IN THE CIRCUIT COURT FOR BALTIMORE CITY, MARYLAND

STATE OF MARYLAND

VERSUS INDICTMENT NOS. 199103042, 43, 45, 46

ADNAN SYED

FEBRUARY 15, 2000

REPORTER'S OFFICIAL TRANSCRIPT OF PROCEEDINGS

BEFORE:

THE HONORABLE WANDA HEARD, JUDGE
AND A JURY

APPEARANCES

ON BEHALF OF THE STATE:

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

ON BEHALF OF THE DEFENDANT:

M. CRISTINA GUTIERREZ, ESQUIRE

RECORDED BY: VIDEO TAPE

TRANSCRIBED BY:
Diane R. Walker
Official Court Reporter

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PROCEEDINGS

THE COURT: Very well. I apologize, Ms. Gutierrez. I needed to make sure that the commitment paper was in order. All right, I'll hear from you. All right, you have my undivided attention.

MS. GUTIERREZ: Thank you, Judge. There are, as the Court may recall, not yesterday, I believe it might have been last Thursday, I asked Mr. Wilds I think three separate questions in which I used the term prior proceeding, and I intentionally used that term thinking that would be an acceptable reference to the prior trial at which he testified and on which I believe I'm absolutely entitled to impeachment on issues where he said something different than either he said today or that he said in this trial, or of that impeachment other from things that he has said and --

THE COURT: Do you want Mr. Wilds to step out during this?

MS. GUTIERREZ: I don't think so.

THE COURT: All right.

MS. GUTIERREZ: What I'm asking for is the Court's assistance. I let them go in the midst of all other things to deal with what I have left to cross examine on will concern at least one set of

questions regarding something that he said at the last trial that differs with what he said at this trial, and I guess I'd like the Court's assistance and I think Mr. Wilds needs to be instructed, you know, as to a signal as to how -- obviously, we don't want it to come out in front of the jury that there was another trial and perhaps that's why he avoided it, knowing that, but I think I'm entitled -- I'd like to have assistance of the Court to simply define how should I refer to it and that way we will avoid what happened last Thursday, which is Mr. Wilds didn't answer that question, those questions, and turned to the Court for sort of like -- with an expression on his face -- his eyes were like well, what do I do now. Like he knew that it was wrong to refer to the first trial and if maybe we have a pre-determined definition of that and that Mr. Wilds be instructed not to look to the Court for guidance, but if that question comes absent, you know, an objection based on other grounds that he is to answer those questions.

THE COURT: Well, Mr. Urick or Ms. Murphy, do you have any position on this, because I'm prepared to instruct the witness.

MR. URICK: No.

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THE COURT: Mr. Wilds, in fact, what you did by looking at the Court was fine. I had instructed you not to talk about the previous proceedings specifically and I'm going to continue to ask you not to talk about that. What we're asking you not to do is not to say in the other trial, but counsel can ask you about another time when you were under oath and that will be a signal.

MS. GUTIERREZ: That's right.

THE COURT: Was there another occasion when you were under oath when you said blah, blah, blah, okay. Now, Ms. Gutierrez is instructed not to make reference to the other trial, and, of course, you know not to do that and so does the State, but I need you to make sure that you do not say, well, at the other trial or anything like those words. But when she says to you, was there another occasion when you were under oath when you said or while under oath did you say, that will be the signal that she's referring to that other proceeding.

I think you said on a prior occasion.

MS. GUTIERREZ: I thought it was either a prior occasion or a prior proceeding or a prior hearing, which is usually what I refer to.

THE COURT: If by chance she even says

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that, that's what she's referring to. What we do not want you to say or we better yet do not want the jury to know is that there was another trial. Do you understand? Is that a yes?

THE WITNESS: Yes, ma'am.

THE COURT: Do you have any questions about that?

THE WITNESS: No, ma'am.

THE COURT: You sure?

THE WITNESS: Yes, ma'am.

THE COURT: All right, very well. If by any chance you are confused and you do have a question you are welcome to ask the Court to assist you. Likewise, as I explained to you before, you're also welcome to ask to speak to your attorney.

THE WITNESS: Where is she now?

THE COURT: I don't know but we can get her on the phone for you.

THE WITNESS: Okay.

THE COURT: All right. Very well.

MS. GUTIERREZ: Yes, Judge, I did have an occasion to speak with Ms. Benaroya. She believed that she would be able to, by reviewing something at her office, be able to ascertain the date of the proceeding. She confirmed a different chain of

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events than either Mr. Wilds or Mr. Urick that took place in front of Judge McCurdy. What I asked her was to convey that date to your chambers and gave her both the number here and the number downstairs and then, you know, your chamber would then convey that to me.

THE COURT: I'd rather not be involved in conveying information from a witness to you, but I can make sure that if she does call that an arrangement is made for you to get a hold of her and get the information directly from her. I'd rather not involve my staff in fact gathering for either the State or the defense.

MS. GUTIERREZ: I understand, Judge. I apologize.

THE COURT: Very well.

MS. GUTIERREZ: I just didn't know how else to do that.

THE COURT: How else to do that.

MS. GUTIERREZ: How else to get the information.

THE COURT: That's understood and, in fact --

MS. GUTIERREZ: Because I understood from her --

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THE COURT: You might --

MS. GUTIERREZ: -- that she was not going to be here today.

THE COURT: You might even want to inquire of my secretary because if she has called while I've been up here in Judge Gordy's --

MS. GUTIERREZ: No --

THE COURT: -- then you'll know where she can be reached. I've asked Ms. Benaroya, for your information, to call every morning at nine-thirty to advise the Court where she is and so my secretary should know exactly where she is and where she can be reached.

MS. GUTIERREZ: Yes, thank you, Judge.

THE COURT: Very well. Anything further preliminarily?

MS. GUTIERREZ: No, Your Honor.

THE COURT: Anything from the State preliminarily? Very well. If we could have the jury. Deputy Church, if you could ask the jury to come in.

MR. URICK: We need Mr. Syed.

THE COURT: Before you do that, you're right. Mr. Syed.

MS. GUTIERREZ: It seems to take longer

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from the second floor.
THE COURT: You did call.
MS. GUTIERREZ: With the Court's permission, Mr. Lewis is here.
THE COURT: Mr. Lewis, you may come up. Deputy Church, if you would bring our jury.
(Whereupon, the jury entered the courtroom, after which the following proceedings ensued:)
THE COURT: Ladies and gentlemen, I thank you for being so timely this morning and I also thank you for your patience with us again. We're prepared to proceed with this case. Also note we tried to improve the temperature a little bit. I know it was a little cold. We go from very cold to very hot, but hopefully that will be a little bit better today. If anyone does need a break before we proceed -- before we conclude for lunch, I note that it's a little bit about noonish. We're going to go until at least one. I'm going to try to get in some testimony this morning before we break for lunch.
Very well, Ms. Gutierrez. Before you start, Mr. Wilds, I need you to stand again, raise your right hand for the purposes of this tape which may be a new tape today. Please listen to Mr. White.

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JAY WILDS.
a witness produced on call of the State, having first been duly sworn, according to law, was examined and testified as follows:
THE CLERK: You may be seated. Keep your voice up. State your name and your address for the record.
THE WITNESS: Jay W. Wilds [redacted] Catonsville, Maryland 21228, apartment E.
THE COURT: You may proceed.
MS. GUTIERREZ: Thank you, Your Honor.
CONTINUED CROSS EXAMINATION
BY MS. GUTIERREZ
Q Mr. Wilds, yesterday we were speaking about names of some people that you didn't hide from the police that at some point you gave them the name. You spoke about Chris [redacted]
A Yes, ma'am.
Q And that's the guy who is a friend of yours?
A Yes, ma'am.
Q And attended Woodlawn High School with you?
A Yes, ma'am.
Q And is still alive?
A Yes, ma'am.

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Q And you gave his name to the police at some point saying he was somebody you had told of these events, did you not?
A Yes, ma'am.
Q And, in fact, you gave the police a telephone number whereby they might reach him if they wished to see if, in fact, he backed up your story, did you not?
A I believe so.
Q And that telephone number that you gave them, sir, was a way to reach Chris [redacted] right?
A Yes, ma'am.
Q You didn't lie about his telephone number, right?
A No, ma'am.
Q So if the police called that telephone number they would have reached Chris [redacted] is that right?
A Yes, ma'am.
Q In addition, there's another young man's name you gave them who might back up one of your stories, did you not?
A I don't believe so.
Q Well, you recall the name Jeffrey [redacted]

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do you not?
A Yes, ma'am.
Q And you told the police he was there the second time you went to [redacted] house, right?
A Yes, ma'am.
Q Because the first time you went alone?
A Yes, ma'am.
Q Is that right?
A Yes, ma'am.
Q And [redacted] was there, was she not?
A Yes, ma'am.
Q Because you told the police that you went inside her house, right?
A Yes, ma'am.
Q And you smoked marijuana with her?
A Yes, ma'am.
Q An activity you were used to doing in there, correct?
A Sometimes.
Q And the second time that you went there you said that was after you picked up Adnan, was it not?
A Yes, ma'am.
Q And you described going in there together with Adnan and both [redacted] and her boyfriend Jeffrey [redacted] was there?

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A Yes, ma'am.
Q Is that correct? And you told the police his full name, did you not?
A No, ma'am, I did not.
Q Well, you recall telling them his name was Jeff [redacted]
A His name is Jeff.
Q You knew his name was Jeff [redacted] did you not?
A Not at that time, I don't think so.
Q Well, sir, do you recall telling them that you told Jeff [redacted] what Adnan had done?
A Yes, ma'am.
Q And you told them that in hopes that they would believe you, did you not?
A Yes, ma'am.
Q Whenever you told them things whether they were lies or not, you did hope they would believe you, did you not?
MR. URICK: Objection.
THE COURT: Sustained.
Q And, sir, in regard to when you mentioned Jeff's name, do you recall when you did that?
A No, ma'am.
Q Well, you knew it wasn't the first time you

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talked to them before the tape recorder got turned on, right?
A Yes, ma'am.
Q And you know it wasn't the second time because you didn't even mention his girlfriend's name the second time on the 28th after the tape recorder got turned on, right?
A Yes, ma'am.
Q And you didn't mention it to them after the tape recorder got turned off and back on again, because again you never mentioned [redacted] [redacted] right?
A Yes, ma'am.
Q And you didn't mention going to [redacted] [redacted] house, right?
A Yes, ma'am.
Q And so you wouldn't have mentioned Jeff Johnson then, right?
A No, ma'am.
Q Because that wouldn't have helped you out would it have of?
MR. URICK: Objection.
THE COURT: Sustained.
Q Now, sir, in regard to Jeff [redacted] you only mentioned it after you mentioned [redacted]

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name, right?
A Yes, ma'am.
Q And that was on March 15th, correct?
A Yes, ma'am.
Q And you indicated not only was Jeff [redacted] present during the time Adnan was present but that you told him what Adnan had done, right?
A Yes, ma'am.
Q And you never had such a conversation with him before, had you?
A With whom?
Q In which you told them that somebody you knew had killed somebody?
A No, ma'am.
Q No. That was the one and only time?
MR. URICK: Objection.
Q Right?
THE COURT: Overruled.
A Yes, ma'am.
Q And when you told him he acted like he believed you, did he not?
THE COURT: The question is he acted like he believed you? I'm sorry, I just want to hear.
Q From what you observed he acted like he believed you, did he not?

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MR. URICK: Objection.
THE COURT: Sustained.
Q He went right over and called the police, did he not?
A No, ma'am.
Q And when Adnan left out, he, of course, made an attempt to stop him, didn't he?
A No, ma'am.
Q And he asked you a lot of questions, did he not, like what do you mean he killed somebody?
A He asked me two questions.
Q And you, of course, told the police all of that?
A Yes, ma'am.
Q Now, sir, do you recall that yesterday -- and there weren't any other names that you forgot to mention, were there?
A No, ma'am.
Q To the police?
A No, ma'am.
Q But at least two people, at least three people based on what you told the police could back up parts of your story, right?
A Yes, ma'am.
Q That would be Jen Pusateri?

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A Yes, ma'am.
Q Your very, very good friend?
A Yes, ma'am.
Q That although you spoke to her after she spoke to the police you all didn't discuss the details of that, right?
A No, ma'am.
Q The second person would be Chris [redacted] your friend?
A Yes, ma'am.
Q Whom you told about these events?
A Some of them.
Q And -- well, some of them involving that there was a murder, right?
A Yes, ma'am.
Q That somebody died, right?
A Yes, ma'am.
Q That Adnan was supposedly responsible?
A Yes, ma'am.
Q According to what you said --
A Yes, ma'am.
Q -- right? And the third person who was available to back up your story that person was Jeff [redacted]
A Yes, ma'am.

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Q And you gave full and complete information as much as you knew about all three of those people, did you not?
A Yes, ma'am.
Q And you knew at least that they had spoken to Jen Pusateri before you did?
A In what regards?
Q Well, on the 28th in the middle of the night sometime before 1:30 a.m. on February 28th you knew that Jen Pusateri, your very good friend, had spoken to the police, did you not?
A Yes, ma'am.
Q Okay. You've told us that, right?
A Yes, ma'am.
Q You've just said that the two of you just didn't get into any details?
A Yes, ma'am.
Q And, sir, would it be fair to say that that was the only time that you knew Jen Pusateri had spoken at length to the police about a murder, right?
A Yes, ma'am.
Q There wasn't any other occasion that that occurred, to your knowledge, was there?
A No, ma'am.
Q Nor that you had had to speak to her about

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what questions the police asked?
A Speak to her?
Q Yes, sir.
A I don't understand.
Q There wasn't any other occasion in which you spoke to her about what the police asked, right?
A No.
Q And no other occasions on which you spoke to her about what she might have said to the police?
A No, ma'am.
Q That were non-details; is that correct?
A Yes, ma'am.
Q Now, sir, you recall that we went all of the way through to the 7th of September yesterday?
A Yes, ma'am.
Q Is that right?
A Yes, ma'am.
Q And that's a date that you remember, right?
A Yes, ma'am.
Q That's the day right after you knew you were going to be charged, right?
A I believe so.
Q You had not been charged -- well, you had spoken to the police on the 13 of April, right?
A Yes, ma'am.

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Q But there was no tape recording?
A No, ma'am.
Q But it was down at Police Headquarters?
A Yes, ma'am.
Q And between April, they didn't call you in May, did they?
A No, ma'am.
Q And they didn't bring you down to Police Headquarters, did they?
A No, ma'am.
Q And they didn't get a message to you that you should come down and meet them, did they?
A No, ma'am.
Q And they didn't show up at your house at any time during May?
A No, ma'am.
Q Or get any message to you whatsoever?
A No, ma'am.
Q Or make any attempt to communciate with you at all?
A No, ma'am.
Q And they didn't do any of those things in June?
A No, ma'am.
Q And they didn't do any of those things in

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July?
A No, ma'am.
Q And they didn't do anything -- any of those things, bring you down, cause you to be brought down, communciate with you in any way, in August, July or August?
A No, ma'am.
Q And during any of that time you weren't charged, were you?
A No, ma'am.
Q You weren't under arrest?
A No, ma'am.
Q You didn't have to go down anywhere and get your picture taken?
A No, ma'am.
Q Or get your fingerprints taken?
A No, ma'am.
Q Or be seen by a Commissioner?
A I'm sorry, my fingerprints were taken.
Q Your fingerprints were, in fact, taken when you first came to see them on the 28th, were they not?
A I believe so.
Q Okay. And in addition to your fingerprints they took your blood, did they not?

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A Yes, ma'am.
Q And they plucked your head hairs?
A Yes, ma'am.
Q I think that's it?
A Yes, ma'am.
Q But after the 13th of April really nothing happened, right?
A Yes, ma'am.
Q You just continued to live at your home?
A Yes, ma'am.
Q And you never heard from the police?
A No, ma'am.
Q Anybody from the police?
A No, ma'am.
Q And you had never met Mr. Urick?
A Not at that point.
Q You didn't even know Mr. Urick's name, did you?
A No, ma'am.
Q And you had never met Ms. Murphy?
A No, ma'am.
Q You didn't know her name either, right?
A Jen spoke of her.
Q Pardon?
A Jen had spoke of her. Ms. Pusateri had

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spoke of her.
Q Oh, Ms. Pusateri, that was one of the non details about her conversations that she did speak to you about?
MR. URICK: Objection.
THE COURT: Overruled. Yes or no.
A What do you mean by non details?
Q Well, sir, you understood, both from the detectives and from your good friend Jen Pusateri, that she had spoken to the police about these very events the very day before the middle of the night encounter that you had with the police, right?
A Yes, ma'am.
Q And you've told us although you spoke to her and you knew that had occurred, you and she didn't speak about any of the details about what she was asked?
A No, ma'am.
Q Right?
A No, ma'am.
Q Well, just answer my question yes, that's right you did not speak?
A We did not speak.
Q Okay. And you told us that you didn't speak about any of the details about what she was

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asked?
A No, ma'am.
Q Or what she answered?
A No, ma'am.
Q And you remained good friends with your friend Jen Pusateri, did you not?
A We weren't speaking for a little bit but yes we're still friends.
Q You were still friends. Prior to that day you talked to her almost everyday, did you not?
A Every other.
Q At least every other day. And sometimes you saw her that often, correct?
A Yes, ma'am.
Q Your friendship and the regularity with which you spoke and saw each other that continued, did it not?
A She was mad at me for a brief period.
Q Pardon?
A She was angry with me for a brief period but after that.
Q But that soon blew over, did it not?
A I wouldn't say blew over but --
Q Well, at some point it resumed, did it not?
A Yes, ma'am.

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Q And it resumed long before September the 6th, did it not?
A Not long.
Q And sir -- but you did see her?
A Yes, ma'am.
Q And you did speak about these events, did you not?
A She asked me if Ms. Murphy had contacted me.
Q And, sir, you hadn't met Ms. Murphy, had you?
A No, ma'am.
Q And you were aware that Ms. Murphy worked for the State's Attorney's Office?
A Jen made me aware of that.
Q Not the Police Department?
A Yes, ma'am.
Q And Ms. Murphy was never mentioned in connection with that interview that you knew about with Jen Pusateri that took place on February 27th?
A I'm not understanding you.
Q You hadn't heard from Ms. Pusateri that the State's Attorney Ms. Murphy had been present at her questioning, had you?
A Yes, ma'am.

