLOERSCHEIMER: No.
MS. GUTIERREZ: And no Sheriff was present?
MR. FLOERSCHEIMER: I don't believe so.
MS. GUTIERREZ: And were you aware of others coming in or out of the jury room at the time?
MR. FLOERSCHEIMER: There were others who had prior, previously left the jury room, yes.
MS. GUTIERREZ: I don't have anything

Page 111

further.
MR. FLOERSCHEIMER: May I say something?
THE COURT: What is it that you want to say?
MR. FLOERSCHEIMER: I just said, as soon I asked -- as soon as I asked that, you know if she was juror number six and indicated no, she wasn't, I apologized and, you know, said excuse me.
THE COURT: And nothing else was said to her?
MR. FLOERSCHEIMER: Nothing else was said and I informed Ms. Murphy immediately.
THE COURT: Of what occurred.
MR. FLOERSCHEIMER: Of what had happened.
THE COURT: Okay. Very well. Any questions from the State?
MR. URICK: None, Your Honor.
THE COURT: Thank you very much.
MR. FLOERSCHEIMER: Sure. Do you want me to stay here?
THE COURT: Just have a seat for just one second.
MR. FLOERSCHEIMER: Sure.
THE COURT: And then you should be able to go. Thank you very much. I still -- I still don't know anything more then we knew before.
MS. GUTIERREZ: Except that what he told us

Page 112

the clerk was not there and, you know, we weren't out there in the atrium, we were here, but I specifically recall you sending her out --
THE COURT: With the juror.
MS. GUTIERREZ: To make sure that there was no interaction. I don't know --
THE COURT: With the other jurors?
MS. GUTIERREZ: Right. And frankly, I don't know. There wasn't a whole lot of time because it didn't take a whole lot of time but I don't know whether or not the other jurors had already left, but it was clear that the charge to your clerk was to make sure there was no interaction. What he's described I think raises the possibility that whatever interaction there was, was with a seated juror, not juror --
THE COURT: Yes.
MS. GUTIERREZ: Number six who was excused and --
THE COURT: What it sounds like it is was with a seated because -- but the seated jurors are indicating that they were not approached.
MS. GUTIERREZ: And maybe that's a good thing, Judge, in that whatever happened took up such little time they didn't regard it as an approach, but you understand our concern. I guess what I would ask,

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Page 113

there's no way that this prosecutor can tell us anything until he sees the jury panel. If in fact what happened was with a seated juror, there's every chance, you know, there's no improper taint and we're fine and I'd like to preserve that possibility.

So, I guess what I would request is what you have that prosecutor up here with us, bring out the jury panel so that there's no other attention drawn to see if he can then identify the juror from the seated jurors and perhaps we could all turn and look at the jury so he's not highlighted and then go from there because it is great concern.

THE COURT: Well, he is sitting in the courtroom. He certainly can write a note and say it was juror number four.

MS. GUTIERREZ: Well, that's fine. That's fine.

THE COURT: And send me the note up or I don't recognize the person.

MS. GUTIERREZ: Right, but if we did that that would then involve us coming up and delaying it again and I just thought, well if we're all up here and we all turn and look.

THE COURT: Well, I can pass the note to you.

MS. GUTIERREZ: Okay.

Page 114

THE COURT: I mean I have no problem having my clerk bring you the note, you can see what the note is --

MS. GUTIERREZ: Okay.

THE COURT: And if says I don't recognize anyone it would be agreed that we'll just proceed. If it's, I recognize someone --

MS. GUTIERREZ: Maybe it's a phantom person in the hall who had a long black coat on.

THE COURT: Well, --

MS. GUTIERREZ: It's -- there's not --

THE COURT: It also could have been we had a mock trial in here at five o'clock. It could have been people who arrived for that. I have no idea.

MS. GUTIERREZ: Right, right.

THE COURT: And there's no way for me to know. At this point that's the only thing I can suggest.

MS. GUTIERREZ: All right.

THE COURT: Moving onto the next issue. Is the attorney here? I'm going to ask him to come up. Ask him if he can have a seat towards the left so he can actually see the panel and ask him to come up for a second. I'm going to ask you to have a seat in the front row to my left.

Page 115

MR. FLOERSCHEIMER: Sure.

THE COURT: As the jurors come in I would like you to look at each one of them, take a piece of paper with you and a pad. If you recognize the juror you spoke to indicate so by their juror number.

MR. FLOERSCHEIMER: Okay. Will they be seated then?

THE COURT: They'll be seated. They're going to come in, they're going to --

MR. FLOERSCHEIMER: Is juror number one here?

THE COURT: No. Back row to your left is one.

MR. FLOERSCHEIMER: One, six.

THE COURT: Right, right.

MR. FLOERSCHEIMER: Twelve.

THE COURT: And then alternates, one, two and three in the front.

MR. FLOERSCHEIMER: One, two and three. Okay.

THE COURT: All right. And then if you recognize which juror it was just the write the number, it was juror number, blah, blah, blah.

MR. FLOERSCHEIMER: Okay.

THE COURT: If you don't recognize anyone write I don't recognize anyone.

Page 116

MR. FLOERSCHEIMER: Okay.

THE COURT: All right. And then --

MR. FLOERSCHEIMER: And if I believe I recognize them but I'm not sure?

THE COURT: Write I believe I recognize this juror but I'm not sure and then if you would then, my law clerk, no Deputy Church --

MR. FLOERSCHEIMER: Church.

THE COURT: Will be there and give the note to him.

MR. FLOERSCHEIMER: Sure.

THE COURT: All right. Thank you very much, I appreciate your help. Yes. Okay.

MR. URICK: I had a chance to speak to Greg McGilvary and the interview he had prior to the taped statement he took the no notes. He will provide the Court an affidavit to that effect tomorrow. He did not see Detective Ritz take any notes, he will check tonight to see if he can find Detective Ritz. Detective Ritz as you may recall is out of the country 'til the 16th. I can check again with him when he gets back.

MS. GUTIERREZ: Next Wednesday?

THE COURT: You don't have a number where you can reach him, Witts?

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Page 117

MR. URICK: I can ask Greg if he can call overnight I'll check with him. I didn't think to ask him that.

THE COURT: Well, you don't understand. It isn't your -- an affidavit from the detective.

MR. URICK: He's the primary detective.

THE COURT: And an affidavit to include that he spoke to the other detective and there are no notes?

MR. URICK: If he's been able to make contact. I don't know if he can contact him, that's why I'll have to ask him if there's some way that he knows of to contact Detective Witts. I don't know, I didn't think to ask him that question.

THE COURT: I'm not real happy about the fact that you have no way of reaching the detective. I think that that at a minimum during the course of trial, particularly under the circumstances this Court has been particularly lenient and I'm asking that make contact with both detectives. I either want them here or I want an affidavit and I'm willing to accept an affidavit from Detective McGilvary or Ritz basically as police officers and officers an affidavit saying that there are no notes, but I want one or the other.

Now, I don't care how you figure that out, I don't care how you get it done but that's what I want. I want to know that there aren't any notes or if there are notes I want the

Page 118

notes here tomorrow morning at 9:30 and I don't want to have any further delay with this witness. I want to have the notes if they exist, available for Ms. Gutierrez so she can continue with this witness tomorrow. If the notes don't exist then I want an affidavit saying the notes do not exist and I want that sworn by one or both of the detectives, but they are to refer to all notes in the case and if there's the detective who is the case agent as I recall him, he should no whether or not that anybody else took any notes and he should be able to swear to that in an affidavit that there are no notes and I think that that's reasonable.

MR. URICK: Thank you.

THE COURT: All right.

MS. GUTIERREZ: Judge, just for the record just so there's no issue of notice. If you --

THE COURT: I'm not worried about notice. Ms. Gutierrez, this is a ruling that I made.

MS. GUTIERREZ: No, I do understand, but in light of this, regardless of what the affidavit says Detective Ritz who the Court excused to the 16th is now an absolutely Defense witness.

THE COURT: Oh, thank you, that's good.

MS. GUTIERREZ: Since there's been some notice requirements and since, you know the witnesses I subpoena don't talk to me they go to Mr. Urick I just want it on notice

Page 119

that they be conveyed to Detective Ritz. He absolutely will need to be called by the Defense and as a witness assuming we get to that point by the 16th.

THE COURT: Very well.

MS. GUTIERREZ: Which I think we will.

THE COURT: That's understood that you would want him as a -- and it's not a notice requirement it was just a heads up. I don't even call it a notice requirement, it's just more like, just to make sure that the witness understands and you and let him know that as well. All right. Very well Lets proceed. Thank you. Thank you, Counsel.

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

THE COURT: And if you could have the jurors come in. Yes, please. Just have a seat, Mr. Wilds.

(The jury returned to the courtroom.)

THE COURT: Show this to Ms. Gutierrez and show it - no. Counsel, will you come up?

MS. GUTIERREZ: Yes.