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Q Oh, and you heard that from Ms. Pusateri?
A Yes, ma'am.
Q And that's something that you would have not considered to be a detail?
A Yes, ma'am.
Q Of her interview, right?
A Yes, ma'am.
Q Let's go back and see if we can define what you meant when you said you didn't speak about the details?
A Yes, ma'am.
Q Let us -- let me ask you what you did speak about. So you spoke about who was there, right?
A Yes, ma'am.
Q And the fact that Ms. Murphy, a prosecutor, was there was something you considered a non detail?
A Yes, ma'am.
Q And you understood at some point, sir, that Ms. Pusateri appeared there with a lawyer?
A Yes, ma'am.
Q And was that a detail or non detail?
A It was a non detail.
Q A non detail. So sometimes who was present was a detail and sometimes it was a non detail?
A Yes, ma'am.

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Q And you understood that both Detectives MacGillivary and Ritz were present, did you not?
A I understood that Mr. MacGillivary was there.
Q Detective MacGillivary. Was his presence a detail or a non detail?
A A non detail, ma'am.
Q A non detail. And what she was asked, the questions she was asked, was that a detail or a non detail?
A Those were details.
Q That was the details. And the answers that she gave was that a detail or --
A Those were also details.
Q That was a detail, okay. Now, on any other occasion that you spoke with Ms. Pusateri, did you get anymore details?
A No, ma'am.
Q Did you get anymore non details?
A No, ma'am.
Q Was it a subject of conversation?
A We avoided it.
Q Pardon?
A We avoided it.
Q You avoided the conversation. Now, sir,

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you spoke yesterday that you were threatened on more than one occasion specifically by Detectives MacGillivary and Ritz that you might be arrested?
A Yes, ma'am.
Q And what they expressed that you might be arrested for was murder, was it not?
A Yes, ma'am.
Q And, sir, we've spoken and we'll get back to it in a minute about the plea that you entered on September 7th, right?
A Yes, ma'am.
Q The time that according to your memory you didn't take an oath like you just took this morning --
A Yes, ma'am.
Q -- right? And at that time you knew that you were attempting to enter a guilty plea to the crime of accessory after the fact of murder?
A At that time?
Q Is that right?
A Yes, ma'am.
Q And you understood that that's a crime, did you not?
A Yes, ma'am.
Q And you understood that an accessory after

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the fact to murder is a much lesser crime, did you not?
MR. URICK: Objection.
THE COURT: Sustained.
Q Sir, did Detectives MacGillivary or Ritz ever tell you and threaten you what the penalty for murder was in this state?
A Yes, ma'am.
Q And they told you that it carried a penalty of up to life imprisonment, did they not?
MR. URICK: Objection.
THE COURT: Overruled. Did they tell you what the maximum penalty was?
THE WITNESS: Yes, ma'am.
Q And that was life imprisonment, was it not?
A Yes, ma'am.
MR. URICK: Objection.
THE COURT: Overruled.
Q And you knew that before they told you, didn't you?
A No.
Q No. Once they told you you believed them?
MR. URICK: Objection.
Q Did you not?
THE COURT: Sustained.

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Q And, sir, when they made the threat and they told you what the maximum penalty was --
MR. URICK: Objection.
Q -- you clearly understood that the threat of arrest included the threat to being charged for murder, did you not?
MR. URICK: Objection.
THE COURT: Overruled.
A Yes, ma'am.
Q And that was of great concern to you, wasn't it?
MR. URICK: Objection.
THE COURT: Overruled.
A Yes, ma'am.
Q You said and you've told us before that you were very anxious about that, were you not?
A Yes, ma'am.
Q And they threatened you more than one time with that, did they not?
A Yes, ma'am.
Q And they didn't just threaten you on the 28th, they threatened you again on the 15th, did they not?
MR. URICK: Objection.
THE COURT: I'm going to sustain the

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objection. I believe we've been over this area of questioning before.
Q Well, sir, you admit that what you told them on the 15th was different in many respects from what you told them on the 28th?
MR. URICK: Objection.
THE COURT: Sustained.
Q Correct? Well, sir, when they -- before you told them something different on March the 15th, either while the tape recorder was on or before, had they threatened you again --
MR. URICK: Objection.
Q -- with arrest for murder?
THE COURT: One moment, please. Objection is sustained. We've been over this area before. Next question.
Q Now, after -- incidentally, on the 15th was there any time you spoke to the detectives when the tape recorder was not on?
A On the 15th March?
Q On the 15th of March.
A Yes, ma'am.
Q There was. Well, was that before the tape recorder went on or after it had been turned off?
A They knocked at my door and spoke to me

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before we left.
Q They knocked at your door on the 15th at your home?
A Yes, ma'am.
Q And they spoke to you there?
A They said good morning.
Q Did they ask you any questions?
A How I was doing.
Q That's all?
A Did I want anything to eat.
Q Did you know that they were coming?
A No, ma'am.
Q And you hadn't been given any warning?
A No, ma'am.
Q Did they ask you anything until you got downtown?
A Not really.
Q They told you where they were taking you, right?
A Yes.
Q And when they got you downtown, did you go to the same floor that you went before?
A I don't believe so.
Q A different floor?
A Yes, ma'am.

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Q But in the same building?
A Yes, ma'am.
Q And did they turn the tape recorder right on?
A No, ma'am.
Q They talked to you first?
A They had told me they wanted to ask me about some inconsistencies.
Q They were going to ask you about?
A Inconsistencies.
Q Inconsistencies from what they had analyzed what you had said before --
A Yes, ma'am.
Q -- right? On the 28th?
A Yes, ma'am.
Q Because you had had no contact with them or anyone about this case in between time, right?
A No, ma'am.
Q So they asked you about the inconsistencies before the tape recorder got turned on?
A No, ma'am.
Q Did they ask you any other questions?
A No, ma'am.
Q After the tape recorder got turned on, did it ever get turned off?

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A Not to my knowledge.
Q After the tape recorder -- well, at some point it did get turned off, right?
A Yes, ma'am.
Q After that was there any other question?
A No, ma'am.
Q No. You never asked them to turn it off?
A The recorder?
Q Yes.
A No, ma'am.
Q On the 15th -- after the 15th the next time you spoke to them was on the 13th of April, correct?
A I believe so.
Q Okay. And you didn't speak to them in between?
A No, ma'am.
Q They didn't come to your house?
A No, ma'am.
Q They didn't call you?
A No, ma'am.
Q They didn't send anybody else to talk to you?
A No, ma'am.
Q And you never met Mr. Urick?
A No, ma'am.

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Q Or heard from him?
A No, ma'am.
Q You didn't meet Ms. Murphy?
A No, ma'am.
Q Or hear from her?
A No, ma'am.
Q And on that occasion there was not a tape recorder?
A No, ma'am.
Q And so you didn't give them any statement?
A No, ma'am.
Q Did they ask you questions?
A Yes, ma'am.
Q And did you answer them?
A Yes, ma'am.
Q And what were those questions about?
A Chronology.
Q The chronology of events?
A Yes, ma'am.
Q And they again asked about inconsistencies in what you had told them between the 28th and the 15th, did they not?
A One in specific.
Q They put it to you like that, did they not?
A Like what?

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Q That there were inconsistencies about which they needed to speak to you?
A Yes, ma'am.
Q Now, you understood the term inconsistency, did you not?
A Yes, ma'am.
MR. URICK: Objection.
THE COURT: Overruled.
Q They made it clear by their questioning that there were things that didn't add up from what you told them, did they not?
A Yes, ma'am.
Q And on the 15th of March had they threatened you with, you're going down for murder?
A No, ma'am.
Q Had they threatened you with, you're being charged with anything?
A No, ma'am.
Q Any crime?
A No, ma'am.
Q And, sir, would it be fair to say that on the 15th you felt less anxious about being arrested --
MR. URICK: Objection.
Q -- than you had --

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THE COURT: Sustained.
Q -- on the 28th?
THE COURT: Sustained.
Q Sir, on the 13th when you spoke to them either when they came or when you got downtown, did they threaten you with being arrested for murder?
MR. URICK: Objection.
A No, ma'am.
Q And did they threaten you with being arrested for anything?
THE COURT: Objection is overruled and your next question, Ms. Gutierrez.
Q And, sir, after the 13th did you get less anxious about being arrested?
A No, ma'am.
Q You stayed the same?
A Yes, ma'am.
Q You were still pretty anxious?
A Yes, ma'am.
Q And since Jen Pusateri your very good friend remained after a short break your very good friend, that was the topic of conversation between you and her, was it not?
A Which was?
Q Your anxiety about possibly getting

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arrested?
A We didn't conversate about that.
Q You didn't conversate about that?
A It upset us both.
Q Both. Is that part of what you and she avoided?
A Yes, ma'am.
Q The very next thing that happened in regard to you in this case was on September the 6th, correct?
A Yes, ma'am.
Q Now, back on the 28th when you turned off the tape recorder and you asked Detectives MacGillivary and Ritz for help in figuring out how to get a lawyer?
MR. URICK: Objection.
Q You never got provided any information at that time, right?
THE COURT: Sustained.
Q At any time after that day was any information, up until the 6th of September, provided to you about getting a lawyer?
MR. URICK: Objection.
THE COURT: Sustained.
Q And, sir, you didn't get a lawyer, right?

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MR. URICK: Objection.
THE COURT: Sustained.
Q And on September 6th when Detectives MacGillivary and Ritz visited you and told you you were going to be charged, that was a surprise, was it not?
A Yes, ma'am.
Q You hadn't heard from any source that you might be charged, right?
A No, ma'am.
Q Much less with what you would be charged?
A No, ma'am.
Q And nobody had spoken to you in any detail about the charge of an accessory after the fact, had they?
A No.
MR. URICK: Objection.
THE COURT: Overruled.
A No, ma'am.
Q No one at all. And you hadn't been contacted by anybody from Mr. Urick's office?
A No, ma'am.
Q No prosecutor whatsoever?
A No, ma'am.
Q But at some point before that day you had

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made a call to the Public Defender's Office, had you not?
A Yes, ma'am.
Q Because you were concerned, right?
A Yes, ma'am.
Q Because you were still anxious about it, right?
A Yes, ma'am.
Q And you were told that you could be provided a lawyer but only after you were charged?
A Yes, ma'am.
Q And when Detectives MacGilliary and Ritz came that night, did they tell you what your options were?
MR. URICK: Objection.
THE COURT: Sustained.
Q Did they give you information on how to get a lawyer?
MR. URICK: Objection.
THE COURT: Overruled. Did they give you any information? Yes or no.
THE WITNESS: No, ma'am.
Q Did you remind them that you had previously asked for their help in getting a lawyer?
MR. URICK: Objection.

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THE COURT: Overruled.
A No, ma'am.
Q And did they offer you any information about now that you were charged you might be entitled to be represented by the Public Defender's Office?
MR. URICK: Objection.
THE COURT: Overruled.
A No, ma'am.
Q Did they negotiate any deal with you?
A In regards to what?
Q What they told you you were going to be charged with?
A No, ma'am.
Q When you made arrangements, they were to pick you up the next morning -- they told you they were going to pick you up the next morning?
A Yes, ma'am.
Q And bring you down?
A Yes, ma'am.
Q Did you understand that you were going down for a trial?
A No, ma'am.
Q Did you understand that you were going to appear in front of a judge?
A No, ma'am.

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Q Did you understand that you were going to enter a plea?
A When I left?
Q When you had any conversation with them regarding them coming to pick you up and take you downtown?
A No, ma'am.
Q On the 7th?
A No, ma'am.
Q Did you discuss the penalty for accessory after the fact?
A I asked them.
Q And they told you, did they not?
A Yes, ma'am.
Q And they told you that that was five years, did they not?
A Yes, ma'am.
Q And that sure made you feel better, didn't it?
MR. URICK: Objection.
THE COURT: Overruled.
A No, it did not.
Q Well, that was better than life, wasn't it?
A No, it was not.
Q In your mind five years was not better than life?

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MR. URICK: Objection.
THE COURT: Overruled.
A No, ma'am, it was not.
Q It was the same?
A Yes, ma'am.
Q Spending five years in jail for a crime is the same to you as if you spent your life?
MR. URICK: Objection.
THE COURT: Sustained.
Q All right. On that day you had no discussions with them on the 6th, right, about anything? That's what you just told us.
A Pertaining to?
Q What was going to happen the next day?
A They told me I was going to go some place called criminal booking or to get some documents or something.
Q I asked you about that before. Did you go there on the 7th?
A No.
Q Okay. They came to your house in the morning, did they not?
A No.
Q In the afternoon?

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A They came in the morning, yes. I thought you said did they knock.
Q Did they come to your house in the morning?
A Yes, ma'am.
Q Okay. And they picked you up just like they told you they were going to?
A Yes, ma'am.
Q When they came to your house, did they come to the door?
A No, ma'am.
Q Did they just honk?
A No, ma'am.
Q Did they call you and tell you to come outside?
A No, ma'am.
Q They had given you a time, had they not?
A Around about, yes, ma'am.
Q And were you just outside?
A I saw them coming.
Q You saw them coming. So you went out to meet them, right?
A Yes, ma'am.
Q Is this the house that you lived in with your mother?
A I do live in that house with my mother.

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yes.
Q Back at the time?
A Yes.
Q Is that a yes?
A Yes, ma'am. Presently.
Q And your mother knew that you were going to be charged?
A No, ma'am.
Q Because you hadn't told her?
A No, ma'am.
Q And neither Detective MacGillivary or Ritz asked to speak to your mother?
A There was no need.
Q When they were there on the 6th making arrangements?
A No, ma'am.
Q And you hadn't sought your mother's counsel prior to that?
A No, ma'am.
Q And you hadn't sought your mother's counsel at any time from that midnight interview on February 28th?
A No, ma'am.
Q Is that right?
A Yes, ma'am.

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Q Speaking of your mother back on the 13th, do you recall telling the detectives that your mother saw you when you got home?
A Yes, ma'am.
Q And by getting home what you ultimately told the detectives was that Adnan dropped me off at your home, did you not?
A Yes, ma'am.
Q And that your very good friend Jen Pusateri picked you up from your home?
A Yes, ma'am.
Q Not from Westview Mall?
A Yes, ma'am.
Q And not from Security Mall?
A Yes, ma'am.
Q But that you had paged her and told her to pick you up at your home?
A Yes, ma'am.
Q And that when you got home you got there before she arrived?
A Yes, ma'am.
MR. URICK: Objection.
Q And you changed your clothes?
THE COURT: Overruled.
MR. URICK: Objection.

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THE COURT: Your objection is overruled but I'm going to ask counsel not to go into another -- an area that you've already gone into unless it's absolutely necessary for this particular foundation.
Q MS. GUTIERREZ: I won't go into that particular area.
Q You did all of that before Jen Pusateri arrived, right?
A Yes, ma'am.
Q And you told the police your mother was home, did you not?
A Yes, ma'am.
Q And that after you were dropped off in your home while you were changing your clothes and bagging them up, you were very agitated, did you not?
A Yes, ma'am.
Q And that your mother noticing your agitation tried to talk to you?
A Somewhat.
Q And tried to find out what was the cause of this unusual agitation?
A No, ma'am.
Q You told the police officers that you were very agitated, did you not?
THE COURT: One moment, please. I'm going

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to ask Mr. White if you could assist juror number two and get some water. He's coughing and I think that might help him a little bit, thank you, and I apologize for interrupting Ms. Gutierrez. You can repeat your last question.
Q Just so that we get back to the same place, Mr. Wilds. You were very agitated, were you not?
A Yes, ma'am.
Q And it was noticeable, wasn't it?
A I didn't look at myself in the mirror.
Q It was your word. You used the word agitation when you told the police about it, wasn't it?
A Yes, ma'am.
Q And when you used that word you knew what it meant?
MR. URICK: Objection.
Q Did you not?
THE COURT: Sustained.
Q You used it to describe your own appearance and behavior, did you not?
MR. URICK: Objection.
THE COURT: Overruled. Did you use it for the purpose counsel is indicating?
THE WITNESS: I used it to describe my

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disposition.
Q Your disposition as being agitated, is that correct?
A Yes, ma'am.
Q And after telling the police officers that you were agitated, you spoke about how your mother tried to talk to you because you were agitated, did you not?
A Somewhat.
Q Okay. Your mother, you didn't consult with between the night of the 6th of September when they visited you and didn't speak really about what was going to happen the next day being charged, you didn't speak to her about those events?
A No, ma'am.
Q And you didn't seek her advice?
A No, ma'am.
Q And that was even though your state of anxiety was the same even though you had been told you were going to be charged with an accessory after the fact?
A Yes, ma'am.
Q Now, in the morning when you went out to meet them you were brought downtown; is that correct?
A Yes, ma'am.

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Q At any time from the time you were in their presence, did they speak with you about exactly what was going to happen, other than you had to go to that place to get your fingerprints and staff?
MR. URICK: Objection.
THE COURT: Sustained.
Q Did they speak to you that you were going to have to appear in front of a judge?
MR. URICK: Objection.
THE COURT: Overruled. Did they tell you that you were going to have to appear in front of a judge?
THE WITNESS: Whom?
Q Pardon?
A Whom?
Q Who picked up?
A The detectives, no, they did not.
Q It was Detective MacGillivary and Ritz, right?
A Yes, ma'am.
Q There weren't new detectives on the scene, right?
A No, ma'am.
Q They told you they would pick you up and those were the ones that did, right?

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A Yes, ma'am.
Q Did they speak to you about you might need a lawyer?
MR. URICK: Objection.
THE COURT: Sustained.
Q Did they tell you a lawyer was going to be there?
MR. URICK: Objection.
THE COURT: Sustained.
Q Did they tell you where it was they were taking you when they took you to Mr. Urick's office?
MR. URICK: Objection.
THE COURT: Overruled.
A No, ma'am.
Q That wasn't a place you had been before, right?
A No, ma'am.
Q And you didn't know that it was his office, right?
A No, ma'am.
Q You didn't know who he was, right?
A No, ma'am.
Q And did they tell you that what was going to -- did they tell you anything about what was going to happen after you got charged with an accessory

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after the fact?
MR. URICK: Objection.
THE COURT: Overruled. Did they tell you what would happen after?
THE WITNESS: No, ma'am.
Q Did they ask you if you were going to enter a guilty plea?
MR. URICK: Objection.
THE COURT: Overruled.
A No, ma'am.
Q Did they ask you what you were going to do?
A No, ma'am.
Q And did they try to negotiate a deal?
A No, ma'am.
Q Did they promise you anything?
A No, ma'am.
Q And did they threaten you anymore?
A No, ma'am.
Q Did they remind you that you had been worried about the charge of murder and this was a gift to you, you're being only charged with an accessory after the fact?
MR. URICK: Objection.
THE COURT: Repeat your last question.
Q Did they remind you you could have been

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charged with murder but you were only being charged with an accessory after the fact?
THE COURT: Sustained.
Q Did they threaten you anymore?
MR. URICK: Objection.
THE COURT: Overruled. Did they threaten you? And your question was did they threaten you anymore?
MS. GUTIERREZ: Yes.
THE COURT: That question is sustained.
Q Did they threaten you at all?
THE COURT: Overruled.
Q With anything?
THE COURT: You may answer that.
THE WITNESS: No, ma'am.
Q And did you ask them for help in getting a lawyer?
MR. URICK: Objection.
THE COURT: Sustained.
Q Did you ask them if you might need a lawyer now?
MR. URICK: Objection.
THE COURT: Overruled. Did you ask them that you might need a lawyer now?
THE WITNESS: No.