THE COURT: Let me have it.

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

THE COURT: Well, it makes perfectly good sense. The person that he spoke to is now juror number six. However, yesterday she was alternate number one.

Page 120

MS. GUTIERREZ: Alternate number one.

MS. MURPHY: Right.

THE COURT: Which is why she answered his question no.

MS. GUTIERREZ: She wasn't. Right. Well, but it doesn't --

THE COURT: Because at the time she did not know that should become juror number six.

MS. GUTIERREZ: That she was going to be juror number six. Of course it doesn't explain how this prosecutor mixed up who it was whatever circumstances.

THE COURT: And it also does not explain why she has not said --

MS. GUTIERREZ: I know. Can I talk to my client for a minute?

THE COURT: Sure. You may. There's no explanation for her failure to respond to me.

MS. MURPHY: Maybe she thought that he was looking for somebody else.

THE COURT: But that was not my question.

MS. MURPHY: (inaudible).

THE COURT: I made it real clear.

MS. GUTIERREZ: I thought you made it pretty clear this morning but again, I don't --

THE COURT: At the end of the day we'll ask her to

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Page 121

stay and we'll inquire.
MS. GUTIERREZ: See, that's what I just talked to Mr. Syed about. I guess our position is we want to leave it alone. We don't want to poison this juror --
THE COURT: Any further.
MS. GUTIERREZ: Now and that, you know we have no reason to disbelieve what the prosecutor said --
THE COURT: Sure.
MS. GUTIERREZ: And if that's all that happened -- you know, and she might explain since she didn't know yesterday that she was going to get moved in that maybe, you know, so that there are good things.
THE COURT: Well, she was honest.
MS. GUTIERREZ: Right.
THE COURT: She said --
MS. GUTIERREZ: I guess our position now is that even though, you know our concerns are still the same we don't want to poison this juror by further inquiries. So --
THE COURT: I'm make a note, stick this in the file, this is the identification.
MS. GUTIERREZ: Yeah, right before he came out that actually without the glasses both the juror who was replaced and this current juror --
THE COURT: They look very similar.
MS. GUTIERREZ: Do look -- they do.

Page 122

THE COURT: They're very similar in appearance. Okay. All right.
MS. GUTIERREZ: Okay.
THE COURT: Thank you very much.
MS. MURPHY: Can Mr. Floerscheimer be excused?
THE COURT: Yes.
(Counsel and Defendant returned to the trial tables and the following ensued:)
THE COURT: Thanks. Very well. Ms. Gutierrez, you can resume, just one moment. Mr. Wilds, I'm going to remind you that you are still under oath from this morning. Good afternoon ladies and gentlemen, we're going to proceed. Ms. Gutierrez, witness with you.
MS. GUTIERREZ: Thank you, Judge.
BY MS. GUTIERREZ:
Q Mr. Wilds, before we broke for lunch remember we were talking about your interviews, plural, with the police on February 28th, do you recall that?
MR. WILDS:
A February, I'm sorry.
Q 28th.
A Yes, ma'am.
Q That's not a hard date for you to remember, is it?
MR. URICK: Objection.
THE COURT: Sustained.

Page 123

BY MS. GUTIERREZ:
Q Well, Mr. Wilds we were talking about when we defined, you had a first interview with the police that wasn't recorded, right?
MR. WILDS:
A Pardon me? The first interview? No, it was not.
Q Pardon.
A No, it was not.
Q It was not recorded and your first interview subject matter of it was the same thing that the second interview was about, right?
A Yes, ma'am.
Q And at some point during your second interview the detectives asked you about the first interview, did they not?
A I believe so.
Q And they asked you and you admitted that the information you provided to them at the time that you said, that although they both took notes there was no tape recorder on, that that wasn't the same information that you were now providing them, did they not?
MR. URICK: Objection.
THE COURT: Ms. Gutierrez, I'm going to sustain the form of it because it's a compound question --
MS. GUTIERREZ: I'll rephrase it.
THE COURT: And there are parts that I think should

Page 124

be divided up.
BY MS. GUTIERREZ:
Q You recall, Mr. Wilds that Detectives Ritz asked you the following question: prior to us turning the tape on, Jay, we had a conversation with you and you answered, yes, right?
MR. WILDS:
A Yes.
Q And that after that Detective Ritz went further and said that during that conversation we spoke for about a half an hour, forty-five minutes. The information that you provided during that interview, was it the same information that you provided during the first interview and you answered, no, didn't you?
A Yes, ma'am.
Q You recall being asked that question, right?
A Yes, ma'am.
Q Then, back then you recall being asked, right?
A Yes, ma'am.
Q And you answered telling them that no, the information you provided while the tape was running was different information that you had provided them during the time before when the tape wasn't running.
A The first interview?
Q Yes, sir.
A Yes, ma'am.

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Page 125

Q Okay. Now, let us then go back to the first interview, the one where there was no tape. Did you provide them information about the location of the car?
A No, ma'am.
Q Now, so you sort of lied by omitting it, did you not?
A Yes, ma'am.
Q Okay. And did you provide them information about seeing the body in the trunk?
A I don't believe so.
Q You don't believe so. So, you lied about that too, right?
A Yes, ma'am.
Q Okay. And or at least what you said at first was very different then what you said next, right?
A In the second time.
Q And in fact, you first told them nothing about Jen Pusateri, right?
A Yes, ma'am.
Q And in your second statement when the tape recorded was turned on you also didn't say anything about Jen Pusateri, right?
A Correct.
Q Your very, very good friend?
A Yes, ma'am.

Page 126

Q So, you continued -- and that was a lie, right?
A No, it was not the truth, you're right.
Q It wasn't, so yes it was a lie?
A Yes, ma'am.
Q Okay. And so you lied in the first statement about that and you continued to lie in the second statement about that same thing, right?
A Yes, ma'am.
Q And the first time before the tape recorder was on, you didn't happen to tell them about your good friend, Christa Myers, did you?
A No, ma'am.
Q And in the second statement you didn't tell them about your good friend, Christa Myers, did you?
A Christa Myers?
Q I'm sorry. Christa Vincent.
A Yes, ma'am.
Q You didn't tell them, right?
A No, ma'am.
Q And that was a lie, wasn't it?
A Yes, ma'am.
Q Okay. So, in regard to your good friend, Christa Myers you lied to them the first time, right?
A Vincent.
Q Pardon.

Page 127

A Vincent.
Q Vincent. In regard to her you lied to them the first time, right?
A Yes.
Q And you lied to them the second time, right?
A Yes.
Q You didn't get around to telling them about Christa Myers --
A Vincent.
Q Christa Vincent, until your third statement, right?
A Yes.
Q Okay. Now, and in regard to events that happened in Lincoln Park as you say in the first statement you didn't tell all about that, did you?
A No, ma'am.
Q And the first time you mentioned that was in the second statement, right?
A Yes, ma'am.
Q After -- after the tape was turned off, right?
A Yes, ma'am.
Q And in regard to issues like your clothes and what you did with them at any time after those events, you didn't tell them the truth in the first statement, did you?
A No, ma'am.
Q And you actually didn't tell them the truth in the

Page 128

second statement, did you?
A I believe so, I did.
Q In the third statement you told them something different?
A I believe I told them where I placed them.
Q You told them where you placed them?
A In the third statement.
Q In?
A In the third statement.
Q The third statement. Could you keep your voice up, Mr. Wilds?
A Yes, ma'am.
Q And so you didn't tell them the truth about your clothes in the first statement, right?
A No, ma'am.
Q Well, on that one recorder, right?
A Yes, ma'am.
Q But the one that Detectives McGilvary and Ritz took notes, right?
MR. URICK: Objection.
THE COURT: Overruled. The one where they took notes meaning the first statement.
MS. GUTIERREZ: Yes.
MR. WILDS: I'm sorry. Could you ask me the question again please.

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Page 129

BY MS. GUTIERREZ:
Q About your clothes and you know what I'm talking about your clothes, right?
MR. WILDS:
A Yes, ma'am.
Q You took off your clothes after these events, right?
A Yes, ma'am.
Q And you got rid of them, did you not?
A Yes, ma'am.
Q And what you've told this jury is that you got rid of them in a dumpster, correct?
A Yes, ma'am.
Q In your first statement, the one without a tape recorder where Detectives McGilvary and Ritz took notes --
MR. URICK: Objection.
Q You didn't tell them about that, did you?
THE COURT: Overruled.
MR. WILDS: No, ma'am.
BY MS. GUTIERREZ:
Q And in the second statement, sir you didn't tell them about that, did you?
MR. WILDS:
A I don't believe so.
Q That didn't come up until the third statement, right?

Page 130

A I believe so.
Q And the third statement took place on March 15th, correct?
A Yes, ma'am.
Q Once again down at police headquarters on Fayette Street, right?
A Yes, ma'am.
Q At a time there was a tape recorder, right?
A Pardon me.
Q At a time there was a tape recorder?
A I believe so.
Q On the third statement, right?
A I believe so.
Q The one on March 15th, right?
A I believe so.
Q And for that statement sir, did you just wander in?
A No, ma'am.
Q You were brought down there, were you not?
A Yes, ma'am.
Q By the same detectives?
A Yes, ma'am.
Q And you really didn't have a choice, did you?
A No, ma'am.
Q But you hadn't been charged with anything from February 28th up to March 15th, had you?

Page 131

A No, ma'am.
Q You hadn't been put in jail?
A No, ma'am.
Q You hadn't been put in custody?
A No, ma'am.
Q Your liberty had not been confined at all?
A I was told not to leave but other then that, no, ma'am.
Q By not leaving, leaving the jurisdiction, right?
A Yes, ma'am.
Q Okay. Now sir, you were aware that following the first statement, the one in which you lied to the police in the early morning hours of February 28th of 1999 and Adnan Syed was arrested after you took to the police to the location that you know tell us was a lie on Edmondson Avenue, were you not?
A No, I was not.
Q You weren't aware that Adnan Syed was arrested afterwards?
A Not until the following day.
Q Is it a surprise to you?
THE COURT: I'm sorry. Not until the following?
MR. WILDS: Day.
BY MS. GUTIERREZ:
Q Meaning the Monday?

Page 132

MR. WILDS:
A Yes.
Q Would it be a surprise to you to know that he was arrested at daybreak on the 18th right after you pointed out the location of the trunk popped that turns out to be a lie?
A I'm really not understanding your question, I'm sorry.
Q Sir, is it the words that you don't understand?
MR. URICK: Objection.
THE COURT: Sustained.
BY MS. GUTIERREZ:
Q Mr. Wilds, are you surprised to find out whether you knew before or not that Adnan Syed was arrested right after you pointed out a false location about the trunk pop?
MR. WILDS:
A No, ma'am.
Q Now, now, Mr. Syed -- Mr. Wilds, on the 15th of March you were brought down again to police headquarters, right?
A Yes, ma'am.
Q And you did not expect to be charged that day, did you?
A I did not know what was going to happen to me.
Q No, sir. My question was, did you expect to be charged?

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Page 133

MR. URICK: Objection.
THE COURT: Sustained. You don't have to answer that.
BY MS. GUTIERREZ:
Q You hadn't been told by Detectives McGilvary or Ritz that you would be charged, had you?
MR. WILDS:
A Not yet, no.
MR. URICK: Objection.
THE COURT: Sustained.
MR. WILDS: I'm sorry.
BY MS. GUTIERREZ:
Q And Mr. Wilds, you hadn't been told you were arrest when they came to bring you down, did they?
MR. URICK: Objection.
THE COURT: Sustained.
BY MS. GUTIERREZ:
Q Once again, however, Detective McGilvary and Detective Ritz were concerned about what you had told them before, were they not?
MR. URICK: Objection.
THE COURT: Sustained.
BY MS. GUTIERREZ:
Q They asked to speak to you again about the inconsistencies in your statements, did they not?

Page 134

MR. WILDS:
A Yes.
Q Yes. And that wasn't a surprise to you, was it?
A No.
Q You knew you had lied to them, hadn't you?
A Yes.
Q And you knew that they didn't yet know that you lied to them at the time that you lied, right?
A I did not know what they knew.
Q After the 15th, now on the 15th of March you mentioned Jen Pusateri's name, did you not?
A On the 15th?
Q Yes, sir.
A Yes, ma'am.
Q And for the first time, isn't that correct?
A Yes, ma'am.
Q And when asked by them why you hadn't mentioned it before you said it was to protect her, did you not?
A Yes, ma'am.
Q You didn't want to get your good friend involved in this, isn't that what you said?
A Yes, ma'am.
Q And you were concerned about her because of who she was, were you not?
A Who she was?

Page 135

Q Just answer the question, sir. It's yes or no.
MR. URICK: Objection.
BY MS. GUTIERREZ:
Q Were you concerned and did you express that to the detectives about who she was?
THE COURT: Sustained.
BY MS. GUTIERREZ:
Q You expressed concern in that interview and said, as a reason for not mentioning her, a lie by omission on the 28th was that you were concerned because of who her father was, isn't that a reason?
MR. WILDS:
A No, ma'am.
Q You didn't express that?
A No, ma'am.
Q To the detectives on the 15th?
A No, ma'am.
Q And that's your recollection today, correct?
A Yes, ma'am.
Q Now, on the 15th when you went down with them, did you ask them again about getting the lawyer?
A No, ma'am.
Q Did you call a lawyer?
A No, ma'am.
Q Did you have a lawyer?

Page 136

A No, ma'am.
Q And at any time on the 15th while you were down there, did you ever get charged with any crime?
A No, ma'am.
Q Was your liberty ever restrained?
A No, ma'am.
Q But you told them many different things then when you spoke to them on the 28th?
A Yes, ma'am.
Q And those are things different then the first time you spoke to them, right without a tape recorder?
A Yes, ma'am.
Q And different from what you told them, the second statement on the 28th when the tape recorder was running, isn't that correct?
A Yes, ma'am.
Q And you also mentioned Christa Vincent's name for the first time, right?
A Yes, ma'am.
Q And so you first mentioned that Christa Vincent was someone you saw and spoke to on the 13th, correct?
A Yes, ma'am.
Q And you were concerned you told them why you lied by omission on the 28th for her because she was also your good friend, did you not?

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A Yes, ma'am.

Q That you didn't want to get her involved in this case, correct?

A Yes, ma'am.

Q And you expressed concern over Christa Vincent's father's profession, did you not?

A Yes, ma'am.

Q Yes. And Christa Vincent's father was not your good friend, was he?

A I'm sorry, you're speaking away from me.

Q Christa Vincent's father was not your good friend --

A No, ma'am.

Q Was he? You had never met him, had you?

A No, ma'am.

Q He didn't live with her, did he?

A No, ma'am.

Q But you became concerned because of her father's profession so you lied by omission about her interaction with you on the 13th, did you not?

A Yes, ma'am.

Q And in fact, on the 15th of March, two weeks and a day after you had your first two statements, one recorded, one not you told them about going to Christa Vincent's house one time, did you not?

A Yes, ma'am.

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Q And after the 15th of March there came another occasion in which you spoke to them, did there not?

A I believe so.

Q And that was on the 13th of April, was it not?

A I believe so.

Q And that occasion, once again were you taken down to police headquarters?

A I believe so.

Q And in-between the 15th of March and the 13th of April Sir, you were at liberty, were you not?

A Yes, ma'am.

Q You were not in jail, were you?

A No, ma'am.

Q You were never charged, were you?

A No, ma'am.

Q And between the 15th of March and the 13th of April you didn't get a lawyer, did you?

A No, ma'am.

Q And you didn't ask them again about how it that you go about to get a lawyer, isn't that correct?

A Yes, ma'am.

Q On the 13th of April you told them something else about Christa Vincent, did you not?

A I believe so.

Q You told them that you had been there twice that day

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at different times, correct?

A Yes, ma'am.

Q On the first time you mentioned Christa Vincent having lied by omission about her previously you never mentioned her boyfriend, did you?

A No, ma'am.

Q Her boyfriend's name was Jeff Johnson, isn't that correct?

A Yes.

Q And Jeff Johnson was present at Christa Vincent's house when you were there on the 13th of January, was he not?

A Yes, ma'am.

Q But you hadn't told the police about it on the 28th of February, had you?

A No, ma'am.

Q Even the first time without a recorder, right?

A No, ma'am.

Q Nor the second time with a recorder, right?

A No, ma'am.

Q Nor your third statement on March 15th with a recorder, right?

A No, ma'am.

Q So you lied by omission about the presence of someone else to these critical events three times before you mentioned his name, correct?

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A Yes, ma'am.

Q And Jeff Johnson sir, would you have described him as a very good friend?

A No, ma'am.

Q And you certainly would not have described him as a very, very good friend, correct?

A No, ma'am.

Q He was just Ms. Vincent's boyfriend, was he not?

A Yes, ma'am.

Q But he was as you said on the fourth time with the police he was there, correct?

A Yes, ma'am.

Q But you had lied by omission about him on at least three times, correct?

A I believe so.

Q Now Mr. Wilds, in regard to when you were talking about your clothes?

A Yes, ma'am.

Q Now at some point you described to the police, well let me go back. After the 13th of April did you talk to them again, the police?

A Yes, I believe it was --

Q When was that?

A I believe it was some time in September.

Q In September. September 7th to be exact?

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A I believe so.

Q That was the day you signed the plea agreement, isn't that correct?

A I believe so.

Q And so in-between April 13th and September 7th you didn't speak to them?

A Not that I can recall.

Q You would have recalled, would you have not?

A There possibly could have been a phone conversation that I don't remember.

Q That you don't remember?