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Q Did you tell them that you had spoken to the Public Defender's Office and they told you that you could get a lawyer after you were charged?
MR. URICK: Objection.
THE COURT: Overruled.
A No.
Q Did you ask to speak to a Public Defender?
A I hadn't been charged yet.
Q But you were on the way of that happening, were you not?
A Yes, ma'am.
Q And you knew that, did you not?
A Yes, ma'am.
Q Although they told you nothing about what was going to happen they had told you that today is the day you were getting charged, did they not?
A Yes, ma'am.
Q And did you ask them -- is the first place they took you Mr. Urick's office?
A Yes, ma'am.
Q And did you ask them where you were?
A No, I read the door.
Q Pardon?
A I read the door.
Q I can't hear you.

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A I read the door.
Q You read the door, but you asked no questions about why are we here?
A No, ma'am.
Q You read the door and it said State's Attorney's Office, did it not?
A Yes, ma'am.
Q And you knew that the State's Attorney's Office wasn't a courtroom, did you not?
A Yes, ma'am.
Q You knew that behind that door there wasn't a judge, did you not?
A Yes, ma'am.
Q And once you knew that at least the sign on the door said it was the State's Attorney's Office, you, of course, turned to Detectives MacGillivary and Ritz said what are we doing here?
A No, ma'am.
Q No, you didn't ask a single question?
A No, ma'am.
Q You weren't even curious?
A Yes, ma'am.
Q But you didn't ask a question?
A They stated to me why I was there.
Q And they told you what?

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A Mr. Urick had had some questions he would like to ask me.
Q You knew that Mr. Urick was the State's Attorney, did you not?
A He had identified himself as so.
Q That was the first time that you met him?
A Yes, ma'am.
Q Correct? And you knew you hadn't seen a Commissioner, had you?
A No, ma'am.
Q And you hadn't been given charging documents, had you?
A Not as of yet.
Q You hadn't been served with a criminal information that said that you are hereby charged with an accessory after the fact?
A Not as of yet.
Q And you hadn't seen a judge?
A Not as of yet.
Q And you hadn't been in the courtroom?
A Not as of yet.
Q And so to your way of thinking you had not yet been charged, right?
A No, ma'am.
Q And they explained to you that Mr. Urick

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wanted to ask questions; is that right?
A Yes, ma'am.
Q And he said the same thing when he introduced himself, right?
A No.
Q When they said he wanted to ask questions did you ask him questions?
A No, ma'am.
Q And did you ask them to explain why now after so many months do I have to talk to somebody else?
A No.
MR. URICK: Objection.
Q Did they explain --
THE COURT: Overruled.
Q -- that there might still be some inconsistencies that you would have to clear up?
MR. URICK: Objection.
THE COURT: Overruled.
A No, ma'am.
Q And did they express to you that you had to work out any deal, if there was to be one with Mr. Urick?
A No, ma'am.
Q You, of course, didn't ask any questions

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about that, did you?
A No, ma'am.
Q And Mr. Urick introduced himself to you, you of course asked him now when am I going to get charged?
A No, ma'am.
Q And did he express his questions himself?
A He told me that he had someone he would like me to meet.
Q He had somebody -- the very first thing he said was there's somebody that I want you to meet?
A Yes, ma'am.
Q And at that point he had introduced himself to you. Had you spoken back to him?
A I believe I said hello.
Q And did you ask him for help with picking a lawyer?
MR. URICK: Objection.
THE COURT: Overruled.
A No, ma'am.
Q Did you ask for any assistance from him at all?
A No, ma'am.
Q Did you tell him you wanted a lawyer, even though you might not have asked for his help?

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A I believe he told me I was going to need one.
Q He told you that you were going to need one, and then he told you there's somebody he'd like you to meet?
A Yes, ma'am.
Q And then he introduced you to a person that was right there?
MR. URICK: Objection.
Q Did he not?
THE COURT: Overruled.
A No, ma'am.
Q Somebody pretty close by?
A In relation to what?
Q To where you were?
A Close, five feet, ten feet.
Q Within the same office?
A Yes, ma'am.
Q Okay. And that's within the office that had State's Attorney on the door, right?
A Yes, ma'am.
Q After you were taken to the door which you read, you didn't leave that office before you spoke to Mr. Urick, right?
A No, ma'am.

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Q When he told you he had somebody he wanted you to meet, that was right after he told you that you were going to need a lawyer; is that right?
A I believe so.
Q And you didn't ask him hey, buddy, I just met you, how do you know whether I need a lawyer, did you?
A Uh-uh, no, ma'am.
Q You didn't ask him what he meant by you were going to need a lawyer, did you?
A I took it to the understanding of me being charged.
Q Pardon?
A I took it to the understanding of me being charged.
Q So you understood what he said when he said you're going to need a lawyer?
A Yes, ma'am.
Q So you didn't ask him any questions?
A No, ma'am.
Q This man you had never met before?
A No, ma'am.
Q Never spoken to before?
A Yes, ma'am.
Q And he then took you to meet the somebody

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that he had referred to?
A Yes, ma'am.
Q And he described that person by saying she's a very good lawyer and she will be pro bono?
MR. URICK: Objection.
THE COURT: Overruled.
A No, he said that she was a very good lawyer, defense attorney, and that she takes -- she does some pro bono work.
Q And you understood what he said when he said that, didn't you?
A Yes, ma'am.
Q He was speaking to you about her, right?
A Yes, ma'am.
Q And this person was not somebody who you had ever met, did you?
A No, ma'am.
Q And you didn't know except from what he told you as to what kind of lawyer she was, did you?
A No, ma'am.
Q And you knew nothing about her reputation?
A Not at the time.
Q And you knew nothing about her experience?
A Not at the time.
Q And you hadn't requested a lawyer in any

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way, right?
A Not as of yet.
Q Not to anybody then?
A No, ma'am.
Q Not to anybody the night before, right?
A No, ma'am.
Q You hadn't written a request, by the way, since they were going to charge you, that you wanted a lawyer?
A I'm not understanding you.
Q You hadn't written it out, even though you hadn't asked, had you?
A No, ma'am.
Q No. And when he introduced you to that lawyer, you and that lawyer then met in a room?
A Yes, ma'am.
Q Did you not?
A Yes, ma'am.
Q For the very first time?
A Yes, ma'am.
Q And you had not yet seen a judge?
A No, ma'am.
Q And you had not been formally charged?
A No, ma'am.
Q You hadn't seen the criminal information?

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A I believe that was the time that I started to look at it.
Q Had you been served with it?
A Not as yet.
Q Not as yet. Had anybody given it to you?
A Not as of yet.
Q And had you been told about it from the time you walked through the door that said State's Attorney's Office?
A Not as of yet.
Q Not as of yet. But nonetheless you went into a room, an office with this woman who had been introduced to you as a very good lawyer, a defense lawyer who does pro bono cases?
A Some, yes.
Q Answer my question. You went into the room with her?
A Yes.
Q Now, you understood what pro bono meant, did you not?
A Yes, ma'am.
Q When he said it you knew that that meant without a fee, did you not?
A I understood that, yes.
Q You didn't ask Mr. Urick what do you mean

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by that, did you?
A I understood him, yes.
Q And you didn't ask him why he was introducing you to a lawyer, did you?
A No, ma'am.
Q And this lawyer to whom you were introduced was the only lawyer who wasn't a prosecutor there, wasn't she?
A I do not know.
Q Was there anybody else introduced to you?
A Ms. Murphy.
Q As a lawyer?
A No, ma'am.
Q Who was a very good lawyer?
A No, ma'am.
Q And anybody introduced to you as an mediocre lawyer?
A No, ma'am.
Q And any other lawyer introduced to you and then shown to a room at any time in that day?
MR. URICK: Objection.
THE COURT: Overruled.
A No.
Q And no other lawyer showed up and introduced themselves, did they?

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A No, ma'am.
Q Sir, you spent how much time in that room with that lawyer?
A Somewhere between an hour and a half and two hours.
Q And, sir, did you come to understand that that lawyer was available to you pro bono?
A Yes, ma'am.
Q And you needed that, did you not, if you needed a lawyer?
A Yes, ma'am.
Q And you couldn't have afforded your own lawyer could you of?
A No, ma'am.
Q That's why you had called the Public Defender's Office, didn't you?
A Yes, ma'am.
Q Because you thought if you needed a lawyer you had to get a lawyer that wasn't going to cost you any money?
A Correct.
Q Because you couldn't have afforded to go out and hire a lawyer back then?
A No, ma'am.
Q Not in September?

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A No, ma'am.
MR. URICK: Objection.
Q Not in August?
THE COURT: Sustained.
Q And, sir, when did you discuss -- by the way, this lawyer's name is Mrs. Benaroya?
A Yes, ma'am.
Q And did you discuss pro bono and what it meant with her?
MR. URICK: Objection.
THE COURT: Sustained.
Q At any time in that hour and a half you were in that room, sir, did you see a judge?
A No, ma'am.
Q Were you served with copies of charging documents?
A No, ma'am.
Q Taken to a Commissioner?
A No, ma'am.
Q Were you ever formally charged in that time period?
A No, ma'am.
Q And after the hour and a half, sir, or during the hour and a half, did the idea of a plea come up?

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MR. URICK: Objection.
THE COURT: Sustained.
Q Were you presented with the plea agreement?
MR. URICK: Objection.
THE COURT: Sustained.
Q Did Ms. Benaroya present you with a written plea agreement?
MR. URICK: Objection.
THE COURT: Sustained.
Q Was there a typewriter in that room?
MR. URICK: Objection.
THE COURT: Sustained.
Q Was there a secretary in that room?
MR. URICK: Objection.
THE COURT: Sustained.
Q Was anybody else ever in that room?
MR. URICK: Objection.
THE WITNESS: No, ma'am.
MS. GUTIERREZ: I'm sorry, I didn't hear the Court's ruling.
THE COURT: That last objection was sustained.
MS. GUTIERREZ: As to whether or not anybody else was ever in the room?
THE COURT: I didn't --

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MS. GUTIERREZ: That's what --
THE COURT: I didn't -- I didn't hear an objection to that and he answered no.
Q And did anybody ever come into that room --
MR. URICK: Objection.
Q -- with you and Ms. Benaroya?
THE COURT: Overruled.
A No, ma'am.
Q There came a time when you left the room with Ms. Benaroya?
A Yes, ma'am.
Q Was there ever a time before the two of you left that she left and left you there?
A Briefly.
Q And did you know at that time where she went?
MR. URICK: Objection.
THE COURT: Sustained.
Q Could you see where she went?
MR. URICK: Objection.
THE COURT: Overruled.
A Out the door to the left.
Q And at the time she left was her leaving related to your discussions with her?
MR. URICK: Objection.

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THE COURT: Sustained.
Q During the time when you were in that room, did you hire her as your lawyer?
MR. URICK: Objection.
THE COURT: Sustained.
Q Did you pay her a fee?
MR. URICK: Objection.
THE COURT: Sustained.
Q Do you know if anybody paid her a fee?
MR. URICK: Objection.
THE COURT: Sustained.
MR. URICK: Move to strike.
THE COURT: And it's stricken. Ladies and gentlemen, what this witness may have done with his lawyer is privileged. He's not required to divulge that. He has a privilege which he may invoke which has to do with the hiring of the lawyer, the conversations with that lawyer, and anything that happened between them is privileged. He's invoking that privilege as he indicated such to this Court.
Mr. Wilds, I'll reiterate, you do not have to divulge anything that you had in terms of conversation with your lawyer. If you choose to waive that privilege, you have an absolute right to do that but it is your right not to discuss anything

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you may have discussed with your lawyer, do you understand?
THE WITNESS: (Indicating.)
THE COURT: Is that a yes?
THE WITNESS: Yes, ma'am.
THE COURT: Very well. Your next question, Ms. Gutierrez.
MS. GUTIERREZ: Judge, we would note an objection to the Court's ruling and ask for --
THE COURT: That's quite all right.
MS. GUTIERREZ: -- a continual objection on all of the grounds we previously argued.
THE COURT: So noted for the record.
MS. GUTIERREZ: Thank you, Your Honor.
Q Now Mr., Wilds, there came a time after about an hour and half when you left that room together with this woman that had been introduced to you by Mr. Urick --
MR. URICK: Objection.
Q -- correct?
THE COURT: Overruled.
A Yes, ma'am.
Q And you went somewhere, did you not?
A Yes, ma'am.
Q And the place where you went was across the

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street to the other courthouse?
A No, not at first.
Q Not at first. You stopped somewhere else?
A Yes, ma'am.
Q And did you come in contact with Mr. Urick?
A Yes, ma'am.
Q And at that point did you and Ms. Benaroya and Mr. Urick have any discussions?
MR. URICK: Objection.
THE COURT: Yes or no, did you have discussions?
THE WITNESS: Yes, ma'am.
Q And did they concern your being charged?
A No, ma'am.
Q Did they concern a plea?
A Yes, ma'am.
Q And did they concern the same events about which we've spoken so many times?
A Yes.
Q In this case?
A Yes, ma'am.
Q Your various statements?
A Yes, ma'am.
Q And what it was that you would be expected to testify about?

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A The subject matter?
Q Yes.
A Yes, ma'am.
Q And that discussion took place inside the State's Attorney's Office, did it not?
A Yes, ma'am.
Q And that discussion took how long?
A About an hour.
Q And at the end of that hour you signed an agreement that you called the truth agreement, did you not?
A Yes.
Q And Mr. Urick signed it?
A Yes, ma'am.
Q And Ms. Benaroya signed it?
A Excuse me, yes, ma'am.
Q Was that agreement typed up while you were talking to them in that same room?
A No, ma'am.
Q This agreement that you signed was presented to you for the first time in that room, was it not?
A Which room?
Q The State's Attorney's office?
A Which room?

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Q Wherever you, Mr. Urick, and Ms. Benaroya were talking. Did you talk in more than one?
A No, ma'am.
Q Was there anybody else ever involved in the discussion?
A No, ma'am.
MR. URICK: Objection.
Q Well, in that room --
THE COURT: Overruled.
Q Was that the first time that you were presented with this agreement?
A No, ma'am.
Q And you had been presented that previously, had you not?
A Yes, ma'am.
Q After you were introduced to Ms. Benaroya, correct?
A Yes, ma'am.
Q And at the time you were presented it, it was already typed up, was it not?
MR. URICK: Objection.
THE COURT: Sustained.
Q There was no place in the agreement for fill in the blanks, was there?
MR. URICK: Objection.

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THE COURT: Sustained.
Q When you were in the room with Mr. Urick and this woman Ms. Benaroya, did any of you make any alterations to the agreement --
MR. URICK: Objection.
Q -- that you were presented with?
THE COURT: Overruled. Any alterations to the agreement that you were presented with?
THE WITNESS: Yes.
Q Yes. And did you cross out things?
A Yes.
Q Put your initials on places?
A Yes.
Q And did you insist on other terms?
A No, ma'am.
Q And were you asked to read all of the terms in your presence?
A Yes, ma'am.
Q And to make sure you understood them?
A Yes, ma'am.
Q And were you given an opportunity to ask questions of your own?
MR. URICK: Objection.
THE COURT: Sustained as to the question.
Q Sir, did you make alterations?

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A No, ma'am.
Q And did your lawyer?
MR. URICK: Objection.
THE COURT: Sustained as to the question. If you could put a time did your lawyer make --
Q In the hour and a half that you were in the room together with Mr. Urick and this woman that had been introduced to you as a very good lawyer, or defense lawyer that did pro bono stuff --
MR. URICK: Objection.
Q -- during that time period --
MR. URICK: Objection.
THE COURT: Overruled. Did you observe your attorney in the presence of the others make changes to that plea agreement? Yes or no.
THE WITNESS: Yes.
THE COURT: Yes.
Q And were you discussing it with your lawyer at that time?
MR. URICK: Objection.
THE COURT: Sustained.
Q Were you discussing it with Mr. Urick?
A No, ma'am.
Q The changes that you made you said the alterations that you made concerned what?

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A Minor things, going to court.
Q Pardon?
A Minor things like how and when I was supposed to go to court.
Q When you were supposed to go to court?
A How, how.
Q How, meaning how were you supposed to get there?
A No, like the terms.
Q The terms of going to court?
A Yes.
Q Well, you understood, sir, that the agreement requires you to testify at any time they tell you to do so?
A Yes, ma'am.
Q And is there -- maybe you could help tell us what part of that you wanted to change?
MR. URICK: Objection.
THE COURT: Sustained.
Q What part of that did you change?
MR. URICK: Objection.
A I believe it was --
THE COURT: Just one moment. What part -- I'm going to sustain the question.
Q Mr. Wilds, while you were in that room with

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Ms. Benaroya and Mr. Urick, did anybody else come in and out?
A Yes, ma'am.
Q And who was that?
A Ms. Murphy.
Q Ms. Murphy. And you understood who she was, right?
A She introduced herself.
Q Well, you just told us you had heard her name before?
A Yes, ma'am.
Q And you knew her to be a prosecutor before, right?
A Yes, ma'am.
Q Right?
A I had never seen her.
Q So although you had not met her you knew who she was?
A I knew of her.
Q You knew of her. And she came in and out of that room how many times?
A I do not recall.
Q That session ended at some point?
A Yes, ma'am.
Q And at the conclusion of that session had

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this been totally negotiated?
A Yes, ma'am.
Q And was it retyped?
A Excuse me, no, ma'am.
Q No. So what you ended up with and what you signed is the same document that was first presented to you before you walked to the place where you spoke with Ms. Benaroya and Mr. Urick?
MR. URICK: Objection.
THE COURT: Overruled. Do you know if it was the same document?
THE WITNESS: Not exactly.
Q Meaning you don't know exactly or it wasn't exactly the same document?
A It's not exactly the same document.
Q And so the document that you signed did it have any alterations that you made in it?
A Yes.
Q And what were those?
A Things involving whether it was a drug case or not and stuff like that.
Q Well, this wasn't a drug case?
A That's why we made the alterations.
THE COURT: Sustained.
Q And, sir, you hadn't been told you were

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going to be charged in regard to any drug case, had you?
MR. URICK: Objection.
THE COURT: Overruled.
A No, ma'am.
Q The only thing that you were told is that you were going to be charged as an accessory after the fact to murder; is that correct?
A Yes, ma'am.
Q The murder that you had spoken to them about that you say occurred on January 13th, right?
A Yes, ma'am.
Q That was the only thing they told you, right?
A Yes, ma'am.
Q They weren't threatening you with drug charges at any time, were they?
A No, ma'am.
Q On the 6th, the day before they didn't tell you, oh, by the way, you're going to be charged with an accessory after the fact to the murder about which you discussed and also you're going to get charged in all of these drug cases?
MR. URICK: Objection.
THE COURT: Sustained. Asked and answered.