A No, ma'am.

Q So your testimony is maybe there was a conversation with the police about these events and you might not remember?

A It did not pertain to --

MR. URICK: Objection.

BY MS. GUTIERREZ:

Q Prior to testifying to today sir, you prepared for this, had you not?

MR. WILDS:

A No, ma'am.

Q Well, you've spoken to Mr. Urick and Ms. Murphy, did you not?

A Yes, ma'am.

Q And you prepared for your testimony, have you not?

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A What do you mean by prepared?

Q You spoken to them about the fact that you're going to testify?

A Yes.

Q And about what you are going to testify about?

A No, ma'am.

Q No. You haven't spoken to them at all about what you're expected testimony would be?

A Not the details, no.

Q Pardon.

A Not the details, no.

Q Oh, the non details.

MR. URICK: Objections.

THE COURT: Sustained.

BY MS. GUTIERREZ:

Q So what you've spoken to them about is something other then the details, right?

MR. WILDS:

A Yes.

Q Okay. And the details sir, is that the important stuff or the non important stuff?

A That's in the eye of the beholder.

Q That's the what?

A That's in the eye of the beholder.

Q Well sir, you're the beholder. In your eye --

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MR. URICK: Objection.

Q Are the details the important stuff or the non important stuff?

THE COURT: Sustained.

BY MS. GUTIERREZ:

Q Sir, did you omit any information from Mr. Urick?

MR. URICK: Objection.

THE COURT: Did you omit any information from Mr. Urick?

BY MS. GUTIERREZ:

Q In your discussions with Mr. Urick, did you omit as we talked about omission by lying by omission, information from Mr. Urick when you spoke to him?

MR. URICK: Objection.

THE COURT: Sustained as to the form of that question. If you want to narrow it down and get us to a specific subject matter.

BY MS. GUTIERREZ:

Q How many times did you speak to Mr. Urick?

MR. WILDS:

A Before coming to Court?

Q Before testifying as you started on Monday, six days ago?

A Three.

Q Three. And it would be fair to say that the subject

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matter of each of those three conversations was on the events of January 13th, did it not?

A Yes, ma'am.

Q Not about anything else, right?

A No, ma'am.

Q And on every occasion you spoke to him it was after you had already entered into the plea agreement, right?

A Yes, ma'am.

Q And that was long after you had already lied by omission and lied directly to the police in at least three of the various statements on at least several issues, correct?

A Yes, ma'am.

Q And did the subject of your lying directly or by omission come up between you and Mr. Urick?

A Yes, ma'am.

Q Or you and Ms. Murphy?

A Yes, ma'am.

Q Yes. In fact, it came up on all three occasions, did it not?

A Yes, ma'am.

Q Now, getting back to the clothes. You had on certain clothes on the 13th of January, correct?

A Yes, ma'am.

Q And at some point you changed out of those clothes, did you not?

Page 145

A Yes, ma'am.
Q And at some point you got rid of those clothes, did you not?
A Yes, ma'am.
Q You got rid of your outer clothes, your pants and your shirt, correct?
A Yes, ma'am.
Q And you got rid of your outer coat, did you not?
A Yes, ma'am.
Q And you got rid of the boots that you had on that day, did you not?
A Yes, ma'am.
Q Now on your first interview, your unrecorded interview, did you tell the police about that?
A No, ma'am.
Q You didn't tell them that you had done that, right?
A No, ma'am.
Q In either of the interviews on the 28th, right?
A No, ma'am.
Q And not on the 15th, right?
A I believe I told them then, I'm not sure.
Q You're not sure. And you didn't tell them at either of the interviews of the 28th that you took your clothes and you threw them away, did you?
A No, ma'am.

Page 146

Q Nor that you took off your clothes and you threw them in a dumpster?
A No, ma'am.
Q In fact, and that included both your pants and your shirt, right?
A Yes, ma'am.
Q And your outer coat, right?
A Yes, ma'am.
Q And your boots, right?
A Yes, ma'am.
Q And the boots were actually thrown away separately, were they not?
A I believe so.
Q And you didn't tell them about that until your fourth statement, right?
A I believe so.
Q Right. And the first thing that you told them about your clothes was that on the 13th you got back to your house that's (inaudible), right?
A Excuse me, yes, ma'am.
Q And that was a house where you lived with your mother?
A And my grandmother, yes.
Q Okay. So the answer to my question you lived with your mother is no, is it not?

Page 147

A I lived with my mother, yes.
Q Pardon.
A I live with my mother, yes.
Q And your grandmother?
A Yes, ma'am.
Q Okay. Now at some point after you got home the first time you told the police about your clothes you told them that you changed your clothes at home, did you not?
A Yes, ma'am.
Q And that you threw out your clothes in your own house's trash, did you not?
A I don't believe so.
Q You don't remember that, sir?
A You're referring to the first interview?
Q The first time you said anything about where you threw out your clothes you told them you threw them out in the trash in your own home, did you not?
A I do not recall.
Q You don't recall?
A No, ma'am.
Q Was that a detail?
MR. URICK: Objection.
THE COURT: Sustained.
BY MS. GUTIERREZ:
Q It wasn't until March the 15th having told them on

Page 148

2/28 -- on 2/28 that you then told them that you threw the pants and your coat in the dumpster behind the F & M on Route 40, is that right?
MR. WILDS:
A Yes, ma'am.
Q Now, the F & M on Route 40, that is in a shopping area right past Rolling Road, is it not?
A About a quarter mile, yes.
Q Pardon.
A About a quarter mile, yes.
Q Okay. So, it's past, it's further west of Rolling Road then the city, right?
A Yes, ma'am.
Q And F & M is a shopping area that has more stores then F & M, does it not?
A Yes, ma'am.
Q It has a baby store?
A Yes, ma'am.
Q And it has a pet store, doesn't it?
A Yes, ma'am.
Q Pet Smart?
A Yes, ma'am.
Q And you're familiar with that Pet Smart, are you not?
A Yes, ma'am.

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Page 149

Q Because you worked there, did you not?
A Yes, ma'am.
Q And sir, do you recall an occasion in which you told the police about a dumpster but you couldn't remember its location?
A Yes, ma'am.
Q And that dumpster is supposed to be a dumpster that was driven to and you said Adnan threw out things of Hae's, correct?
A Is the dumpster in question the one where I put my clothes or -- I'm confused. Is this a different occasion?
Q Do you recall sir, having a conversation at any time with either Detective McGilvary or Detective Ritz concerning a dumpster that you said existed that was where Adnan supposedly threw away items relating to Hae?
A Yes, ma'am.
Q Yes, you recall that?
A Yes, ma'am.
Q And sir, you recall telling them that the dumpster was in three possible locations but you couldn't remember exactly where?
A Yes, ma'am.
Q Yes. And the locations that you told them about included behind a shopping center that is technically east of Westview Mall that's called Ingleside Shopping Center, did you

Page 150

not?
A Ingleside Shopping, no, ma'am.
Q It included a dumpster located on the grounds of Westview Mall, did it not?
A Yes, ma'am.
Q It included a shopping center where the F & M is located, is it not?
A No, ma'am.
Q It included the Pet Smart location, did it not?
A No, ma'am.
Q Lets get back to the dumpster with the clothes. Where you said you threw your clothes on the third statement you made was in the dumpster located in the same shopping center where the Pet Smart where you use to work is located, was it not?
A Yes, ma'am.
Q And you got around to telling them that on March 15th, did you not?
A Yes, ma'am.
Q And -- now sir, that was a different story that you had previously told them, was it not?
A Yes, ma'am.
Q Okay. Now sir, did you recall when you testified on Friday, six days ago?
A Yes, ma'am.

Page 151

Q And you remember mentioning the Super Fresh?
A No, ma'am.
Q No you don't remember?
A No, ma'am.
Q Do you recall that you mentioned the proximity of the Super Fresh to the dumpster where things were thrown?
A Yes, ma'am.
Q Yes. And which dumpster was that?
A The dumpster where Adnan had deposited Hae's belongings behind Westview.
Q Hae's belongings?
A Yes.
Q And that was near the Super Fresh?
A Across the street in the parking lot, yes.
Q So where the Super Fresh is located is in a mall not where the F & M is located, isn't that correct?
A Yes, ma'am.
Q Is it in the same mall where the Pet Smart where you worked is located, isn't that correct?
A No.
Q It isn't located?
A Is not.
Q In the same mall where the Pet Smart was located, is it?
A No, ma'am.

Page 152

Q And it's across what is then called Route 40, is it not? The Super Fresh?
A In relation to F & M?
Q Yes, sir.
A Yes, ma'am.
Q And it's in another shopping center, is it not?
A Yes, ma'am.
Q One wouldn't describe the Super Fresh as the same location as the F & M, would one?
A No, ma'am.
Q And in fact on Friday, six days ago you described that that was a location where you threw your things away, was it not?
A My belongings?
Q Yes, sir.
A No, ma'am.
Q Do you recall telling us that when you went to throw your things away that was while Jen went into get cigarettes, do you recall that?
A Blunts.
Q Blunts.
A That was at F & M, yes, ma'am.
Q Okay. Well now, sir do you recall on Friday you told us that when Jen stopped for cigarettes was Super Fresh?
A No, ma'am.

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Page 153

Q You don't recall that?
A No, ma'am.
Q Will reviewing your transcript help refresh your recollection?
A Yes, ma'am.
Q Well, perhaps we can arrange that.
MR. URICK: Objection.
BY MS. GUTIERREZ
Q So sir, you don't --
THE COURT: Sustained. Counsel, can we move on? The witness has answered the question. Your next question.
BY MS. GUTIERREZ:
Q Now on the 13th of April Mr. Wilds, you were again brought downtown, right?
MR. WILDS:
A Yes, ma'am.
Q And you were asked about these things by Detectives McGilvary and Witts, were you not?
A Yes, ma'am.
Q And they were still concerned about varying inconsistencies, were they not?
A Some, yes.
Q And they asked you a lot of questions, did they not?
A Yes, ma'am.

Page 154

Q And you were still free, were you not?
A Yes, ma'am.
Q And that occasion there was no tape recording, was there?
A I don't believe so.
Q Well once again, they took notes, did they not?
MR. URICK: Objection.
THE COURT: Overruled. Did they take notes?
MR. WILDS: No, ma'am.
BY MS. GUTIERREZ:
Q And once again, you didn't ask for help in getting a lawyer, did you?
MR. WILDS:
A No, ma'am.
Q And you didn't bring a lawyer with you?
A No, ma'am.
Q And the next time you spoke to anyone in law enforcement about these things was in September when you signed the plea agreement, is that correct?
A Yes, ma'am.
Q And you didn't have concessions with Mr. Urick and Ms. Murphy 'til long after that, right?
A No, it was not long.
Q Pardon.
A It was not long.

Page 155

Q It was not long, but after that, right?
A Yes, ma'am.
Q Not before then, right?
A No, ma'am.
Q Now at the time you signed the plea agreement you already identified what's in evidence as State's Exhibit 35, sir?
A Yes, ma'am.
Q If you look at 1A by signing this plea agreement you represented that you had fully and truthfully responded to all questions put to the Defendant by law enforcement authorities during all prior interviews, did you not?
A Yes, ma'am.
Q And if you look down further in paragraph A in the second to last line in that paragraph it mentions that you shall continue to cooperate fully with the State by providing full, complete and candid information, does it not?
A Yes, ma'am.
Q And you signed on that, did you not?
A Yes, ma'am.
Q And Mr. Urick signed, did they not?
A Yes, ma'am.
Q And your lawyer signed, did they not?
A Yes, ma'am.
Q Incidentally, at what point did your lawyer come

Page 156

about after the 13th of April?
MR. URICK: Objection.
THE COURT: Sustained.
BY MS. GUTIERREZ:
Q Did anyone help provide you a lawyer?
MR. URICK: Objection.
THE COURT: Overruled.
MR. WILDS: Yes, ma'am.
BY MS. GUTIERREZ:
Q Who?
MR. WILDS:
A Mr. Urick.
Q Mr. Urick the prosecutor in this case helped provide you a lawyer?
A Yes, ma'am.
Q And that was before or after you got notice that you would be charged by him?
MR. URICK: Objection.
THE COURT: Overruled.
MR. WILDS: Before, ma'am.
BY MS. GUTIERREZ:
Q Did you meet your lawyer before the day that you signed the agreement that you called the truth agreement?
MR. WILDS:
A No, ma'am.

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Page 157

Q And did Mr. Urick confront you or speak to you before you and he signed it about all the lies that you had already told the police?
A Me and Mr. Urick had a conversation.
Q Pardon.
A Me and Mr. Urick had a conversation.
Q Did he -- did that conversation include a discussion about the lies that you've already admitted that you had told the police?
A Yes, ma'am.
Q Yes. And were you forgiven for those lies?
A Forgiven?
Q Forgiven?
A You'll have to ask Mr. Urick that, I don't know.
Q Well sir, this is your plea agreement, is it not?
MR. URICK: Objection.
THE COURT: Sustained.
BY MS. GUTIERREZ:
Q This controls what will happen to you, does it not?
MR. URICK: Objection.
THE COURT: Sustained.
BY MS. GUTIERREZ:
Q It has no impact on any punishment on Mr. Urick, does it?
MR. URICK: Objection.

Page 158

THE COURT: Sustained.
BY MS. GUTIERREZ:
Q You read it very carefully before signing it, did you not?
MR. WILDS:
A Yes, ma'am.
Q And you discussed it fully with the lawyer, the prosecutor got you, did you not?
A Yes, ma'am.
Q And sir, you understood that you were signing and affirming that you hadn't told them any lies, right?
A Pardon me? I had signed it affirming --
Q You were signing saying that you understood that you've been truthful for them, did you not?
MR. URICK: Objection.
THE COURT: Sustained.
BY MS. GUTIERREZ:
Q Sir, you read this before you signed it, did you not?
MR. URICK: Objection.
BY MS. GUTIERREZ:
Q And you understood that the truth part of the agreement wasn't just truth in the future --
MR. URICK: Objection.
Q Did you not?

Page 159

THE COURT: Sustained.
BY MS. GUTIERREZ:
Q Did your lawyer, the one provided by Mr. Urick, the prosecutor advise you to sign it?
MR. WILDS:
A No.
Q No. Now, you didn't have to pay for your lawyer, did you?
MR. URICK: Objection.
THE COURT: Sustained.
BY MS. GUTIERREZ:
Q When was it that you understood that Mr. Urick would be getting your lawyer?
MR. URICK: Objection.
THE COURT: I'm sorry. When was it that you understood --
MS. GUTIERREZ: That Mr. Urick would be getting your lawyer?
THE COURT: Sustained. Ladies and gentlemen, as we proceed with the questioning by a show of hands does anyone need water in the jury box? All right. Can we get some assistance? Mr. Deputy Church, would you assist? Thank you. Is there heat coming from the back, behind you? Ladies and gentlemen, I don't know what has triggered the heat but we'll try to find out why. Maybe it's starting to drop outside.

Page 160

Just indicate and as again I'll ask maintenance to see if they can't assist in -- if it's not one thing it's another. Deputy Church, if you could -- do you know where Ms. Connelly is?
MS. GUTIERREZ: Judge, can we take a short break?
THE COURT: We could.
MS. GUTIERREZ: It's about four.
THE COURT: We're going to do, ladies and gentlemen, we're going to have Deputy Church just walk you back to the jury room across the hall, let you stretch your legs and get some air and I'm going to ask that maintenance come in the interim to see if they can adjust the radiators so -- they are directly behind you which is why the heat is emanating and you all are getting the heat before we do. But I can tell that you appear to be uncomfortable particularly in the back row so what we'll do it to try to get them in here. I'll make a call and we're going to take a brief recess.
During the recess Mr. Wilds, I must advise you that you should not discuss your testimony with anyone, the State or the Defense. Your welcome to stay put in the courtroom if you'd like or you are also welcome to stretch your legs but stay put until the jury goes out. Ladies and gentlemen, I'm going to ask that you leave your note pads face down. You may take your water cups with you if you want. Do not discuss the testimony that you've heard today or anything else. It's just a brief recess, we're just going to try to get the heat

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Page 161

adjusted in here. Court stands in recess.
(The jury was excused from the courtroom.)
BAILIFF: All rise.
(Brief recess.)
MS. GUTIERREZ: Can I ask that the witness be outside?
THE COURT: Certainly, certainly. Mr. Wilds, we'll have you step back in just a moment. Counsel, do you want to come up or I guess you might as well make your motion from there in light of the fact that the witness is now outside the courtroom.
MS. GUTIERREZ: Judge, at this time I would make a number of motions. The first would be that I would ask at this time is to be forwarded an opportunity to question Mr. Wilds concerning whatever assistance Mr. Urick made in him obtaining his lawyer and to do so questioning outside the presence of the jury and outside of Mr. Urick's presence. I would ask for an order instructing Mr. Urick to speak to no one about these events.
I believe Judge, we are so entitled to first of all decide what if anything, Mr. Urick did. I believe it would have ben absolutely improper for all kinds of reasons for Mr. Urick who assist in getting a lawyer outside of going to a Court and asking for the appointment of a lawyer or going to the Public Defender's office and assisting in getting a person