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Q Now, sir, if you recall the other day I asked you about 1-A. It states that you the defendant represent that he or she has fully and truthfully responded to all questions put to you by law enforcement during all prior interviews, do you recall that?
A Yes, ma'am.
Q And you've acknowledged, sir, that you hadn't responded truthfully to all of their questions, right?
A There came a point when all of the questions were answered truthfully.
Q Pardon?
A There came a point when all of the questions were answered truthfully.
Q Well, no, sir. My question to you, you've already acknowledged that you've lied to them, have you not?
MR. URICK: Objection.
THE COURT: Sustained.
Q And you were aware when you read this that you had lied to them --
MR. URICK: Objection.
THE COURT: Sustained.
Q -- were you not -- and sir, were you asked

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about this --
MR. URICK: Objection.
Q -- by Mr. Urick when you were in that room together with him and Ms. Benaroya?
A Asked about what?
Q 1-A where it says that you say that you've been truthful in all of your interviews with them that have occurred up to that point?
MR. URICK: Objection.
THE COURT: Overruled.
A No, ma'am.
Q And did he assure you that he knew about all of the times you had already lied?
MR. URICK: Objection.
THE COURT: Sustained.
Q Did anyone make any alteration to this to exclude all of the times that you had already told them you lied?
MR. URICK: Objection.
THE COURT: Sustained.
Q Did he tell you that it didn't matter that you had lied?
MR. URICK: Objection.
THE COURT: Sustained.
Q And when you read that, did you tell him,

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oh, wait a minute, I haven't always been truthful, I've lied to the police but I've since admitted it?
MR. URICK: Objection.
THE COURT: Sustained.
Q Sir, further in that as we talked about it that 1-A paragraph says that you shall -- your cooperation must continue. It must be provided full, complete, and candid information concerning the murder of Hae Min Lee, do you recall that?
A Yes, ma'am.
Q And did you change anything about that?
A No, ma'am.
Q Did you advise Mr. Urick that you had lied?
MR. URICK: Objection.
THE COURT: Sustained.
Q Did you advise Mr. Urick that your information had not been full?
THE COURT: Sustained, and I'll ask counsel to move on.
Q Now, in regard to the other exhibit that you changed or asked to be changed, do you remember what it was?
MR. URICK: Objection.
THE COURT: Sustained as to that question.
Q Sir, was there any other area that you

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asked to be altered?
MR. URICK: Objection.
THE COURT: Sustained.
Q Sir, when you negotiated this truth agreement, as you call it, was it entirely during that one and a half hour period of time?
MR. URICK: Objection.
THE COURT: Sustained as to the question.
Q What happened at the end of the hour and a half?
MR. URICK: Objection.
THE COURT: Overruled. What happened as to the plea agreement, I assume?
Q As to anything? What happened at the end of that hour and a half time period?
THE COURT: Sustained.
Q Did you sign the plea agreement then?
MR. URICK: Objection.
THE COURT: Overruled.
A No, ma'am.
Q Did there come a time in that day that you signed it?
A Yes, ma'am.
Q How long after the end of that hour and a half?

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A Two hours.
Q Two hours later. And did there come a time when you left the place where you and Mr. Urick were?
A Yes, ma'am.
Q And where did you go?
A To the courthouse.
Q The courthouse across the street?
A I believe so.
Q Was that the time that you went over to Judge McCurdy's?
A Yes, ma'am.
Q And at that time you had not signed the truth agreement?
A Yes, ma'am, I had.
Q And --
A No, I'm sorry, I had.
Q You had signed?
A Yes, ma'am.
Q In fact, you signed it before you left the room with Mr. Urick, didn't you?
A Yes, ma'am.
Q And at the end of the hour and a half?
A No, ma'am.
Q Sometime later?
A Yes, ma'am.

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Q When?
MR. URICK: Objection.
THE COURT: Sustained.
Q After the hour and a half did Mr. Urick leave that room?
MR. URICK: Objection.
THE COURT: Sustained.
Q Did your lawyer leave that room?
MR. URICK: Objection.
THE COURT: Sustained.
Q Did you leave that room?
MR. URICK: Objection.
THE COURT: Overruled.
A Briefly.
Q After the hour and a half ended did you then go directly over to Judge McCurdy's?
A No, ma'am.
Q You went some place else?
A Yes, ma'am.
Q And where was that?
A I smoked a cigarette.
Q You smoked a cigarette?
MR. URICK: Objection.
A Yes, ma'am.
Q And that of course didn't take you two and

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a half hours, did it?
A No, ma'am.
Q After you smoked your cigarette, sir, where did you go?
A I believe I went to the courthouse then.
Q Pardon?
A Which time period are you talking about?
Q Sir, you said you were in a place?
A Yes, ma'am.
Q I assume that was a room?
A Yes, ma'am.
Q Inside the same State's Attorney's Office?
A Yes, ma'am.
Q In the same suite of offices where you met this person that had been introduced to you as a good lawyer?
MR. URICK: Objection.
THE COURT: Sustained.
Q Was the office where you met Mr. Urick the same place or a different place than where you met with Ms. Benaroya?
MR. URICK: Objection.
THE COURT: One moment. This is sustained and I'm going to at this point stop us and have us take a luncheon recess. It's after one. We have not

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recessed today for lunch. Ask that counsel note where you are in the questioning of Mr. Wilds with regard to when it was that he left the State's Attorney's Office and proceeded over to the other courthouse.
Mr. Wilds, I'm going to advise you that you must not discuss your testimony with anyone. You are a sequestered witness and you are on the stand, other than the manner in which I indicated to you you could have contact with your attorney, if you choose to do that, and at this time, Mr. Wilds, I'll ask that you step down. You may go to lunch. We'll see you back here at no later than 2:15.
THE WITNESS: Is there some way I can talk to Ms. Benaroya?
THE COURT: Yes, if you go around, Ms. Connelly, Ms. Connelly, may I see you? Mr. Wilds, please go with Ms. Connelly.
Ladies and gentlemen, at this time we are going to recess for lunch and ask that you be back by 2:15, and, counsel, I'd like to move this case along and that means I'd like to start as promptly at 2:15 if at all possible. Ask that counsel be back by 2:05 so that we can be on the bench and ready to go by 2:15.

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Ladies and gentlemen, I ask that you leave your notepads face down on your chairs, that you not discuss the testimony of Mr. Wilds with your -- amongst yourselves or with anyone else and that you return to the jury room no later than 2:15. I'd like to start back at 2:15 and as soon as everyone is present we will do that.
At this time you will go with the deputy sheriff who will walk you back to the jury room and then you'll be dismissed for lunch from there. Ladies and gentlemen, we're going to stand in recess until 2:15.
(Whereupon the Court recessed, following which the proceedings in this matter resumed:)
THE COURT: Is there a matter that you need to discuss now that your client is here? Go back on the record.
MS. GUTIERREZ: I didn't hear the Court.
THE COURT: I'm sorry, I said now that your client is here, is there some issue before I have the jury come out that you need --
MS. GUTIERREZ: Yes, Judge.
THE COURT: -- to place on the record?
MS. GUTIERREZ: The issue I want to raise is regard to rulings by the Court. Prior to the

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break the Court sustained a series of objections. I thought I understood why they were sustained, but I'd like to revisit. Number one, the Court clearly sustained objections that I believed the Court's sustained upon its belief that Mr. Jay Wilds is absolutely entitled to claim his attorney/client privilege, and the Court will allow no piercing of that based on this claim of that privilege at a prior hearing outside the presence of the jury.

Judge, in regard to those sustained objections, I would ask the Court to revisit because I believe that the posture in which we are is consistent with what I thought the Court's promise of wide latitude in cross examination was. Certainly, Mr. Wilds has an attorney/client privilege that ordinarily in most circumstances would rein supreme.

I note that right now he's not on trial. He's not the defendant. Mr. Syed is, and there's a long line of case law in this state and the Supreme Court that essentially stands for the proposition that the right to present an adequate defense, for instance, is supreme over other issues that might ordinarily prevent the admission of evidence.

Now, i.e., state court for evidentiary rules, for instance, or other challenges to evidence

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that might ordinarily be raised. While Mr. Wilds certainly enjoys an attorney/client privilege, I believe that my questions are designed and that they are based on information that we are now aware of, that we should have been made aware of under Brady, aware of ahead of time with an opportunity to prepare. This is precisely what we complained about.

The issue of what benefits Mr. Wilds has received, what are his promises, what is the deal, are the critical issues for Mr. Syed to be able to challenge his credibility. They go right to the heart of it. Who his lawyer was, how that lawyer was obtained, who, if anyone, paid him, what the conduct was on the day he entered the plea, are the only way that Mr. Syed has, particularly at this late juncture, given that he wasn't afforded what Brady requires, and although the Court has well found -- you have it now so there's no harm is not, we believe, a sufficient remedy for the harm, and to now allow a witness who is not a defendant to claim what I believe is akin to an evidentiary ruling because ordinarily that's not the subject of the attorney/client privilege is a privilege that is pierced under ordinary circumstances under our law

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for all kinds of reasons.

Privileges aren't generally held to be inviable. They are pierced for all kinds of reasons and, in fact, the questions, and I thought my questions were pretty mild in regard to those attorney/client privileges. I didn't ask wholesale questions, what was everything you said to your lawyer. It was on the specific issues of regarding did he have conversations with his lawyer, how long did those conversations take, all questions specifically designed to address what is critical as to what the benefit was, particularly in light of his testimony yesterday outside the presence of the jury, I guess on Friday outside the presence of the jury, that both the Court and we asked that elicited testimony that this Court is well aware of and commented on Friday that, of course, we would use or be getting ready to use that relate, in fact, to an inquiry that would clearly be proper, and that is to challenge the independentness of his lawyer, viability of the plea, the floridity of the bargain, what went into it, what else was part of the bargain.

For instance, the Court sustained a series of questions designed, all of which I believe were

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designed to elicit information that would establish that since this witness has already testified that he was told that this is a lawyer that did pro bono, although he said his expectation was that to establish that, in fact, this lawyer did do it pro bono, that there were no discussions about fee. That his expectation, based on what Mr. Urick told him, which we believe is characterized as a benefit, and because it was connected and it's a benefit that he would ordinarily have to pay for or to provide otherwise, does qualify as an inducement and by the Court's arbitarily, we believe it's arbitrary, establishing, well, there are no circumstances under which that privilege can be pierced for these purposes, I believe is inherently wrong.

There were another series of objections and I guess here's where I need the Court's help. My belief this morning was that the Court sustained those objections essentially because the bulk of those questions had been asked previously and -- in regard in the way in which they were connected to the plea agreement, and if my understanding was incorrect, then I ask for the assistance of the Court as counsel for Mr. Syed to please enlighten me if I'm wrong.

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THE COURT: With regard to your motions, I take it that the first part is a motion to allow for further questions with regard to the circumstances under which he selected his lawyer and his decision in making that -- having that lawyer or whether or not that lawyer was paid, I don't believe there were any objections that were sustained which did not allow the witness to answer the question, but once the question was answered there were objections made and I sustained a number of objections where the same question was being asked again.

It is my recollection --

MS. GUTIERREZ: As to whether or not he had discussions with his lawyer as to payment.

THE COURT: Yes, he did indicate --

MS. GUTIERREZ: Those objections were sustained.

THE COURT: But prior to those objections being sustained, the witness testified that he, in fact, called the Public Defender's Office, that he did not have money to hire a lawyer. That was not sustained.

MS. GUTIERREZ: No, Judge, and I asked those questions but, of course, those questions in no way even attempt to pierce the attorney/client

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privilege so, of course, they weren't objectionable on that ground.

THE COURT: I think we're saying the same thing. The objections that were sustained were those objections where you sought through the question, sometimes it was the form of the question, to seek to get information that was discussed between Mr. Wilds and his lawyer.

MS. GUTIERREZ: Yes, Judge, that's what I'm saying. That's my belief was that is why the Court sustained them, and particularly as to those questions that I believe although they may, in fact, impact on the attorney/client priviledge, i.e., under ordinary circumstances, you know, of course, they can't be asked.

THE COURT: Well, I'll give you --

MS. GUTIERREZ: -- whether he paid his lawyer, if he paid -- you know, ordinarily those are considered confidential questions, although Judge, under many circumstances the issue of payment to a lawyer has been held --

THE COURT: Sure.

MS. GUTIERREZ: -- everywhere not to be part of the privilege.

THE COURT: We hold Franks hearings for

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that purpose, for example.

MS. GUTIERREZ: Well, under other circumstances --

THE COURT: Or other hearings, right.

MS. GUTIERREZ: -- in a forfeiture or all other kinds of reasons where that information that an attorney can't claim privilege as to -- I mean, he may be able to, but ordinarily can't just claim privilege saying, oh, this relates to the fee as to how much it was, as to how it was paid, what were the circumstances, who paid it, have been clearly held not to be part of the attorney/client privilege and maybe I was wrong, Judge, but my belief is that this morning you sustained particularly a series of questions that were specifically designed to elicit information whether or not he discussed fee and I believe that's not a question covered by attorney/client privilege, whether or not he paid his lawyer fee, whether he signed an agreement to pay his lawyer fee, or whether or not he was aware that anybody else paid his fee.

If I'm wrong and the Court didn't sustain those objections, well then I'll just go ahead and ask them now, but my belief is that all of those questions, the objections were sustained to.

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THE COURT: Not all of them. Some of them were, some of them were not, but where they were objected to, it had to go to the form of the question and the specific question which elicited a conversation between his attorney and himself relative to how and in what fashion she was going to advise or represent him, and I was careful in allowing questions that I did not believe interferred with that privilege and would provide the jury with the information you sought.

Where the question went over the fence, so to speak, into what I perceived as being an area that was privileged or where you had asked the same question previously, had already received the answer and was asking the question yet again in another way, I did object -- I did sustain an objection.

I would note that, in fact, there were a series of questions where you sought to get the advice the attorney had given him with regard to the plea agreement. All of those objections were sustained and then later you came back and asked about the plea agreement and whether or not any changes were made before meeting with Mr. Urick and Ms. Murphy which ipso facto would mean that those changes occurred during discussions with counsel and

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in a sense was back dooring getting into evidence the conversation that I had already indicated would not be permitted, but there was no objection to that question and since there was no objection, the Court did not -- but I did make a note when I heard it of both the question and the answer for the purposes of, in the event you had a problem with it, bringing it to your attention that I was closely monitoring the question.

In fact, I took a lot of time with them --

MS. GUTIERREZ: Yes.

THE COURT: -- as I'm sure you noted.

MS. GUTIERREZ: I did.

THE COURT: That a couple of times I even had to repeat them in my head to be assured -- trying --

MS. GUTIERREZ: I was trying to follow carefully the Court's reasoning, because it's difficult except, Judge, I will note for those questions, all of which were asked regarding the time period during which this witness had already testified occurred after his private discussions with his lawyer in the presence of Mr. Urick that was interrupted by the presence of Ms. Murphy, then there is no attorney/client privilege to those.

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THE COURT: Surely -- oh, but Ms. Gutierrez there is. Think about it. In this courtroom there are a lot of people present and so is Mr. Syed, and I would daresay that there have been conversations between you and Mr. Syed that are privileged.

MS. GUTIERREZ: Absolutely, Judge.

THE COURT: So even in the presence --

MS. GUTIERREZ: They are not claimed as being privileged, and I carefully --

THE COURT: Well, a couple of your questions --

MS. GUTIERREZ: Judge, all I'm suggesting is perhaps Mr. Urick recognized that they were objectionable because he was participating in those conversations, not the assumption that they were attorney/client privilege, and those were a different series of questions after I went to great lengths to establish that this was a participatory conversation that involved a person other than this witness' lawyer. Because my belief is under those circumstances the privilege ends, and maybe for a legitimate purpose to have private discussions with the prosecutor about plea agreement, but it is then no longer a privileged attorney/client conversation. If in the middle of that conversation the lawyer

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takes the client aside and has a private conversation, then, of course, it's privileged but there was no information or evidence to establish that. So I believe as to those questions as to what else the Court said --

THE COURT: Well, on that Ms. Gutierrez, I don't believe you ever asked him whether or not in the presence of the State's Attorney did you have private conversations with your attorney.

MS. GUTIERREZ: I didn't but I am not required to, Judge.

THE COURT: Right.

MS. GUTIERREZ: It's not my burden to establish that they're privileged.

THE COURT: Exactly.

MS. GUTIERREZ: I thought that I clearly established enough in my belief and that's why I didn't draw an objection because I had established it and because Mr. Urick knows he participated in that and didn't want to go there, but notwithstanding that in light of the Court's remarks I am -- I still believe that the Court is wrong and as to those questions, I'm asking --

THE COURT: Those meaning?

MS. GUTIERREZ: The ones that you sustained

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related to privilege, to the Court's perception that this witness is absolutely entitled to refuse to answer any questions regarding -- any questions that might fairly be covered by an attorney/client privilege.

THE COURT: If he chooses to.

MS. GUTIERREZ: Well, obviously, Judge, he's not going to choose to. He hasn't chosen to, although I will note he hasn't claimed it here. The Court has claimed it for him based on his claim of it at an entirely different juncture of this trial than this. That he has made none. He's not looked to the Court and said anything akin to what he's clearly capable and intelligence enough of saying, as he did on Friday, and actually I think before Friday but, you know, this is one of these areas that I can claim because the Court has been so careful to advise him, and I will note that today he never attempted to claim it, it's the Court claiming it on its own, and I'm asking the Court in light of what has occurred in this trial, in light of the fact all of the information that we should have gotten, not that it would be nice that we should have gotten, but that the law in Brady requires that we should have gotten that we did not, and in light of how critical this is

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and in light of whatever balancing act this Court is then forced to endure, we would ask the Court to remember that it is Adnan Syed's rights to due process that includes his right to a full and fair cross examination on issues that impact on the credililblity of the witness, on what the deal was to the witness, what were the circumstances of the benefits, including since it's already been established, it's not been rebutted. There has been no attempt made to rebut it, that he got his lawyer through the offices of the State's Attorney.