Page 162

about to be charged with a crime a lawyer under normal circumstances.
I believe that the providing of a lawyer or the assistance of obtaining a lawyer that, as far as this record is clear we already know is pro bono. Ms. Benaroya was insistent on the Court knowing that Friday, six days ago, is a benefit to a witness connected to his plea bargain and as such is a benefit that we were clearly entitled to know. If that's not Brady there's nothing that's Brady.
Judge, this is an absolute and complete surprise. I will confess to you I've thought this for a long time but never, ever once did I ever think that they would say it, that I would ever be able to prove it.
THE COURT: It being?
MS. GUTIERREZ: That in fact Mr. Urick, the prosecutor of both this witness and my client provided a private lawyer for a witness in connection with a plea bargain and that having done so revealed the plea bargain without revealing the true benefit of having a lawyer. I believe that we're entitled.
I believe Judge, that this is information will lead to much more motions with much more serious consequences, but leaving that aside. At a minimum we're entitled to know about it, we should have known about it before today. My Lord, we've been through a trial. So, we find out about it in trial

Page 163

during the second cross examination there's another statement and notwithstanding Mr. Urick's assertion that Detective McGilvary will sign an affidavit to say, oh, no we took not a note. It is inconceivable that detectives tracking down a high profile murder interview a suspect who's subsequently charged as an accessory after the fact about a murder that is unsolved and they don't take a note for two hours and now we find a benefit afforded this. This witness without which jurors believe there is no case whatsoever against Mr. Syed, none. That one of the benefits that he was given was being afforded a private lawyer from three counties over, she resides and he office is in Montgomery County and as a benefit of whatever bargain he struck.
So it is clear we've not been told the truth about his bargain and that we're entitled to know that information about the bargain, what he gets in exchange for that bargain prior to the middle of his cross. To make effective decisions consistent with due process notice of such things because they are exculpatory so that you can make a decision how to use it if in fact, it doesn't have other consequences whether to use it -- whatever information else is out there. So, I would be asking number one, to voir dire this witness about that issue outside the presence of Mr. Urick. That I then be allowed, I'm calling it voir dire, I don't know what the technical term is, to question Ms. Benaroya about those very same things and

Page 164

then to question Mr. Urick about those same things. The prosecutor has another member who's already been through one trial, who's fully capable of carrying on without Mr. Urick. Mr. Urick may well be a witness if there are no other consequences to this and might very well have been perceived as a witness ahead of time. Again an issue because it could come to it that we're absolutely entitled to know, but I can not under the circumstance make any decision as to how far to take this, how to use it, what opportunities to create, what helps, what doesn't, how big a benefit it was. I certainly suspect it was a great big benefit, otherwise why do it and why hide it. Those will be my motions at this time, Your Honor.
THE COURT: Mr. Urick or Ms. Murphy, which ever one of you wishes to respond to -- as I see it the request is three fold. You can address each of the issues individually or collectively or however you wish. Perhaps Ms. Murphy should answer or respond. Its up to you. The Defense has made a motion to allow the voir dire of the witness outside the presence of Mr. Urick. First, initially voir diring the witness and also outside the presence of Mr. Urick and so why don't I deal with that first. Do you understand Counsel's motion?
MR. URICK: I always complement Ms. Gutierrez on the unique --

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Page 165

THE COURT: Well, you know I don't want you to complement anybody. What I want you to do is just respond to her motion and I'd ask that you just do that without --

MR. URICK: I will point out that the -- Mr. Wilds has said he had no discussions with me prior to the -- I'm trying to --

THE COURT: Mr. Urick, I don't want you to testify, I don't want you to -- I don't want you to testify or indicate anything other than first, your response to her request that the Court allow of voir dire of Mr. Wilds as to any lawyer you may have obtained for him outside of your presence and your response to that motion only. I take it you would oppose that motion?

MR. URICK: We would oppose it, she's already questioned him on that point.

THE COURT: Okay.

MR. URICK: I don't believe she could get anything further. He does have his right to counsel and it would be a danger of impinging upon that at that point.

THE COURT: All right. Your next issue was then you would then oppose a voir dire outside your presence?

MR. URICK: Yes.

THE COURT: And Ms. Gutierrez is also asking for latitude, are you not, Ms. Gutierrez in being able to question on voir dire?

Page 166

MS. GUTIERREZ: Yes Judge, any question related to that was objected to by them, although they did not object to the precise question that led to the answer that he got Mr. Urick's assistance. So, yeah. There may be questions that have already been sustained. I would certainly ask for a latitude in me asking this witness.

THE COURT: Let me have one moment. Very well. I'm ready to proceed. With regard to the Defense's request for additional questions outside the presence of the jury to voir dire this witness on any contact that he may have had with the -- any contact or deal that the prosecution may have made with this witness as it relates to Mr. Urick, the prosecutor assisting the witness in obtaining counsel, the Court will allow questions to this witness as you've already done in line with any deals, plea bargain and any other information that might effect his testimony that you would like to draw out on cross.

I deny your motion with regard to any separate hearing to voir dire this witness outside the presence of the jury. I deny the request to do so in the absence of Mr. Urick and if you believe that Mr. Urick in some way is or will be a witness for the prosecution, I'm sorry for the Defense on any other issue either in the Defense's case or where his testimony would be warranted or he should be sequestered for the remaining portion of the trial --

Page 167

MS. GUTIERREZ: I would make such a motion now, Judge. I do anticipate him being a Defense witness.

THE COURT: Then I'll have your motion on my desk tomorrow morning with any supporting law that you have and any proffer by you as to why you believe the prosecutor would be a witness and what you can proffer to this Court his testimony would be. That is, what area that you believe that --

MS. GUTIERREZ: Well Judge, I don't know what his testimony would be but I believe that we're entitled to call a witness with a reasonable good faith belief. I would ask then that now --

THE COURT: I'm just asking what that good faith release is.

MS. GUTIERREZ: And not have to resume this witness because I think it is unfair if Mr. Urick -- if we have a right to call him as to the terms of whatever deal or assistance was offered to a witness prior to him entering a plea agreement that's already in evidence, then he should not be allowed to hear anything further that this witness says.

THE COURT: I haven't said that I would grant that motion.

MS. GUTIERREZ: No, I understand that. I can't --

THE COURT: I said if you have a motion.

MS. GUTIERREZ: But you're asking that I have it on your desk in the morning.

Page 168

THE COURT: That's right.

MS. GUTIERREZ: And I ask that we end now so I can go make that motion and not have to question this witness in front of Mr. Urick which would not be fair if the Court grants the motion. I believe the Defense is entitled to call any witness and we are now serving notice that we intend to call Mr. Urick as a witness for the Defense.

THE COURT: Okay. The notice that you've indicated to this Court will be accepted with written notice with supporting indication of your good faith basis as to why this individual needs to be called as a witness and any other request that you may have. For example, if you wish that he be sequestered through the remaining part of the trial I'd ask that that be incorporated in your motion with any supporting law or documentation that you have as to why he needs to be sequestered.

In the interim, Mr. Wilds is going to be asked to return to the courtroom, we are going to continue with the questioning of Mr. Wilds and if you do not wish to ask any questions of Mr. Wilds as this time relative to anything involving Mr. Urick you can move on to some other area that you would like to question him about because we are going to resume with Mr. Wild's testimony this afternoon until five o'clock. I'm going to ask that Deputy Church ask Mr. Wilds to step in and then if you would then get the jury and ask them

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Page 169

to come back into the courtroom. Yes, you may have a seat.
(The jury returned to the courtroom.)
THE COURT: You may be seated as you get to your seat. I'll remind you Mr. Wilds, you're still under oath. Ms. Gutierrez, you may resume your questioning of this witness.
BY MS. GUTIERREZ:
Q Mr. Wilds, before we broke we were talking about all the differences between your first statement and your second statement on the 28th and your third statement and your fourth statement. Do you recall that?
MR. WILDS:
A Yes, ma'am.
Q Now, in your first statement on the 28th, actually on your first or second statement on the 28th because you never mentioned your friend, Jen Pusateri you never mentioned the fact that you went to UMBC in Baltimore County and spent an hour at a party with her in the evening, did you?
A No, ma'am.
Q You didn't mention it at the first time when it was unrecorded, right?
A No, ma'am.
Q And you didn't mention it the second time, right?
A No, ma'am.
Q No mention at all, right?

Page 170

A No, ma'am.
Q Now, between the 28th -- after you were just -- did they drive you home?
A Yes, ma'am.
Q The 28th, yes. After they drove you home and the 15th of March you did speak to your friend Jen, did you not?
A Yes, ma'am.
Q And at some point you got more details from her, did you not?
A No, ma'am.
Q Not at all about what she had said?
A No, ma'am.
Q The subject never came up?
A Yes, ma'am.
Q Yes, but even though it came up you didn't get any more details then you knew before you spoke to the police of the 28th, right?
A No, ma'am.
Q And sir, you got no details about her statement to the police, right?
A I didn't ask her, no, ma'am.
Q No more detail, right?
A No, ma'am.
Q The non detail that you had gotten on the 27th that night when you had spoken to her on the phone, correct?

Page 171

A Yes, ma'am.
Q And you got no other information about the police investigation, right?
A No, ma'am.
Q And they hadn't spoken to you between that time, right?
A No, ma'am.
Q But on the 15th of March you then mentioned this sorority party, right?
A Yes, ma'am.
Q And you came to be aware that, oh, on the 27th of February when Jen Pusateri went down to the police department with a lawyer that she told them about the sorority party you and she went to that night, did she not?
A I'm sorry. Could you rephrase your question for me?
Q You became aware, did you not, that she mentioned that sorority party in her statement, did you not?
A At which time?
Q At any time.
A No, ma'am.
Q No. You never became aware of that?
A No, ma'am.
Q Now, in fact Mr. Wilds, you never told the police about going to the sorority party, did you?
A No, ma'am.

Page 172

Q No. You didn't tell them on the 28th, right?
A No, ma'am.
Q And you didn't tell them on the 15th of March, right?
A No, ma'am.
Q And you didn't tell them on the 13th of April, right?
A Right.
Q And you didn't tell them on the night of the 7th of September, did you?
A No, ma'am.
Q And you didn't tell them at any time, did you?
A No, ma'am.
Q And that's not the truth, is it?
A That I went to a sorority party, sorority party?
Q Well, what is the truth you would have us believe is that you did go to a sorority party, right?
A No, ma'am.
Q No, that's something that your very good friend, Jen says, right?
A Yes, ma'am.
Q As one of the things that you and she did for an hour or more in the evening of January 13th, right?
A Yes, ma'am.
Q And you're aware that Jen says that, right?

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Page 173

A Now I am, yes.
Q Only now, sir?
A Yes, ma'am.
Q You were never confronted about that by the police?
A No, ma'am.
Q Or by Mr. Urick?
A No, ma'am.
Q Or by Ms. Murphy?
A Yes, ma'am.
Q Ever? And you would agree that that's consistent between you and Jen, would you not?
MR. URICK: Objection.
THE COURT: Sustained.
BY MS. GUTIERREZ:
Q And sir, you didn't go to the sorority party?
MR. WILDS:
A Pardon me.
Q You didn't go to the sorority party?
A No, ma'am.
Q Even if Jen says you did?
A Yes, ma'am.
Q So she would be the one lying?
A Yes, ma'am.
MR. URICK: Objection.
BY MS. GUTIERREZ:

Page 174

Q Now, other things that you did not mention included a mention of your friend Patrick Furlow, is that correct?
MR. WILDS:
A Pardon me. I couldn't hear you.
Q Other things that you did not mention included a mention of your friend Patrick Furlow, right?
A Yes, ma'am.
Q Patrick Furlow was a friend of yours, was he not?
A Yes, ma'am. Yes, ma'am.
Q And Patrick Furlow was a man from whom you acquire marijuana, is he not?
A In the past, yes.
Q And that's a yes?
A Yes.
Q Yes. And Patrick Furlow is a man that in the middle of all of the activities on the 13th that you actually tried to reach, isn't that correct?
A Yes, ma'am.
Q And in fact, you tried to reach your friend Jen Pusateri in an effort to reach Patrick Furlow, isn't that correct?
A Yes, ma'am.
Q And that was part of your effort to obtain weed that day, January 13th, was it not?
A Yes, ma'am.

Page 175

Q And in your first statement on the 28th you didn't mention that, did you?
A No, ma'am.
Q And on your second statement, the one that was recorded you didn't mention that, did you?
A No, ma'am.
Q And on your third statement on the 15th of March you didn't mention that, did you?
A I believe I did, ma'am.
Q You did?
A I believe so.
Q And you told them, whenever it was that you told them -- you told them something different then the absence of information about Patrick Furlow earlier, did you not?
A Yes, ma'am.
Q Okay. And you would agree that leaving out Patrick Furlow as someone you were trying to reach and get in contact with throughout the 13th of January was a lie by omission, would you not?
A Yes, ma'am.
Q Because in fact, you did, correct?
A Yes, ma'am.
Q But you only mentioned Patrick Furlow once you were asked about phone numbers that appeared on the billing record, isn't that correct?

Page 176

A Yes, ma'am.
Q You were shown the billing records of Adnan Syed, right?
A Yes, ma'am.
Q And that helped trigger your memory about what things you did that day, did they not?
A Yes, ma'am.
Q And you were asked about a lot of different numbers, were you not?
A Yes, ma'am.
Q Only one of them was Patrick Furlow, isn't that correct?
A Yes, ma'am.
Q And that was before the third time that you spoke with them on the 15th of March, isn't that correct?
A Spoke to whom?
Q To the police.
A Prior to?
Q Yes, sir.
A Yes, ma'am.
Q You were asked about all the different times that you called Jen Pusateri that day, were you not?
A Which day?
Q On the 13th of January.
A Which day was I asked?

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Page 177

Q At any point sir, were you not asked about who you called that day?
A Yes.
MR. URICK: Objection.
THE COURT: Sustained.
BY MS. GUTIERREZ:
Q Were you asked about who called that day, sir?
MR. WILDS:
A Yes, ma'am.
Q And who you called on Adnan Syed's phone?
A Yes.
Q Yes. And so you were asked about various times that you called your friend, Jen Pusateri, isn't that true?
A Yes, ma'am.
Q And that included her residence number?
A Yes, ma'am.
Q And her pager number?
A Yes, ma'am.
Q And calls to her residence or her pager were made by you, were they not?
A Yes, ma'am.
Q Jen Pusateri was not a friend of Adnan Syed's, was she?
A Not to my knowledge.
Q No. And if he was you would know, would you not?

Page 178

A That's an assumption.
Q Well, this was your very good friend remember?
MR. URICK: Objection.
THE COURT: Sustained.
BY MS. GUTIERREZ:
Q She was your very, very good friend, was she not?
MR. URICK: Objection.
THE COURT: Sustained.
BY MS. GUTIERREZ:
Q And sir, you saw her almost on a daily basis, did you not?
MR. URICK: Objection.
THE COURT: Sustained.
BY MS. GUTIERREZ:
Q Did you ever see her on any of the days, almost daily that you saw her together with Adnan Syed?
MR. WILDS:
A No, ma'am.
Q And any call that was placed to her, your very good friend on the 13th, that was made by you, was it not?
A To the best of my knowledge.
Q Well sir, are you hedging?
MR. URICK: Objection.
THE COURT: Sustained.
BY MS. GUTIERREZ:

Page 179

Q Are you suggesting that someone else might have made those calls but you just can't recall?
MR. URICK: Objection.
THE COURT: Can't recall. Overruled.
MR. WILDS: Pardon me.
BY MS. GUTIERREZ:
Q Now you can't recall the question?
MR. URICK: Objection.
THE COURT: Sustained.
BY MS. GUTIERREZ:
Q Mr. Wilds, you aren't suggesting to this jury that you think someone else made the calls to Jen Pusateri on the 13th, you just can't recollect who it is, are you?
MR. URICK: Objection.
THE COURT: Sustained.
BY MS. GUTIERREZ:
Q Mr. Furlow, that call, this number [redacted], you made that call, did you not?
MR. WILDS:
A Yes, ma'am.
Q The cell phone that dialed those numbers was being held in your hands, was it not?
A Yes, ma'am.
Q Just like it was being held in your hands every time it dialed a number related to Jen Pusateri, correct?

Page 180

A Yes, ma'am.
Q And you also made a call to a person by the name of Mendez, did you not?
A Yes, ma'am.
Q And again, he was not a name that you mentioned in either your first statement on the 28th of February or on your second -- excuse me, recorded statement on the 28th of February, right?
A Yes, ma'am.
Q That was another lie of omission, was it not?
A Yes, ma'am.
Q Mr. Mendez is a friend of yours, is he not?
A Yes, ma'am.
Q To your knowledge he's not a friend of Mr. Syed's, is he?
A No, ma'am.
Q And so when that call was made that cell phone was in your hand, was it not?
A Yes, ma'am.
Q Another thing you were asked about on the 28th of February in the middle of the night was why you had the car that belonged to Adnan Syed, do you remember that?
A Yes, ma'am.
Q The first thing that you told them was that you had the car because you needed to go shopping for your

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Page 181

girlfriend's birthday, was it not?
A Yes, ma'am.
Q That's what you told them before the recorders were told on in the middle of the night of the 28th of February, right?
A Yes, ma'am.
Q And that's what you continued to tell them after the recorder was turned on, did you not?
A Yes, ma'am.
Q You didn't change that story until the 15th of March, right?
A No, ma'am.
Q You didn't change anything then, did you?
A No, ma'am.
Q No. It took much longer for you to change that story, didn't it?
A No, ma'am.
Q It was the 13th of April?
THE COURT: Do you understand the question?
MR. WILDS: No.
THE COURT: Okay. Indicate that you do not understand the question.
MR. WILDS: I didn't know there was a question.
BY MS. GUTIERREZ:
Q Was it the 13th of April that you changed your