THE COURT: Ms. Gutierrez, I've already ruled on that particular motion and I would also note I also ruled on the motion with regard to attempting to get the witness Mr. Wilds' information that was privileged was the subject of a separate hearing. I would just reiterate to you that I did not claim a privilege by this witness.

What I did was act on my order as a result of the motion that the information that would be relevant to this hearing and admissible before this jury would be those items that went directly to what was in the mind of Mr. Wilds at the time that he gave information to the police officers, at the time that he read the plea agreement and then as provided

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testimony before this Court, because I found that it went to his credibility, that if you wanted to question him with regard to what he believed was being provided to him, and to the extent that that may have had some influence on his decision to plead guilty and to testify, that you may ask those questions.

However, to the extent that it involves a privilege, I indicated to you that I would not allow you to go into that area for two reasons. One, I did not think it was admissible in front of this Court, was not going to indicate that was relevant to this proceeding and, two, the reason being that the witness had claimed a privilege, and since he had claimed the privilege I had to then weigh whether or not I was going to require that he provide privileged information or in any way erase the privilege.

I reiterated that he had the privilege. He could claim the privilege and I was not going to interfere with his ability to do so. But I would tell you that there's nothing that's been said by this Court that would interfere with you conducting the cross examination, as I indicated, into the mind of Mr. Wilds as what was part of the plea agreement, what was part of the bargain, and if any facts or

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circumstances that were not expressly listed or written in the agreement, are those facts and circumstances that affect his credibility before this jury, there's nothing precluding your cross examination with one proviso.

You're not going to ask the same question three or four times. And if you ask the same question three or four times, even if it might have been relevant and pertinent the first time, and even if it might have been relevant and admissible the second time, if Mr. Urick or Ms. Murphy makes an objection, and it is my belief you've already asked and got an answer to that question and it is now being repeated for emphasis, I'm going to sustain the objection.

Now, I know Mr. Wilds has been on the stand for awhile and I also know that you've been getting copies of his testimony. So I know you know what he's been saying --

MS. GUTIERREZ: Yes, I have.

THE COURT: And I've been trying to take notes so that we don't cover the same material over and over and I'm just asking that you continue to do that and where you start to cover the same area again if there's an objection you may find that it is

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confusing, because my objection at that point may not be that it's an improper question in terms of the sum and substance, but rather because it's repeating what is already --

MS. GUTIERREZ: That's why I'm asking for the Court's guidance, but, Judge, I believe that you're not being fair because there are a lot of questions that I know I have asked before and established, but all of those questions were asked prior to us being -- to us knowing the information we now know.

THE COURT: Which is why I allowed the foundation questions. When you wanted to revisit an area -- in fact, Mr. Urick a couple of times made an objection and I said the objection is overruled if it is a foundation question, and you said, yes, it is Your Honor, and I let you go there. And so to the extent that you need to bring back up an area to focus the witness and the jury, I have no problem with that.

MS. GUTIERREZ: And I appreciate when the Court did that. But when I attempted to reask questions about the plea agreement that I really was and I believe because the Court has told me it's giving me wide latitude, that I shouldn't be forced

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to just ask point blank the questions that he answered out of the presence of the jury about his suspicions about it smelling fishy, that do require me, I believe, fairly to now take advantage of them to reask those questions.

Yes, I've asked them before, but it would be unfair to require me, I believe, to leave alone the plea agreement to which this is central although, yes, Judge, I thought I was done with the plea agreement. I spent a lot of time on it Friday, you know, a week and a half ago, then Thursday and Friday. I thought surely I had covered it as far as it could be covered, but I believe that the questions that are related to leading up to asking the smell fishy, the questions that will draw those remarks, conflict --

THE COURT: You haven't even gone there yet.

MS. GUTIERREZ: I haven't, but I don't want to go there until I'm allowed to lay it. But, of course, it came out of the plea agreement because to ask those questions need to be in my view in the context of he went through this procedure, he negotiated the plea with the lawyer he had just met, and then later he thought it smelled fishy.

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THE COURT: That's in.

MS. GUTIERREZ: To me that's what -- well, it's not in because you have sustained the objections I believe because you fairly believe, and it is true, I have covered all of the plea agreement.

THE COURT: Not exactly. Ms. Gutierrez, some of that, of what you've just testified or indicated is in evidence because I didn't object to all of the questions, but some of what you asked was objected to.

MS. GUTIERREZ: Okay. Well, then Judge I would request because clearly I'm not getting it, and I know it's hard to keep it all straight and, you know, I sat through two trials, to keep everybody's testimony straight, Mr. Wilds' testimony from the last time, his statements, his testimony outside the presence of the jury, and maybe I'm just getting confused, but then I would make a request is that if there's an objection, because I'm not smart enough to figure it out, that we come up to the bench and you tell us. So that I have a fair shot to correct if my perceptions are wrong and I believe ultimately that would save more time.

I'm more surprised than you are that it's after lunch. I certainly expected to finish with Mr.

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Wilds this morning and I'm -- you know, I am anxious about it because it's been so interrupted and it's gone now over --

THE COURT: Ms. Gutierrez, may I make a suggestion?

MS. GUTIERREZ: Yes.

THE COURT: If you hear an objection and it has been sustained and you do not understand, at that moment if you -- truly if you just don't understand, I have no problem with you saying, Your Honor, I would like to be heard, and you can come up to the bench.

MS. GUTIERREZ: Okay.

THE COURT: I mean, I have no problem with that at all. I'm not going to do that with every objection.

MS. GUTIERREZ: No, I understand.

THE COURT: But I think, you know, if we get to a point where we're in that area -- but I would just remind you that the area that is prohibited, the area that you can't go into has to do with Mr. Urick's conversation, if any, with Ms. Benaroya or anything that was --

MS. GUTIERREZ: Right.

THE COURT: When you start the question off

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with if such and such were to be true, you are then assuming that this witness doesn't believe it to be true, or if you start off with a question that presumes that the witness doesn't know the answer, then clearly you're not going after what's in his mind, but rather by the question are getting inappropriate information before the jury, which I've already indicated will not be admitted and will be sustained, and then you'll hear me say move along, because I'm trying to get you out of that area and perhaps into another area.

I would also say to you that I guess I have an advantage. I don't know anything about the prior trial.

MS. GUTIERREZ: Thank you.

THE COURT: In fact, everything I hear is new to me. I've not heard the State's case. I haven't heard your case. I haven't heard any of these witnesses before. So everything I hear is new and for the first time and so perhaps it's maybe easier for me.

MS. GUTIERREZ: It's an advantage, Judge.

THE COURT: Because I don't know anything about this. So it's easier for me to know what I've heard versus what I haven't heard, because I don't

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know anything about the case. So the only thing I can suggest is that if at any point anyone, whether it be the State or the defense, does not understand an objection or isn't clear where the Court is trying to control you, if you, as I indicated at the outset, stand and say Your Honor I need to be heard, I need to come to the bench, I'll let you come up.

Is there anything further?

MS. GUTIERREZ: No, Judge, that's all.

THE COURT: All right, very well. I'm going to ask that the jury come in at this time and if we could locate Mr. Wilds. He's probably on the bench around on the other side.

If you go can for Mr. Wilds, I'll have Mr. White bring the jury in. One of the other things, Ms. Gutierrez, I would point out to you in an abundance of caution where your question doesn't -- is not close enough, which leaves the possibility that this witness will say, did you talk to -- because you have a habit of saying at any time with anyone and when do you that --

MS. GUTIERREZ: That's just when I'm frustrated, Judge.

THE COURT: That's okay, but the witness could have leaned over and whispered to his attorney

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out of the presence of the -- and so the objection is going to be sustained. I will also add, if you may recall, Ms. Benaroya did attempt to file a motion yesterday and her reasoning behind her motion which she withdrew, she said she was going to withdraw because her motion was advising her client or the Court that her client wished to assert his attorney/client privilege and requiring that we not go into that area so --

MS. GUTIERREZ: And she was here for the first day of his testimony, however long ago that was.

THE COURT: Yes.

MS. GUTIERREZ: That was two Fridays ago.

THE COURT: And has been available by phone.

MS. GUTIERREZ: Yes, and she was available on all other occasions that I know of that Mr. Wilds --

THE COURT: I understand though some of his most recent questions had to do with how much longer the trial is going to be and other matters that there's no way that she can answer, and there's no way the Court has been able to answer those questions for her or for the witness.

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

THE COURT: Ladies and gentlemen, I want to welcome you back to Part 9. We're going to resume with the testimony of Mr. Wilds in just a moment. Mr. Wilds, if you would step up to the witness stand. I'm going to remind you, sir, that you are still under oath. Please just have a seat. State your name.

THE WITNESS: Jay W. Wilds.

THE COURT: Very well.

MS. GUTIERREZ: Thank you, Your Honor.

BY MS. GUTIERREZ

Q Mr. Wilds, there were a couple of questions I needed to ask you and we will return to what we were speaking about before lunch. On any of the occasions in which the police asked you questions about the events of January 13th, on any of those occasions, whether the tape recorder was on or off, on either February 28th, March 15th, or April 3rd, were you ever asked about Alonso Sellers?

A Possibly.

Q And were you ever again on any of those occasions when you were asked questions whether the tape recorder was off or on, whether they took notes

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or not about Alonso Sellers' stepson who is your age?

A No, ma'am.

Q Possibly you were asked about Alonso Sellers, but not about his son?

A No.

Q And you know who I'm speaking of when I ask you about Alonso Sellers, do you not?

A No, ma'am.

Q But you might have been asked about him?

A Yes, ma'am.

Q And, sir, yesterday I believe I asked you a question about Dogwood and Franklintown Road, and do you remember that question?

A Yes, ma'am.

Q Okay. Now, sir, do you recall that when you were under oath at a previous occasion that you, in fact, testified that you and Adnan rode all around Dogwood Road back behind Dogwood Station?

A Yes, ma'am.

Q Do you recall that?

A Yes, ma'am.

Q And Dogwood Station is way up above Dogwood Road beyond where you would turn off if you wanted to get to Woodlawn High School, is it not?

A Dogwood Station, I believe, is off of

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Woodlawn Drive. No, I'm sorry, Rolling Road.
Q It's off Dogwood Road, isn't it?
A Yes, ma'am.
Q Okay. And where it's off of Dogwood Road is way above where you would turn off on Woodlawn Drive, is it not, or way west of that turn off?
A Away from the city?
Q Yes.
A Yes.
Q Yes. And do you also recall that you told us, and this was Friday a week ago in response to Mr. Urick's questions regarding when you were in Mr. Syed's car and he was, according to you, into Ms. Hae Min Lee's car, that you followed him, that you drove around for awhile, maybe like forty-five minutes meandering, he didn't really seem to know where he was going up through Dogwood Road and all back behind the Social Security and stuff like that, until we got down to Leakin Park, do you recall that?
A Yes, ma'am.
Q And so the entryway that you made to Leakin Park was off of the Dogwood Road side, right?
A I believe so.
Q Not from way down in the city?
A Yes, ma'am.

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Q All right, now, we can return -- I'm going to turn, Mr. Wilds, to the things that we were talking before we broke for lunch, the truth agreement?
A Yes, ma'am.
Q Okay. At some point on the 7th you signed this, did you not?
A Yes, ma'am.
Q And the signing of it occurred at the same time your lawyer signed it, did it not?
A Yes, ma'am.
Q And at the same time that Mr. Urick signed it, did it not?
A Prior to but very shortly.
Q Connected closely in time, correct?
A Yes, ma'am.
Q And that that signing of this truth agreement was done before you were taken to Judge McCurdy's?
A Yes, ma'am.
Q Regarding this; is that correct?
A Yes, ma'am.
Q And it was done after that hour and a half that you spent with Mr. Urick, yourself, and your lawyer Ms. Benaroya in the room, correct?

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MR. URICK: Objection.
THE COURT: I'm sorry, repeat that question again, please.
Q That it was signed after that hour and a half that you spent in the room together with Mr. Urick and Ms. Benaroya?
THE COURT: Overruled.
A Yes, ma'am.
Q And between those two events, the going in front of Judge McCurdy, and the time, the hour and a half that you spent with your lawyer and Mr. Urick, did you go anywhere else other than just take a cigarette?
A No, ma'am.
Q No. And were you ever taken to another office?
A No, ma'am.
Q And did anything else happen?
MR. URICK: Objection.
THE COURT: Sustained.
Q In regard to this truth agreement in between those two times --
MR. URICK: Objection.
THE COURT: Overruled.
A No, ma'am.

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Q No. How long after the hour and a half time period that you spoke with Mr. Urick and Ms. Benaroya did you sign the agreement?
MR. URICK: Objection.
THE COURT: Overruled.
A How long?
Q Uh-huh.
A Maybe about twenty minutes.
Q Another twenty minutes. And how long after you signed it, you, your lawyer, and close in proximity Mr. Urick, did you appear in front of Judge McCurdy?
A Probably about another twenty minutes, half an hour.
Q Another twenty minutes. And once you got over to Judge McCurdy's, you and your lawyer and Mr. Urick actually came up to a trial table similar to this, did you not?
A Yes, ma'am.
Q And that happened pretty quickly?
A Yes, ma'am.
Q And there really wasn't any delay over there?
A No, ma'am.
Q And after you signed the agreement there

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was no further alteration of it, was there?
A Not to my knowledge.
Q And right before you signed it, sir, you understood what you were going to get, did you not?
MR. URICK: Objection.
THE COURT: Sustained as to what you were going to get.
Q In regard to the agreement, it outlines obligations for you, does it not?
A Yes, ma'am.
Q And what's expected of you, correct?
A Yes, ma'am.
Q And it also outlines promises that Mr. Urick makes that he's going to do; is that right?
A I wouldn't say promises but --
Q Well, sir, he promises to take certain action in regard to recommending a sentence, does he not?
A Yes, ma'am.
MR. URICK: Objection.
THE COURT: Sustained. Sustained.
Q As to what that sentence will be if you perform your obligations?
MR. URICK: Objection.
THE COURT: Overruled as to that question

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and counsel, I would just ask if you would be careful in the use of the word promises in that this witness does not accept the word promise. He's indicated as such.
MS. GUTIERREZ: Oh.
THE COURT: You may continue.
MS. GUTIERREZ: Thank you, Judge.
Q Can you answer that question?
A Could you repeat it, please?
Q Well, in this agreement that you signed and that you signed that day, you commit to doing certain things, do you not?
A Yes, ma'am.
Q You commit to doing things you've already talked about, telling the truth, right?
A Yes, ma'am.
Q You commit that you've always told the truth before, right?
A In signing, yes.
Q And you commit that you'll testify any time that they tell you that you have to do so, don't you?
A Yes, ma'am.
Q And at the times that you testify you'll tell the truth, right?
A Yes, ma'am.

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Q And that you'll make yourself available, right?
A Yes, ma'am.
Q And by signing to that you agreed to do so, did you not?
A Yes, ma'am.
Q And you regarded that as an agreement?
A Yes, ma'am.
Q An agreement is what it's called, right?
A Yes, ma'am.
Q And that you've called the Truth Agreement, right?
A Excuse me, yes, ma'am.
Q And also in this Truth Agreement Mr. Urick agrees to do certain things for you, does he not?
A Yes, ma'am.
Q He agrees. Now, you understood on that day, on the 7th at the time that you appeared before Judge McCurdy that you would have to come back again, did you not?
A Yes, ma'am.
Q And it's what you called you gave a guilty plea, right?
A Yes, ma'am.
Q But that was the time when there were no

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facts about the case that were entered on the record, right?
A No, ma'am.
Q And you recall that you weren't required to raise your hand and take an oath, right?
A Yes, ma'am.
Q And that was important to you, was it not?
A No, ma'am.
Q An oath is an important obligation, is it not?
MR. URICK: Objection.
THE COURT: Sustained.
Q Now, Mr. Wilds, one of the agreements that Mr. Urick agrees to perform is that at the time when you come back you expect to be sentenced, do you not?
A Yes, ma'am.
Q And you know that Mr. Urick has promised to make certain recommendations?
MR. URICK: Objection.
THE COURT: Sustained.
Q To the judge if you -- that Mr. Urick has agreed in your Truth Agreement to recommend certain things to the judge, has he not?
A Yes, ma'am.
Q And the things that he's agreed to do is to

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recommend to the judge a certain maximum sentence if you meet up to your agreements?
MR. URICK: Objection.
Q Right?
THE COURT: I'm going to hold my ruling. If I may have the exhibit.
MS. GUTIERREZ: 35.
THE COURT: May I have one moment.
MS. GUTIERREZ: Judge, to save time, it is C, 2C on page 2 and 2 D.
THE COURT: All right, and your question again?
MS. GUTIERREZ: Then under this agreement his understanding was that Mr. Urick made an agreement to make certain recommendations to the judge at the time of sentencing.
THE COURT: The objection is overruled. You may answer the question.
THE WITNESS: Yes, ma'am.
Q Okay. And the agreement he made is that under some conditions he would recommend one sentence to the judge, right?
A No, ma'am.
Q Well, sir, you understood that one of the recommendations, one of the agreements in this

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agreement that obligates Mr. Urick is that if you complete all of the terms and conditions stated in the agreement to the satisfaction of the State, that's Mr. Urick, right, the State?
A Yes, ma'am.
Q And you understood that then, didn't you?
A Yes, ma'am.
Q That the State will recommend the sentence of five years --
MR. URICK: Objection.
Q -- to the Department of Correction with all but two years suspended?
THE COURT: Overruled. Is that your understanding?
THE WITNESS: Yes, ma'am.
Q Okay. And that recommendation, you understand Mr. Urick agreed to if your completion of all of the terms is to his satisfaction, right?
A Yes, ma'am.
Q And that if he decides that you fail to complete each and every obligation under this agreement that he would recommend a sentence of five years to the Division of Correction, right?
A No, ma'am.
Q That's not your understanding?

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A No, ma'am.
MS. GUTIERREZ: May I have the State's Exhibit please?
THE COURT: I have it. It's in my hand.
MS. GUTIERREZ: May I approach the witness, Your Honor?
THE COURT: Yes, you may. I believe you were at 2-E.
MS. GUTIERREZ: Yes.
THE COURT: The bottom of that page.
Q Mr. Wilds, I'm going to ask you, first of all, to look on page 2, 2-D, and if you would read that to yourself?
A (Witness complied with request.)
Q Have you had an opportunity to read that?
A Yes, ma'am.
Q If you would just for a moment glance quickly at C, the item right above D?
A Yes, ma'am.
Q Okay. And, in fact, item D says that if you fail to complete each and every obligation under the agreement the State will recommend a sentence as follows, five years to the Department of Correction; is that correct?
A Yes, ma'am.