Page 182

story?
MR. WILDS:
A Changed, no.
Q It was later then that?
A No.
Q Perhaps September 7th?
A No, ma'am.
Q Well you did change it, did you not?
A I did not change it, no, ma'am.
Q Well sir, would you agree that not mentioning a phone call Philip Mendez at a time that you're asked to account for every action you took on a certain day is different, is a change from when you then mentioned him?
MR. URICK: Objection.
Q Would you agree to that?
THE COURT: Sustained.
BY MS. GUTIERREZ:
Q In any event at some point you told them about Philip Mendez, right?
MR. WILDS:
A Yes, ma'am.
Q And at the time that they asked you about -- now, the first time you spoke to them before the tape recorder was turned on the 28th you told them the story that the very first time that you knew anything about the possible murder of Hae

Page 183

Min Lee was on the 13th, correct?
A Yes, ma'am.
Q And even though the first story you told them about why you were in the car was related to your reasons, right? Well Adnan Syed didn't ask to borrow your car, did he?
A No, ma'am.
Q He had a car, didn't he?
A Yes, ma'am.
Q He had a way to drive to the mall, right?
A Yes, ma'am.
Q He didn't need to ask for your assistance, did he?
A No, ma'am.
Q And your girlfriend's birthday you always knew was on the 13th, did you not?
A Yes, ma'am.
Q It's always been the day after your own, did you not?
A Yes, ma'am.
Q And she was your girlfriend prior to that day, right?
A Yes, ma'am.
Q So you of course, planned to get her a birthday gift, did you not?
A Yes, ma'am.
Q And you planned to celebrate her birthday with her,

Page 184

did you not?
A No, ma'am.
Q No. Now sir, the first story you told them is that you needed his car and you asked to borrow his car to go to the mall to buy a gift for Stephanie, right?
A Yes, ma'am.
Q And then it was later on the 15th of March that you said, oh, no that's not the truth, I had the car be because Adnan needed a favor from me, right?
A Yes, ma'am.
Q Okay. Now, on the 28th of February the very first time you spoke to them you were insistent to them that the first time you knew anything about anything was while you and Adnan at the mall and he just mentioned that he intended to kill Hae, do you remember that?
A The car ride, yes.
Q Pardon.
A The car ride, yes.
Q On the way to the mall, right?
A Yes, ma'am.
Q For the purpose of buying your girlfriend a gift, right?
A Yes, ma'am.
Q Which was the first reason you had given for needing the car, right?

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Page 185

A Yes, ma'am.
Q And in actuality you did go to the mall, right?
A Yes, ma'am.
Q For the purpose of buying a gift for your girlfriend, right?
A Yes, ma'am.
Q Who's birthday it was that day?
A Yes, ma'am.
Q Who's birthday you didn't plan to celebrate with her, right?
A I could not.
Q So the answer to my question is yes?
A Yes.
Q Okay. Now, later after the 28th you admitted to the police that you said you knew about it ahead off time, did you not?
A Yes, earlier that day.
Q You -- well, no sir, another day?
A I do not recall.
Q Sir, you told the police ultimately that you knew about Adnan's decision to kill his girlfriend on the 12th, did you not?
A They asked me could he have told me.
Q Sir, they asked the questions, right?
A Yes, ma'am.

Page 186

Q And you gave the answers, right?
A Yes, ma'am.
Q That was whether the tape recorder was on or off, right?
A Yes, ma'am.
Q It never got to the point where you were asking the questions and they were giving the answers?
MR. URICK: Objection.
THE COURT: Sustained.
BY MS. GUTIERREZ:
Q Was it? In your second statement on March the 15th you said that Adnan told you he was going to kill that bitch on the 12th, didn't you?
MR. WILDS:
A I believe so.
Q And that was in response to a question that they asked, right?
A Yes, ma'am.
Q So your knowledge of the events changed to your being on notice of a possible murder occurring on the 12th, right?
A I'm not understanding.
Q You told them on the 15th that Adnan told you that he was going to kill that bitch meaning Hae on your birthday, correct?

Page 187

A I said it was possible, yes.
Q Sir, my question is, you told the police, did you not, that on the 15th, you told them on the 15th that it was the 12th of January, your birthday that he, Adnan told you that he was going to kill the bitch?
MR. URICK: Objection.
THE COURT: Overruled. Do you understand the question?
MR. WILDS: The 15th, she's asking did I tell them on the 15th that I knew on the 12th?
THE COURT: Correct.
MR. WILDS: I believe so.
BY MS. GUTIERREZ:
Q Is I believe so a yes, sir?
MR. WILDS:
A Yes, ma'am.
Q And later Mr. Wilds, in the same statement you actually told them something different, did you not?
A Yes, ma'am.
Q In fact, you told them that the conversations with Adnan took place, maybe starting four or five days before, correct?
A I do not recall. I don't.
Q You don't recall answering, oh, maybe like starting four or five days before to Detective Witt's questions?

Page 188

A No, ma'am I do not.
Q No. And if the tape recording shows that sir, that would be a mistake?
A No, ma'am.
Q So, you recall saying that?
A No, ma'am I do not.
Q You don't recall it?
A No, ma'am.
Q But you know that you did?
A It is possible, yes. If it was recorded it is me.
Q You expect them to record it accurately whatever you said, right?
A Yes, ma'am.
Q So, you could have well told them in the same conversation, oh, no I was wrong when I spoke to you on the 28th in the middle of the night. These events didn't happen on the 13th when I learned about Adnan's plans to kill his girlfriend, they really happened on the 12th and then later, oh, never mind, maybe they really happened four or five days before.
A What is the question?
Q Is that how it happened?
A Oh, is that how -- no, ma'am.
Q Even though the tape recording would reveal that you made those statements.

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A Yes, ma'am.
Q Now --
THE COURT: Ms. Gutierrez, I'm going to pause here because it is now five o'clock. We've been trying to at least give the jurors heads up as to what time we're going to conclude each day and I according to my schedule have five o'clock for today, so we're going to recess today.
Ladies and gentlemen, I'm going to advise you as I've done for the last couple of days and last week as well, leave your note pads face down, I'm going to ask that you not read them, excuse me, not take them with you, not share them but leave them face down in your chairs. That you not discuss the testimony of any of the witnesses that you've heard today or any other day either amongst yourselves or with anyone else.
I would also advise you if anyone approaches you and attempts to talk to you or discuss with you the testimony or this case or tries to talk to you in anyway in your appearance here at this courthouse that you advise me at once either through my law clerk, my courtroom clerk or Deputy Church. I'm going to ask that you go with Deputy Church who will walk you around to the jury room. Please have a safe trip home.
Tomorrow I have no docket so we are going to try to get started at 9:30. Please follow the schedule. As I indicated going to jury assembly in the morning, getting paid and coming to here tomorrow by 9:30. I will see you all tomorrow.

(The jury was discharged.)
THE COURT: Mr. Wilds, as the jurors are going out you're directed to return here tomorrow at 9:30. I'm going to ask that you not discuss the testimony with anyone, you're a sequestered witness. Do not talk to Mr. Urick or Ms. Murphy or anyone from the Defense about your testimony and I will see you back here tomorrow.
MR. WILDS: Yes, ma'am.
THE COURT: And if you do as you did today, just have a seat in the back on the courtroom.
MR. WILDS: Yes, ma'am.
THE COURT: That way I'll know you're here.
MR. WILDS: Yes, ma'am.
THE COURT: You have a safe trip home.
MR. WILDS: You too.
THE COURT: All right. By the way Mr. Wilds, before you go anywhere. I'm going to advise you as well, if anyone speaks to you in anyway, threatens you, co-horses you or says anything to you whatsoever I'd like to know about that as well, do you understand?
MR. WILDS: Yes, ma'am.
THE COURT: Very well. You're a sequestered witness at this time and I'm going to ask all Counsel to recess for the day with the understanding that I expect something from the State tomorrow morning, that is an affidavit from the

witness and I'd ask that you have Mr. -- Detective McGilvary because he's still in town, is that correct?
MR. URICK: Yes.
THE COURT: Available in the hallway in the event the Court decides I want to speak to him before we resume and if Counsel for the Defense has anything to support the motion I'll ask that you will provide that to me as well. This Court will stand in recess until tomorrow morning at 9:30 with the understanding that evidently I have no docket, everything was pre-postponed so this is the only matter that I will be able to looking to resume in the morning.
BAILIFF: All rise.
(The trial concluded at 5:00 p.m.)

CERTIFICATE

This is to certify that the proceedings in the matter of State of Maryland vs. Adnan Syed, 199103042-46, held on February 10th, 2000, were recorded by means of videotape.

I do hereby certify that the aforegoing 91 ~~166~~ pages constitute the official transcript as transcribed by me from said videotaped proceedings in a complete and accurate manner.

In Witness Whereof, I have hereunto subscribed my name this 5th day of October, 2000.

CHRISTOPHER W. METCALF, CVR
Official Court Reporter

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