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Q And on that page that you reviewed that's your initials, is it not?
A Yes, ma'am.
Q And that's part of the agreement that you already identified when Mr. Urick asked you as State's Exhibit number 35 which you initialled each page and which you signed on page four?
A Yes, ma'am.
Q Right? That is the agreement you signed, isn't it?
A Yes, ma'am.
Q And that is the recommendation that you understand that Mr. Urick will make if you fail to meet your obligations?
A Yes, ma'am.
Q Right? And that's what you agreed to, right?
A Yes, ma'am.
Q And you also, sir, understood that actually what sentence you receive at any point in time when you come up for sentencing when your guilty plea is concluded, is really up to the judge?
A Yes, ma'am.
Q And that ultimately only the judge gets to decide?

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A Yes, ma'am.
Q Right? But that the determination of whether or not you met your obligations will always be up to Mr. Urick?
MR. URICK: Objection.
THE COURT: Overruled.
Q Will it not?
THE COURT: Is that your understanding?
THE WITNESS: Yes, ma'am.
Q Okay. And that says that exactly right there in the agreement, doesn't it?
A Yes, ma'am.
Q That you don't have an opportunity under this agreement to appeal to somebody else to convince them --
MR. URICK: Objection.
Q -- that you met your obligations, do you?
THE COURT: Sustained.
MS. GUTIERREZ: May I approach the witness again, Your Honor?
THE COURT: Yes, you may.
Q I'm again showing you State's exhibit number 35, Mr. Urick, and ask you to read --
A Mr. Wilds.
Q Mr. Wilds, that if you would read the

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second sentence in C to yourself?
A (Witness complied with request.)
Q Have you had an opportunity to read it?
A Yes, ma'am.
Q That sentence clearly states that the completion of your conditions and terms has to be to the satisfaction of the State, does it not?
A Yes, ma'am.
Q And you understood when you signed this, that the State meant Mr. Urick?
A Yes, ma'am.
Q The man that you were meeting for the first time on the very day you signed this, right?
A Yes, ma'am.
Q The man you spoke to about this for the first time on the very day that you signed it?
A Yes, ma'am.
Q The man that introduced you to the --
MR. URICK: Objection.
Q -- woman who ended up being your lawyer for that day?
THE COURT: Overruled. Is that your understanding that the man that had to make a decision about whether you abided by that agreement was Mr. Urick?

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THE WITNESS: Yes, ma'am.
THE COURT: Very well.
Q Now, Mr. Wilds, the plea agreement, the Truth Agreement as you call it, doesn't say anything about the benefit of having a lawyer, does it?
MR. URICK: Objection.
THE COURT: Overruled. Does the agreement say anything about the benefits of having a lawyer?
THE WITNESS: No, ma'am.
Q And, sir, when you signed that agreement on the 7th of September, did you regard it as a benefit provided to you?
A No, ma'am.
Q Did you think that it was a good thing?
A Having a lawyer?
Q Yes.
A Yes, ma'am.
Q That day?
A Yes, ma'am.
Q And did you think it was something that Mr. Urick had provided?
MR. URICK: Objection.
THE COURT: Overruled. What did you think?
Q In your mind?

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A At that point in time, yes.
Q Yes. And did Mr. Urick ever tell you that that was a benefit that he was providing you?
A No, ma'am.
Q Did you not come to regard it at some point as a good thing that you got a free lawyer?
A Yes, ma'am.
Q And did you not come to think of it as something that was sort of part of a whole deal?
A No, ma'am.
Q Did you think that having a lawyer went with in any way the plea agreement that you signed?
A No, ma'am.
Q No. Mr. Wilds, after you signed the agreement, you had just about a twenty minute delay, you then went over and you went in front of Judge McCurdy, right?
A Yes, ma'am.
Q And you were asked about this plea agreement, were you not?
A Yes, ma'am.
Q And, in fact, Judge McCurdy had a copy of the plea agreement, didn't he?
A Yes, ma'am.
Q And he asked if that was your signature,

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didn't he?
A Yes, ma'am.
Q And he asked you if this was your understanding of the agreement, did he not?
A I believe so.
Q And, sir, at that time did you ask for a lawyer?
A No, ma'am.
Q Had you in any time in between the time you had been introduced to Mrs. Benaroya, had you asked for the Public Defender?
MR. URICK: Objection.
THE COURT: Sustained.
Q And had any other lawyer been introduced to you?
MR. URICK: Objection.
Q After you signed the agreement?
THE COURT: After you had signed the agreement -- we've been over this, Ms. Gutierrez.
Q Now, Mr. Wilds, there came a time when you really questioned the idea of who your lawyer was, did there not?
A No, not who she was.
Q Though what she was?
A No, not what she was.

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Q Well, there came a time when there were questions about your lawyer, did you not?
A Yes, ma'am.
Q Because Ms. Benaroya acted as your lawyer that day, right?
A Yes, ma'am.
Q The woman that Mr. Urick introduced you to, right?
MR. URICK: Objection.
THE COURT: Sustained. We all know this, Ms. Gutierrez. Can we move on?
Q Yes. Mr. Wilds, when there came the time that you had questions about her, you also had questions about the plea that had gone down that day, did you not?
A Yes, ma'am.
Q You thought, in your words, that things smelled fishy, did you not?
A Yes, ma'am.
Q And by the use of that term you meant they didn't smell quite right, did you not?
A No, ma'am.
Q Well, I want to make sure.
A I'm agreeing with you.
Q That they didn't smell right?

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A Yes, ma'am.
Q And by not smelling right, they didn't make you feel too good, did they?
A No, ma'am.
Q You came to have questions about how it was that Mr. Urick provided you a lawyer, did you not?
MR. URICK: Objection.
THE COURT: Overruled.
Q Did you not?
THE COURT: Is that the reason that you thought it smelled fishy?
THE WITNESS: No, ma'am.
Q Well, sir, you had thoughts like it sure felt like a conflict, did you not?
A Yes, ma'am.
Q That was the word that you used, was it not?
A Yes, ma'am.
Q That the conflict was that it didn't appear to you that the lawyer was going to be for your interests, isn't that right?
A Yes, ma'am.
Q And you had suspicions that because of the appearance of things that the lawyer might be working for his interest?

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MR. URICK: Objection.
THE COURT: Overruled.
Q Did you not?
THE COURT: Is that what you were thinking, Mr. Wilds?
THE WITNESS: Somewhat.
Q Somewhat. And you knew that it wasn't quite right if the lawyer is working for his interest but acting as your lawyer, isn't that correct?
A Yes, ma'am.
Q And that's what you meant by it smelled fishy, is it not?
A Yes, ma'am.
Q And you questioned, in fact, whether or not this lawyer that you met in the prosecutor's office who was prosecuting you was just brought in to make you make the plea, did you not?
A Yes, ma'am.
Q That's what you thought?
A Yes, ma'am.
Q In your mind?
A Yes, ma'am.
Q Even after this day, isn't that correct?
A Which day?
Q The 7th of September.

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A Yes, ma'am.
MS. GUTIERREZ: No more questions.
THE COURT: All right. Any redirect?
MR. URICK: Somewhat briefly, Your Honor.
REDIRECT EXAMINATION
BY MR. URICK
Q Mr. Wilds, I'm going to ask you to speak up, if you will, so that everyone can hear you. I know you've been on the stand for awhile but try to keep your voice up. Now, Ms. Guterriez, in her terms, asked you about lies of omission?
A Yes, sir.
Q Between your first taped statement and your second taped statement, do you remember those questions?
A Yes, sir.
Q Now, were you asked in the second taped sentence -- or taped statement exactly the same questions you were asked in the first statement?
A No, sir.
Q Did you have any control over what questions were asked of you in either statement?
A None whatsoever.
Q Could you only answer the questions that were asked by the detectives?

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A Yes, sir.
Q Now, if they asked a question in this second statement that had not been in the first one that elicited a different name, a different piece of information, does that mean that you lied between the first and second statement on that?
A Not to me, sir.
Q Now, you were asked about, for example, Chris [redacted]
A [redacted]
Q Was there any question in the first taped statement that that would have been a correct answer to?
A No, sir.
Q So there was no lie when you raised Chris [redacted] in the second one?
A No, sir.
Q I'd like to address the three actual changes between the first and second taped statement at this time. The first change in the first taped statement you said that you met the defendant at the McDonald's on Edmondson or the strip on Edmondson and there was where he opened the trunk and showed you the body. In the second statement you said it was the parking lot at Best Buy?

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A Yes, sir.
Q Now, why did that change between the first and second statement, or why did you not say in the first statement what you said in the second one?
A The significance of Best Buy, I didn't want to -- I don't know, bring anything out that didn't need to be brought out about Hae.
Q And what was the significance of Best Buy?
A That's where her and Mr. Syed used to have intercourse.
Q Used to what?
MS. GUTIERREZ: I'm sorry, I didn't hear that.
A Where her and Mr. Syed used to have intercourse.
Q That's in the parking lot beside the Best Buy?
A Yes, sir.
Q Somewhat secluded from observations?
A Yes, ma'am. Yes, sir, I'm sorry.
Q The second difference between the first taped statement and the second one, you said in the first one that when the calls came in from the Baltimore County police officer and Hae's family that you and the defendant were at a McDonald's?

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A Yes, sir.
Q In the second statement you said that those came out while you were at [redacted] [redacted] why was the change between the first statement and the second statement?
A Because they now knew about Ms. [redacted]
Q And what were you trying to do in your first statement?
A Protect Ms. [redacted] Her father is a police officer.
Q The third difference between the two statements. In the first statement you don't mention that Adnan dropped you off at Jen Pusateri. You basically don't mention Jen Pusateri. In the second one you say he dropped you off with Jen Pusateri -- to meet Jen Pusateri. Why does Jen Pusateri not appear in the first statement but appear in the second one?
A I wasn't trying to give her name to the police.
THE COURT: I'm sorry?
A I was trying to protect her. I was not trying to give her name to the police. She had no involvement.
MR. URICK: If I may approach the witness

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at this time, Your Honor?
THE COURT: If you will tell us what you're approaching him with?
MR. URICK: This is a copy.
THE COURT: Is this exhibit 34?
MR. URICK: Yes.
THE COURT: Is it a blank exhibit 34 or is it --
MR. URICK: It's a blank 34.
THE COURT: All right.
Q Now, if you'd look down at line 31?
A Yes, sir.
MR. URICK: Your Honor, perhaps -- I don't know if the jury was given their copies back. They might find it helpful to have those in order to follow this.
THE COURT: Yes. I don't believe they were given them back. We had a change of clerks. So it may take Mr. White a moment to locate the items that were secured. You may proceed, Mr. Urick.
MR. URICK: Thank you, Your Honor.
Q Mr. Wilds, please look at line 31, number 410-7[redacted], is that Jen Pusateri's number?
A Yes, sir.
Q And did you make that call?

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A I believe so.
Q And whose cell phone did you use to make that call?
A Mr. Syed's.
Q And the line above that, line 30, 410-7[redacted]9, is that Jen Pusateri's number again?
A Yes, sir.
Q Did you make that call?
A Yes, sir.
Q And whose cell phone did you have?
A Mr. Syed's.
Q Up above, line 26 number 410-7[redacted], is that Jen Pusateri's number?
A Yes, sir.
Q Did you make that call?
A I believe so.
Q And whose cell phone did you use?
A Mr. Syed's.
Q The line right above it 301-6[redacted]57, do you know that telephone number?
A No, sir.
Q Who made that call?
A Mr. Syed.
Q On whose cell phone?
A Mr. Syed's.

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Q The line above it, 301-69[redacted] do you know that telephone number?
A Yes, sir.
Q Whose number is that?
A Phil Mendez.
Q Who made that call?
A I did, sir.
Q Whose cell phone did you use?
A Mr. Syed's.
Q Line above it, 301-6 -- pardon me, line above it, 410-2[redacted], is that the Furlow residence?
A Yes, sir.
Q Who made that call?
A I did, sir.
Q Whose cell phone did you use?
A Mr. Syed's.
Q Line above it, 410-[redacted]9, is that the Pusateri residence?
A Yes, sir.
Q Did you make that call?
A Yes, sir.
Q Whose cell phone did you use?
A Mr. Syed's.
Q Line 18, or line 17, pardon me, number 410-9[redacted] do you know that number?

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A No, sir.
Q Who made that call?
A Mr. Syed.
Q On those cell phone?
A Mr. Syed's.
Q Line 13, number 410[redacted], do you know that telephone number?
A No, sir.
Q Who made that call?
A Mr. Syed.
Q On whose cell phone?
A Mr. Syed.
Q Line above it, number [redacted] is that Jen Pusateri's pager?
A Yes, sir.
Q Who made that call?
A I did, sir.
Q On those cell phone?
A Mr. Syed's.
Q Line 9, number 410-[redacted] is that Jen Pusateri's pager?
A Yes, sir.
Q Who made that call?
A I did, sir.
Q On whose cell phone?

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A Mr. Syed's.
Q The line above that 410-[redacted] is that Jen Pusateri's pager?
A Yes, sir.
Q Who made that call?
A I did, sir.
Q On whose cell phone?
A Mr. Syed's.
Q The lines above it, I'll just read the numbers off, which I believe we've seen all of them before, 301-6[redacted], 410-[redacted] 410-[redacted], 301-[redacted]7, 410[redacted], do you know any of those numbers?
A No, sir.
Q Who made those calls?
A Mr. Syed, sir.
Q And whose cell phone?
A Mr. Syed's.
Q Now, when you dropped Mr. Syed off at school to go to track practice where did you go?
A When I left?
Q Yes.
A Ms. [redacted]
Q Now what, if any, property of Hae Lee's did you see in the defendant's -- did you see the

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defendant with that night?
THE COURT: I'm sorry, what day?
MR. URICK: The night of January 13th, 1999.
THE COURT: Very well.
MS. GUTIERREZ: Objection, beyond the scope.
THE COURT: Overruled.
A A wallet, a bag like a purse, some keys.
Q Did you see where he got those items?
A From the trunk of Ms. Lee's car.
Q And what happened to that property?
A He threw it in the dumpster.
Q Now, when you say he got it from the trunk of the car, when -- what time or where did you see him?
A At the 70 park and ride.
Q Did there come a time when you went to Gilston Park?
A I believe so.
Q What did you do there?
A We walked the dog, smoked marijuana.
Q Now, during that year, the school year of '98, '99 after you had graduated and Stephanie McPherson was a student at Woodlawn, what was her

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schedule like?
A It was very --
MS. GUTIERREZ: Your Honor, objection beyond the scope.
THE COURT: Mr. Urick, I'm going to give you a few questions to connect it up.
Q You were asked by Ms. Gutierrez why you didn't spend time with Ms. McPherson on her birthday which was the 13th?
A Yes.
Q Why not?
A She had a game that day.
Q And normally at that time of year what was her schedule like after school?
A Practice, she wasn't allowed out much during the week.
Q Now, [redacted] [redacted] and Jen Pusateri were people that you did things with often, several days every week, is that correct?
A Yes, sir.
Q Now, the first statement you gave -- the first time you spoke to the police was February 28th; is that correct?
A Yes, sir.
Q So that was roughly from January 13th to

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February 28th about a little over a month and a half?
A Yes, sir.
Q Are you normally good at remembering exactly everything you did in the exact order that you did it?
A No, sir.
Q Now, the cancelled check that you have where you repaid the defendant for some money, what had he given you that money for?
A He wanted me to get him an ounce of marijuana.
Q Now, before you made that statement on the 28th when you talked to Jen Pusateri and she told you the police wanted to talk to her, what did you tell her to tell the police.
MS. GUTIERREZ: Objection.
THE COURT: If anything? Overruled.
A I told her nothing until later to tell the police. I gave her no instructions to dealing with the police until later.
Q What did you -- what instructions, if any, did you later give her?
A The lies that we were telling to try to protect each other were clouding the truth.
MS. GUTIERREZ: The last part?

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A Were clouding the truth.
Q So she should do what?
A Tell nothing but the truth.
MS. GUTIERREZ: I still can't hear the witness, Judge.
THE COURT: Would you restate your last answer about clouding the truth?
THE WITNESS: The lies that she was telling were clouding the truth.
Q And she should do what?
A Tell nothing but the truth.
Q Mr. Wilds, are you aware that the constitution of the United States affords the right to counsel --
MS. GUTIERREZ: Objection.
Q -- both to people who can afford it --
MS. GUTIERREZ: Objection.
Q -- and people who cannot.
MS. GUTIERREZ: May we approach the bench? I'm objecting to the question.
THE COURT: Overruled. You may answer the question.
A Yes, sir.
THE COURT: Your next question, and you may approach the bench counsel before the next question.

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(Whereupon, counsel and the Defendant approached the bench and the following conference ensued:)
MS. GUTIERREZ: Judge, I'm going to be objecting to any questions. He's not an expert. This is not about asking questions about what the constitution affords in regard to right to counsel and I particularly object in light of the Court's limitations on other arenas in regard or commentary in regard to this witness' right to counsel, also. I mean as an additional reason.
THE COURT: I understand. The objection is overruled with a limitation. I will not allow you to get -- to ask questions about what someone told, but as long as you ask the question are you aware and what is in his mind I'll allow it because I find that the defense has opened the door as to what was in his mind, within his knowledge and his contemplation of his understanding with particular concern, what was allowable was questions that talked about what he knew the State was providing for him and what he did not know or did not believe as part of the plea bargain and plea agreement understanding and as it relates to his credibility.
MS. GUTIERREZ: And, Judge, I further

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object that this is still redirect and he should not be allowed to suggest the answers to the questions.
THE COURT: The leading nature of the questions.
MS. GUTIERREZ: So I would object to any further leading. I haven't objected all of the time because I don't think it's important.
THE COURT: And although this question is overruled, I would just caution you that you should not -- redirect does not mean you have been forgiven for not leading, but I do -- would ask that if you can focus the witness so that we can move along that that will be permissible but please be mindful of the leading nature and if there's an objection it will be sustained. All right, thank you.
(Whereupon, counsel returned to the trial table and proceedings resumed in open court.)
MR. URICK: If I may have just a second?
THE COURT: Certainly. While he is talking, do you need anymore water?
THE WITNESS: No, ma'am.
THE COURT: All right, very well. I would also ask the jurors, anyone need water? No. Just one. Ms. Connelly, would you have a problem, if I could kindly ask you to. I appreciate your effort.

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Is there any objection to the defendant having water as well? Is that all right? Could you do that as well Ms. Connelly, if you don't mind. Thank you, I appreciate it.
Counsel, anybody else since she's up on her feet and I'm sure thank yous would be appreciated. That is not a job requirement but it is greatly appreciated by the Court. Thank you, Ms. Connelly. Mr. Urick, you may proceed.
MR. URICK: Thank you.
Q Mr. Wilds, do you feel that you had a choice in who your attorney was.
MS. GUTIERREZ: Objection.
THE COURT: I'm sorry, do you have a -- yes, that's overruled.
A Yes, sir.
Q And the attorney you have today, is that because of your choice?
A Yes, sir.
MS. GUTIERREZ: Objection.
THE COURT: Overruled.
Q And do you feel that that attorney -- are you now satisfied that that attorney is representing your interests?
A Very much so.

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MR. URICK: If I may have the Court's indulgence for just a second?
THE COURT: Certainly.
Q Mr. Wilds, when the defendant told you that he was going to kill his girlfriend, why didn't you warn Hae?
A It really didn't seem out of context, the conversation, we were talking about relationships. He seemed a little upset. I didn't take it as -- I took it as a grain of sand instead of concrete.
Q Okay. In response to questions from Ms. Gutierrez when she was asking you about looking at Hae's body in the trunk, you said that that incident stuck with you. Why did the incident stick with you?
A I've never seen anyone dead before and --
MS. GUTIERREZ: Judge, I can't hear the witness.
THE COURT: Overruled.
THE WITNESS: I've never seen anyone dead before, and the first thing I thought was how fragile Stephanie was, and I think that's why it stuck with me so much.
Q Now, Ms. Gutierrez asked you a lot of questions about being interviewed by the police, how you didn't really want to be there, did you?

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A No, sir.
Q You didn't want to have to be answering those questions, did you?
A No, sir.
MS. GUTIERREZ: Objection to the form of the questions.
THE COURT: Sustained.
Q Did you freely go along and respond to them?
A No, sir.
Q Did you respond to the questions?
A Yes, sir.
Q Now, taking you to the night of the 13th after you saw Hae Lee's body, did you want to be with the defendant?
A No, sir.
Q Did you want to go along with the defendant -- did you want to help the defendant bury the body?
A No, sir.
Q Did you help that man?
A I helped him dig a hole, sir.
MR. URICK: No further questions.
RECROSS EXAMINATION
BY MS. GUTERRIEZ
Q Just a couple of questions, Mr. Wilds. We

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talked about lots of omissions. We talked a great deal about that, did we not?
A Yes, ma'am.
Q In the context of your talking to the police, you knew things that they didn't know, did you not?
A I don't know what they knew.
Q Well, they didn't know where you had been, right?
MR. URICK: Objection.
THE COURT: Sustained as to what they knew.
Q They didn't know whom you talked with, did they?
A I don't know what they knew.
MR. URICK: Objection.
THE COURT: Sustained.
Q You're the one that knew about Chris [redacted] right?
MR. URICK: Objection.
THE COURT: Overruled.
A Yes, ma'am.
Q And, in fact, you told them about Chris [redacted] did you not?
A When they asked.
Q On February 28th?

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A Yes, ma'am.
Q Isn't that right?
MR. URICK: Objection.
THE COURT: Sustained.
Q You gave them a pager number, did you not?
THE COURT: Overruled.
A Yes, ma'am.
Q That pager number was 1-800-5-Sprint, was it not?
A Yes, ma'am.
Q And you gave them a box number to go with that pager number, did you not?
A Yes, ma'am.
Q The box number was 2557 300, did you not?
A I believe so.
Q In regard to [redacted] [redacted] you're the one who kept her out of it, did you not?
A Yes, ma'am.
Q You're the one that chose not to mention her name, correct?
A Yes, ma'am.
Q Because of what you've already said was your concern about her father's profession, do you remember that?
A Yes, ma'am.

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Q That was your choice, right?
A Yes, ma'am.
Q Detective MacGillivary and Ritz had nothing to do with that, did they?
A No, ma'am.
Q And in regard to keeping out Jen Pusateri, that's because you didn't want her involved, isn't that right?
A Yes, ma'am.
Q And in regard to the other things that you kept for yourself and later told them, those were all your choices, were they not?
A Yes, ma'am.
Q It wasn't just because they didn't know the right questions to ask, was it?
MR. URICK: Objection.
THE COURT: Overruled.
A I don't know what they knew.
Q Well, in fact, they asked you what you did that day, did you not?
MR. URICK: Objection.
THE COURT: The question was they asked you --
Q They asked you what you did that day, meaning the 13th of January, did they not?

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THE COURT: Overruled.
A Yes, ma'am.
Q And you didn't tell them the whole truth, did you?
A I did not tell all of what I did, no.
Q They asked you who you were with, did they not?
A Yes, ma'am.
Q And you didn't tell the whole truth, did you?
MR. URICK: Objection.
THE COURT: Overruled.
A No, ma'am.
Q They asked you who you told, did they not?
A Yes, ma'am.
Q And, again, you're the one that didn't tell them the whole truth, correct?
A No, ma'am.
Q So you were asked -- Mr. Urick keeps insisting that there were only three changes. You and I went through many more than that, did we not?
MR. URICK: Objection.
THE COURT: Sustained.
Q Sir, there were more than three changes between the first statement and your second

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statement, were there not?
MR. URICK: Objection.
THE COURT: Sustained.
Q Mr. Wilds, you recall, and Mr. Urick just used the words and you answered, about the location of where you saw the body, do you recall that?
A Yes, ma'am.
Q And you used the word the significance of Best Buy; is that right?
A Yes, ma'am.
Q And the significance you said was you were referring to where they had intercourse, is that correct?
A Yes, ma'am.
Q That mattered to you?
A Not to me.
Q That was a secret you wanted to keep secret?
A Yes, ma'am.
Q And if everybody knew, somebody might be hurt to know where Hae and Adnan had had intercourse?
A Hae had already died and I didn't feel it necessary to drag her name through the mud.
Q Well, sir, you were the one that just said there were a significance, did you not?

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MR. URICK: Objection.
THE COURT: Sustained.
Q Now, in regard, sir, you were again asked about Gilston Park, right?
A Yes, ma'am.
Q That's the park that you and I spoke about, right?
A Yes, ma'am.
Q That's a place that you and your friend Jen and her dog go often, is it not?
A Yes, ma'am.
Q That's the same place, isn't that right, that we talked about?
A Yes, ma'am.
Q Mr. Wilds, you were asked and you answered a lot of questions about these calls. Those were the same questions you were asked before, were they not?
A I believe so.
Q When you had the cell phone in your hand?
A I believe so.
Q And, sir, in regard to cell phones, you were also asked about your girlfriend Stephanie's schedule that day. She had a cell phone, didn't she?
A Yes, ma'am.
Q And you told the police that, didn't you?

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A Yes, ma'am.
Q And you were always able to reach her on her cell phone, were you not?
A No, ma'am.
Q No. Sir, if she had it on you would have reached her, would you have not?
A Not necessarily, no.
Q Normally you didn't have a cell phone but that day you had access to a phone, did you not?
A Sometimes.
Q You called your friend -- sometimes?
A Part of the day.
Q You called your friends on that cell phone, did you not?
A Some of them.
Q You didn't have to ask for permission to use the cell phone, did you?
A No, ma'am.
Q You didn't have any difficulty operating the phone, did you?
A No, ma'am.
Q You didn't have any difficulty understanding that that phone has a feature on it, a whole long list of numbers including every number on that list is inside the feature if you just scroll

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through it?
A I was not aware of that.
Q You didn't examine the phone, the easily operated --
MR. URICK: Objection.
THE COURT: Sustained.
Q Now, sir, you didn't know who Adnan was calling at the times that you said he dialed the number, did you?
A No, ma'am.
Q He didn't ask your permission, did he?
A No, ma'am.
Q And he didn't have to dial numbers then, did he?
A I believe so.
Q He just had to punch and - punch one digit, did he not?
A I cannot recall.
Q Sir, did the cell phone project what number you dialed to somebody?
A Projection?
Q Outside of the cell phone?
A I'm not understanding.
Q Did you watch him when he made the cell phone calls?

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A Yes, ma'am.
Q And did you memorize the numbers?
A No, ma'am.
Q And did you write them down?
A No, ma'am.
Q And, sir, when you answered any of those questions that Mr. Urick asked you with the words I believe, you didn't mean to equivocate that -- well, maybe you did or maybe you didn't, did you?
MR. URICK: Objection.
THE COURT: Sustained.
Q You were asked by Mr. Urick whether you were normally good at remembering things and the order in which they happened?
A Yes, ma'am.
Q And you answered no you were not?
A Yes, ma'am.
Q Does that mean you're normally bad at remembering things --
MR. URICK: Objection.
Q -- in the order in which they happened?
THE COURT: Overruled.
A I myself would not say bad, no.
Q How would you describe yourself?
THE COURT: As it relates to memorizing

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things or recalling things?
Q Remembering things in the order in which they occurred?
THE COURT: Very well.
Q How would you describe yourself? What word would you use?
A In terms of my memory, describing my memory?
THE COURT: Yes. How would you describe your memory?
MS. GUTIERREZ: I'll withdraw the question.
Q Mr. Wilds, you were asked about this cancelled check?
A Yes, ma'am.
Q Did Mr. Urick ask to see it?
A No.
Q Did he ask you to bring it in?
A No, ma'am.
Q Have you ever been asked to bring it in?
A My attorney asked to see it.
Q Your attorney asked to see it, but not Mr. Urick?
A No, ma'am.
Q And not Ms. Murphy?

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MR. URICK: Objection.
A No, ma'am.
Q And not Detective MacGillivary?
THE COURT: Sustained.
Q You answered the question about any conversation you may have had with Jen Pusateri after the 27th of February, do you remember that?
A Yes, ma'am.
Q And you said you gave her nothing in regard to telling the police anything, right?
A I'm not understanding.
Q That's what you answered. You said I gave her nothing to tell the police?
A No instructions.
Q No instructions and --
A And what the subject matter.
Q And you did that before she talked to the police?
A After.
Q After. So after she talked to the police she never talked to them again, did she?
A Yes, ma'am, she did.
Q But you knew that she had already?
A I'm not understanding.
Q That she had already talked to the police?

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A Once before, yes.
Q But you said you said to her something to the effect, and I was having a hard time hearing you, but what I heard is that you said to her something to the effect that our lives are clouding the truth?
A The lies.
Q The lies. The lies as distinct from the truth?
MR. URICK: Objection.
THE COURT: Overruled. Is that a question?
MS. GUTIERREZ: Yes.
THE COURT: Yes, is that what you meant? What Ms. Gutierrez just restated, is that what you meant?
THE WITNESS: I'm not understanding what she --
Q You corrected me and said our lies, right? Lies, l-i-e-s, were clouding the truth?
A The lies were clouding the truth, yes.
Q The lies. And that's different from the truth, is it not?
A Yes.
MS. GUTIERREZ: Thank you.
THE COURT: Anything further, Mr. Urick?

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MR. URICK: May I have a second?
THE COURT: Deputy Church, may I see you?
MR. URICK: I have no further questions.
THE COURT: Go ahead.
MR. URICK: We have nothing further. Would this be an appropriate time for a brief break maybe?
THE COURT: Yes, it would be. Ms. Gutierrez, are you finished?
MS. GUTIERREZ: Yes, Judge.
THE COURT: All right, and you have nothing further for this witness?
MS. GUTIERREZ: Judge, I just ask that this witness be kept under subpoena.
THE COURT: All right.
MS. GUTIERREZ: I did not issue --
THE COURT: You are not ready to release him.
MS. GUTIERREZ: But in light of other things, I would ask that --
THE COURT: You are not prepared to release him from his subpoena?
MS. GUTIERREZ: Right.
THE COURT: Mr. Urick, are you prepared to release him?
MR. URICK: He would need a day or two's

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notice if he's going to be called in. I just bring that to the Court's attention.
THE COURT: Very well, one moment. All right, Mr. Wilds, I'd like you to stay seated for one moment. Ladies and gentlemen, we're going to take a stretch break. Counsel, are we ready with our next witness?
MR. URICK: She's available. It will take us about five minutes to get her here.
THE COURT: Five minutes, okay. Good. Because when we come back, we're going to resume. Ladies and gentlemen, we're going to let you stretch your legs. Please leave your notes face down. Do not discuss the testimony of this witness or anyone else, and you may go with Deputy Church who is going to walk you across the hall to the jury room. Just a stretch break. We are not going to take a long break. It should not be more than ten minutes.
(Whereupon, the jury was excused from the courtroom, after which the following proceedings ensued:)
THE COURT: Mr. Wilds, let me advise you that you are still technically then sequestered. You cannot remain in the courtroom and hear the rest of the testimony because you may be called back as a

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witness later on, but you are free at this time to go to work.
THE WITNESS: I don't have a job.
THE COURT: Or wherever, because you won't have to be here everyday, but I would ask that you call my chambers. Do we have a card?
THE WITNESS: You have given me one. I still have it.
THE COURT: I did. Call my chambers every morning, if you can, every morning like around nine or nine-thirty and at that time Ms. Gutierrez, Mr. Urick, if you would advise me if he's needed --
MS. GUTIERREZ: Yes.
THE COURT: Then we will let you know when, and if at any time Ms. Gutierrez you decide that you will not need him any further, to let me know that and when you call in they'll be able to tell you that. At this time I'm going to ask that you go with Deputy Church and I believe your coat is in the courtroom, all right.
All right, now that the witness is gone, is there something further?
MS. GUTIERREZ: Yes, Judge, just to save time. The next witness, I've been told, is Jen Pusateri.

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THE COURT: Yes.
MS. GUTIERREZ: She is a witness who did not testify at the last trial because she was the next witness in line.
THE COURT: Before the mistrial?
MS. GUTIERREZ: We were given her written statement.
THE COURT: So you have that?
MS. GUTIERREZ: We do, Judge, and having reviewed that, and I apologize for not getting this in writing, I just had a hard time keeping up, we would move in limine having reviewed that written statement to preclude any questions that illicit hearsay since the bulk of her statement is to say what Jay Wilds said Adnan Syed said.
Judge, we believe it falls into no exception that establishes that it's nonhearsay and in light of our concern I would move for a proffer as to what portions of her statements, since the bulk of it reveals that what she has to say, according to her statement, she was not a witness to any of these events. She wasn't present with Adnan Syed, and the only time that she says that she saw or spoke to him that we would not object to is an occasion at the end of the day in which her testimony is that she saw him

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at Westview Mall, a place that this witness says they weren't, but -- and so I wouldn't object to that, but the only occasion in which she is alleged to have seen or heard directly from Adnan Syed whose testimony, I mean whose statements might be admissible on other grounds as nonhearsay is if she heard them directly, is at the end of events late on the evening of the 13th. That she never -- and the only other place of her statement that she says she spoke to Adnan Syed -- in her statement she doesn't say that.
THE COURT: Wait a minute. One second. I am not going to talk while others are talking because in a moment I'm going to ask the State to respond to Ms. Gutierrez and if you -- this Court stands in recess.
(Whereupon the Court recessed, following which the proceedings in this matter resumed:)
THE COURT: Now, I apologize to Ms. Gutierrez for interrupting her and if you will continue, Ms. Gutierrez, with your argument, then I will be happy to hear from the State when you are finished. You were saying that your objection to Ms. Pusateri's testimony was on basically double hearsay.
MS. GUTIERREZ: That's --

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THE COURT: You would object to anything that she said.
MS. GUTIERREZ: I don't -- right.
THE COURT: Or someone said to her.
MS. GUTIERREZ: Right.
THE COURT: That Mr. Syed had said to her.
MS. GUTIERREZ: Right, the only instances that I know fall outside the first instance is a conversation that she says she had with Mr. Syed, very brief, that took place that evening outside of the Value City in Westview Mall and, obviously, I don't object if she actually heard something from Mr. Syed.
THE COURT: Basically you have no objection to direct conversations that she may have had?
MS. GUTIERREZ: No.
THE COURT: Or personal knowledge.
MS. GUTIERREZ: Right.
THE COURT: That's relevant to this case.
MS. GUTIERREZ: Right.
THE COURT: But anything else you would --
MS. GUTIERREZ: Anything else, and I would object there was -- and although I know this is background, Judge, in her statement she refers to a conversation that she had -- I think is identified as

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Adnan Syed but that was sort of supplied by the detectives in her statement.

If you recall, Jay Wilds never testified as to any call either being made out or in Leakin Park, although he's testified about it in other arenas and in prior statements, he didn't say that. He wasn't asked that and I never went near that. There is no basis, based on her statement, to establish that she even knows Adnan Syed's voice enough to have identified it and, obviously, you know, if she does and she knows it was him or whatever --

THE COURT: Voice based on the phone?

MS. GUTIERREZ: Right, but then, you know, so those are the only areas if we go by her statement that she had any direct contact with Adnan Syed during that day and everything else is based on the hearsay through Jay, through, you know, Adnan through Jay, which the Court is correct, I think is double hearsay and I thought that made it doubly objectionable. It's not -- but that there is nothing else revealed.

This is a witness, Judge, who I have an affidavit from an investigator who refused to talk to us, saying they were instructed by Ms. Murphy not to speak to us and not to speak to anybody else but her

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and someone that she sent, so we were not able to obtain any other information from this witness but the statement is pretty lengthy, although I don't think it's numbered.

THE COURT: Ms. Gutierrez, can we just -- let me hear from the State. We might be able to resolve this or not. My first question is -- and I'm going to ask you to just limit your response initially to Ms. Gutierrez's position that anything Ms. Pusateri has to say is going to be double hearsay? That is, she's going to testify or attempt to testify as to what someone else told her that the defendant said.

MS. MURPHY: Your Honor, if I may respond?

THE COURT: Yes.

MS. MURPHY: Thank you. Your Honor, the specific conversation that Ms. Gutierrez is referring to are statements that Jay Wilds made directly to Ms. Pusateri the night of the 13th. At this point in time Mr. Wilds' credibility has been called into question by the defense and the State is offering these as prior consistent statements.

Mr. Wilds basically told Ms. Pusateri of the death of Hae Lee and the defendant's killing her that night when he got into the car. He also talked

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about seeing the body in the trunk of the car. That is basically the details that she is referring to, and the reasons for which the State is seeking to provide that testimony to the jury.

She was the first person that Mr. Wilds saw when he -- after he left the defendant. She would testify that he was acting not himself and the State offers these because Mr. Wilds' credibility has been called into question at this point. As for the --

THE COURT: So she will be primarily talking about her firsthand impressions of Mr. Wilds?

MR. URICK: Yes.

MS. MURPHY: Yes, and she will also state what Mr. Wilds told her.

THE COURT: About what occurred?

MS. MURPHY: Yes.

THE COURT: And, again, these are statements that Mr. Wilds made to her and your position is --

MS. MURPHY: Right.

THE COURT: -- is that these are prior consistent statements of a witness?

MS. MURPHY: Right, these are --

THE COURT: Where the witness' credibility

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has been placed in issue.

MS. MURPHY: Exactly, Your Honor. Would you like me to address the Leakin Park phone call at this point in time?

THE COURT: I believe that is -- I don't think Ms. Gutierrez said where it occurred. She just said a phone conversation.

MS. MURPHY: Yes.

MS. GUTIERREZ: Yes, it is the one.

THE COURT: Leakin Park conversation, all right, very well. And Ms. Gutierrez's point is that the voice on the phone cannot be identified by Ms. Pusateri because she has no basis of knowledge or prior communication with Mr. Syed through which she could establish that that was, indeed, his voice on the phone; is that right, Ms. Gutierrez?

MS. GUTIERREZ: Yes, Judge.

THE COURT: All right, very well. And your position with that motion in limine?

MS. MURPHY: Your Honor, again, this was something that was testified to by Mr. Wilds. This occurred on the morning of February 4th during this trial. He stated that while we were digging she called and the defendant said he's busy. Again, this is consistent with Mr. Wilds' testimony for Ms.

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Pusateri to state that she called. She also will testify, I believe, that she knew the number she was calling was the defendant's cell phone. She had seen the cell phone in Jay's possession earlier that day and had also seen Jay driving the defendant's car.

THE COURT: So you'll be able to lay a proper foundation --

MS. MURPHY: Yes.

THE COURT: -- for its admissibility?

MS. MURPHY: Yes.

THE COURT: And you're saying you are really offering it as corroboration of what Mr. Wilds already testified to.

MS. MURPHY: Yes, Your Honor.

THE COURT: Very well. With that said, anything further, Ms. Gutierrez?

MS. GUTIERREZ: Well, Judge, I think our argument is that this is double hearsay and there are certain circumstances under which prior consistent statements are independent grounds for admissibility. I don't believe that they are an exception to the hearsay. And even if they would solve that portion of it, Judge, that only takes care of one level of hearsay, not the -- and we would object as to the foundation issue.

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On the phone she could be intimately familiar with the phone. That doesn't establish that the voice that she heard was a person's voice that she doesn't really know and has no basis -- it would be mere conjecture because the person's phone belongs to Adnan, well, if we take that that far then we assume that all of the calls made on his phone were made by him, notwithstanding evidence to the contrary.

That doesn't establish the foundation for her familiarity to identify the voice as being someone's she doesn't know but whom she has been told is the owner of the phone.

THE COURT: All right. I'm going to allow the testimony of Ms. Pusateri with regard to what both Ms. Gutierrez and I had identified as double hearsay, and, as I said, I have not heard the testimony but I'm identifying anything that Ms. Pusateri is going to say where it goes to corroborate or in any way support or show a consistent statement by Mr. Wilds, any description by Mr. Wilds to Ms. Pusateri of the events following the burial and the like, those conversations that he may have had with her, I'm going to allow her and I'm going to deny the motion in limine to prohibit her from testifying in

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that area.

MS. GUTIERREZ: Your Honor, may I have a continuing objection?

THE COURT: Yes, you may. And with regard to the motion with regard to the actual voice on the phone, assuming a proper foundation can be laid by the State showing those items, Ms. Murphy, you've indicated the witness would say, then I believe that the testimony would be admissible.

Again, assuming that the witness says what you say she's going to say, then it will be admissible. If not, Ms. Gutierrez, I will sustain your objection as to the identification of the person on the phone. I believe that what we do have is a statement by Mr. Wilds that a phone call was made, but I do believe that at some point there will be a -- there is a foundation that will be necessary to form the nexus that takes us from just the phone ringing at a particular time to the actual voice on the other end of the phone, and I don't know what Ms. Pusateri is going to say, but I will wait until I hear that testimony with that motion in mind.

MS. GUTIERREZ: Very well.

THE COURT: At the appropriate time before the witness actually answers that question, I will

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rule on that particular --

MS. GUTIERREZ: Thank you, Judge.

THE COURT: -- motion. Anything further?

MR. URICK: I would like to apologize for having disrupted the courtroom previously.

THE COURT: Apology accepted. Anything further? All right, can we have Ms. Pusateri come in.

MS. MURPHY: Thank you.

MS. GUTIERREZ: Judge, how long are you going to go today?

THE COURT: Five-thirty. Ms. Pusateri, I'm going to ask you to step all of the way up here and just have a seat and then also while she's coming up if you could, Deputy Church, bring my jury back, I'd appreciate it.

MS. MURPHY: Judge, I'd like to make a motion in limine.

THE COURT: Yes. Just have a seat there for a moment. Once the jury comes in, I'm going to ask you to stand up and be sworn. For right now I just want you to be seated. I would like to have you sworn in in the presence of the jury.

THE WITNESS: Uh-huh.

MS. MURPHY: Your Honor, while the jury is

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coming in, may we approach? I would like to make a motion in limine.
THE COURT: Yes.
(Whereupon, counsel and the Defendant approached the bench and the following conference ensued:)
THE COURT: Yes.
MS. MURPHY: I apologize, Your Honor. I meant to address this. Counsel has stated that she believed that I had instructed this witness not to speak to them. I just want to clarify for the record, it might save us some time --
THE COURT: Why don't you just ask her if it comes up and counsel asks, on redirect --
MS. GUTIERREZ: I intend to ask. I have an affidavit from my investigator who spoke to both her and the parents.
THE COURT: I mean, frankly, you know, it's not my practice to get into a disagreement with counsel. Obviously, sometimes witnesses have the impression that --
MS. MURPHY: Exactly.
THE COURT: -- attorneys say things. It may not mean that they actually say them, but that's their impression. If that's what they think, then

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they're liable to repeat it to counsel and that may be what happened. But as an officer of the court, I wouldn't believe that you would do that. The fact was I wouldn't believe that Ms. Gutierrez would do that, but we have had accusations that Ms. Gutierrez wouldn't talk to people. Well, now we have accusations that you're telling people not to talk to people.
The impressions of other people as to what we might say can be interpreted all sorts of ways and --
MS. MURPHY: Well, that is exactly what happened in this case, Your Honor.
THE COURT: I'm not surprised. It happens all of the time. It is not an unusual occurrence but that impression is often what we're faced with, what witnesses think --
MS. MURPHY: And I subsequently corrected the witness' mother who made the statement. She told me what she told Ms. Gutierrez's investigator and I corrected her and said --
THE COURT: You said that to the witness?
MS. MURPHY: Yes. Well, her mother who is the one who made the statement from what she told me.

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THE COURT: The mother made the statement.
MS. MURPHY: Yes.
THE COURT: Not the witness?
MS. MURPHY: That's what the mother told me.
THE COURT: Okay.
MS. MURPHY: And I corrected her and said that was not my intention at all. That it was completely up to them as to whether they choose to talk to --
THE COURT: And to the extent that that may have impacted Ms. Gutierrez's ability to talk to this witness pretrial, she has a right to ask the question.
MS. MURPHY: Okay. I just wanted to clarify the point.
THE COURT: You have the right to ask the other question, the other side of it, but I'm going to allow you to do that, Ms. Gutierrez. I would allow you to do that.
MS. GUTIERREZ: If I get there. It may not end up being important to me.
THE COURT: Again, that is up to her to do that, but I appreciate you're bringing that to the Court's attention.

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MS. GUTIERREZ: That's one of the reasons why I added Drew Davis's name, my investigator, to the witness list. I'm having him prepare an affidavit.
THE COURT: Just in case?
MS. GUTIERREZ: Yes.
(Whereupon, counsel returned to the trial table and proceedings resumed in open court.)
THE COURT: Ms. Pusateri, I'm going to ask you to stand please and raise your right hand. Listen to Mr. White as he gives you the oath.
JENNIFER PUSATERI,
a witness produced on call of the State, having first been duly sworn, according to law, was examined and testified as follows:
THE CLERK: Please keep your voice up and state your name for the record.
THE WITNESS: Jennifer Pusateri.
THE CLERK: Spell your last name for the record.
THE WITNESS: P-u-s-a-t-e-r-i.
THE CLERK: State your address for the record.
THE WITNESS: 1208 McAdoo, M-c-A-d-o-o, Avenue.

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THE COURT: All right, witness with you.
MS. MURPHY: Thank you, Your Honor.
DIRECT EXAMINATION
BY MS. MURPHY
Q Ms. Pusateri, you might want to bend that microphone a little closer to your mouth and try to speak in a louder than normal voice because I think some of the jurors are having trouble hearing your name, okay?
A Uh-huh.
Q Can you please state how old you are?
THE COURT: One moment. You said uh-huh. I got to tell you something else. When you speak, the cameras move to the person who is speaking. So right now the cameras are pointed at me. If you don't speak or you don't speak loudly, the recording device doesn't pick up your voice and the audio is not recording and the video is not recording you at all, okay.
It will only record whoever is speaking and that they can hear the person speaking, which is another reason why Ms. Murphy is asking you to keep your voice up. You have to say yes or no. If you nod, obviously, nothing is being said and the recording device isn't picking up anything and the

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chances are that the camera isn't recording you either. Do you understand?
THE WITNESS: Yes.
THE COURT: Very well. Now, Ms. Murphy.
MS. MURPHY: Thank you.
Q How old are you, Ms. Pusateri?
A Nineteen.
Q Are you currently attending school?
A Yes.
Q And where is that?
A UMBC.
Q What are you studying there?
A Bio-chemistry.
Q Where did you attend high school?
A Woodlawn High School.
Q And in January of 1999 where were you attending school?
A UMBC.
Q At that point in time would UMBC have been on a winter break?
A Yes.
Q Thinking back to January of 1999, was there a daily routine that you followed at that point in time?
A Yes.

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Q Can you describe for the ladies and gentlemen generally what your routine was on a day to day basis?
A Okay, I would wake up early in the morning around six-thirty and ride with my parents to work. Well, my dad was dropped off and then my mom would drop herself off, and then I would drive home to pick up my younger brother and take him to school. And after I took him to school, then I myself would go home and get ready and go to work and then I would go out to work. I had to be to work by nine o'clock in the morning.
Q Where were you working at that point in time?
A At the Heartlands.
Q And what were you doing there?
A I was a life guard.
Q And how late did you usually work?
A Usually to about noon.
Q And what would the rest of your day consist of?
A Well then I would just usually probably go home after work and pick my brother up from school. I think he got out of school around one o'clock and then I'd just wait until about four, four-thirty and

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leave and go and pick up my mom from work and then we'd pick up my dad and I'd get back home around six, six-thirty depending on traffic.
Q I'm going to ask you to think back to January 13th, 1999, you've been asked about that date before, have you not?
A Yes.
Q On that day do you recall whether you spoke to Jay Wilds?
A Yes, I did.
Q And how do you know Jay Wilds?
A From school.
Q How long have you known him?
A From like the third grade.
Q And how would you describe your relationship with Mr. Wilds?
A Friends.
Q Very good friends?
A Pretty good friends. I mean, yea.
Q When did you first see Jay that day?
A When he came to my house after I got off work.
Q Had you gotten off work at your usual time that day?
A No, I got off a little late because we were

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having some difficulties with the pool. So somebody from a pool company had to come and I had to wait for him to come so we could try to make the proper adjustments so that the pool would be ready for tomorrow.
Q Was it a surprise to you that Jay Wilds came to your house?
A No, it wouldn't be unusual that we would hang out.
Q And did Jay Wilds to your knowledge also know your brother?
A Yes.
Q How old is your younger brother?
A Sixteen.
Q And he would have been fifteen at the time?
A Uh-huh, yes.
Q Would it be unusual for the two of them to hang out?
A No.
Q Are you aware how Mr. Wilds got to your house?
A I believe by a car.
Q Did you know whose car?
A No, not --
Q Did you ever come to find out.

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MS. GUTIERREZ: Objection.
THE COURT: Sustained.
Q Can you describe that car?
A It was a four door car, tan.
Q What happened when Mr. Wilds got to your house?
A He came inside and we hung out in the living room for a little bit and then we went and played video games.
Q Can you describe the way Mr. Wilds was acting?
A He wasn't acting normal like Jay normally acts. He wasn't as relaxed as he normally was, but I mean just different.
Q What, if anything, do you remember happening at that point?
A Basically we just sat there. He had a cell phone with him.
Q Is that normal?
A No, Jay doesn't have a cell phone.
Q Did you know whose cell phone it was?
A No.
Q Did you ask him about the cell phone?
A Maybe a few questions but nothing like who he got it from or nothing like that. He just said he

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was waiting for a phone call to come in.
Q Did he tell you whose car he had?
A Not that I remember.
Q MS. GUTIERREZ: Objection.
THE COURT: Overruled.
Q You can answer that question.
A Not that I remember.
Q How do you remember seeing the phone?
A Oh, because I remember him -- I'm saying like I recognize it because he normally wouldn't have a phone and I remember him distinctly setting it on the coffee table. I can picture him and the way my living room was set up and everything.
Q Did you hear him talking on the phone?
A I don't remember.
Q Did there come a point in time when Jay left your house?
A Yes.
Q Do you remember when that was?
A Between three-thirty, three forty-five.
Q What was the rest of your day like at that point?
A I went and picked up my mom at four-thirty and we went and picked up my dad and then we came back home.

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Q Did you ever hear from Jay again that day?
A Yes.
Q What do you remember about that?
A I called him -- well, I called over to my friend [redacted] house and Jay was over there and I talked to him for like a hot second on the phone and then --
Q Did you speak to [redacted] also?
A Yes, I spoke to [redacted] and Jeff.
Q Did you have any plans to see Jay Wilds that night?
A Yes, we were supposed to hang out that night.
Q Did you hear from him at all regarding those plans?
A Yea, like he left [redacted] and Jeff -- [redacted] house when -- while I was still on the phone with them and originally Jeff had told me on the phone that I was supposed to pick up Jay at Gilston Park. So I was still at home at this time, but me and Jay were supposed to be going over [redacted] house later that night.
So while I was at home after I got off the phone with [redacted] and Jeff, I had got a page from Jay and it was a voice message. So I really couldn't

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understand what he was trying to say. I was confused. So I called the cell phone number that I had got off of my caller I.D. that he had called earlier from that phone that he had earlier and --
Q Why was that message so confusing?
A I don't know. I'm saying I just don't remember. It was just like -- I don't know what he was trying to say. I don't know like -- maybe because I thought Jeff had told me where to pick him up, but Jay was saying don't pick him up there or something like -- I just didn't understand the message where he wanted me to pick him up and what time. So I thought that it was necessary to call him.
Q But you felt certain that it was Jay that called?
A Yea, that left a message. Oh, I know Jay's voice.
Q So what did you do when you got that page?
A I called the cell phone.
Q How did you know you were calling the cell phone?
A Oh, because I had the number on my caller I.D. and on the caller I.D. it will come up and say like Maryland when there's a cell phone number.

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Q Do you know whose cell phone you were calling?
A No.
Q What happened when you called that number?
A Someone answered the phone and said Jay will call me when he was ready for me to come and get him. He was busy.
Q At some point did Jay call you?
A Yea, he must have called me to tell me to go pick him up in front of Westview Mall.
MS. GUTIERREZ: Objection, move to strike must have.
THE COURT: I'm sorry, first of all, I'm not understanding all of what you're saying and can you repeat the last question, Ms. Murphy, the last question.
Q At some point did Jay call you?
THE COURT: Okay. And your answer was?
THE WITNESS: He must have.
THE COURT: Okay. I need to sustain and you can only talk about what did happen.
THE WITNESS: Okay.
THE COURT: You can't guess.
THE WITNESS: Right.
THE COURT: When you say it must have --

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THE WITNESS: That is what I meant.
THE COURT: -- that's not something that you know, but you're guessing at it.
THE WITNESS: All right.
THE COURT: Well, I don't know what you knew. I'm just saying that if you start off a sentence with it must have, it means you're guessing unless it is. So that's an objection and it's sustained and you're being directed to answer the question from what you know, what you saw with your own eyes, what someone told you with your own -- you heard with your ears, not what someone else said that you didn't see or what you guessed at or what must have happened, do you understand?
THE WITNESS: Right.
THE COURT: Very well. Now, your next question, Ms. Murphy.
Q About what time, if you know, did you receive that message from Jay?
A About eight o'clock.
Q What time had you planned to meet him?
A Earlier. I don't know. I don't remember.
Q What do you remember next?
A After he paged me to tell me to come pick him up at Westview Mall parking lot, I left and went

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to Westview Mall parking lot. He told me to meet him there like in fifteen minutes.
Q Now, is this a separate page from the one that you described as confusing?
A Yes.
Q Okay. When did this happen?
A Like right -- like probably about ten minutes after -- ten or fifteen minutes maybe after I had talked to someone on the cell phone. It all happened between like seven-thirty and eight-fifteen.
Q And what happened with this next page, Jay said what?
A To come and pick him up in front of Westview Mall parking lot, or maybe I talked to Jay on the phone, one or the other.
MS. GUTIERREZ: Objection. Move to strike.
THE COURT: Overruled. You're saying that you just don't recall the order of things?
THE WITNESS: Right.
THE COURT: Then you need to say so. You need to say I don't recall the order. Do you follow me?
THE WITNESS: Yes.
THE COURT: Very well. The objection is overruled. You may ask your next question.

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MS. MURPHY: Thank you, Your Honor.
Q Ms. Pusateri, does your pager accept only numerical pages or can you receive voice messages also?
A Both.
Q So at some point then you picked up Mr. Wilds?
A Yes.
Q And where was that?
A In front of Value City at Westview Mall.
Q Was anybody with Jay?
A Yes.
Q Who was that?
A Adnan.
Q Now, did you know Adnan prior to that date?
A Yes.
Q How did you know him?
A From Woodlawn.
Q Now, the person you've described as Adnan, is that person present here today?
A Yes.
Q Can you point him out for the jury, please?
A Over there.
THE COURT: Indicating the defendant Mr. Syed for the record.

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Q Thank you. Did you have any conversation with Adnan at that point?
A He spoke and said hello.
Q Where did you first see Adnan and Jay?
A In front of Westview Mall in the Value City parking lot.
Q In the parking lot. Were they walking?
A No, they were in the car. They pulled up after I was parked there.
Q Who was driving?
A Adnan.
Q Did you have any further discussions with him?
A No.
Q What happened next?
A Jay got in the car and we left the parking lot.
Q How was Jay behaving at that point in time?
A At that point he got in the car and the first thing he said was like put on your seat belt and let's go and --
Q Is that a normal thing to say?
A He didn't act normal, no, not like normal, not yet.
Q What happened next?

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A Then he proceeded to tell me about what had happened. First he said like --
MS. GUTIERREZ: Can I just note my objection for the record.
THE COURT: Okay. If we could back up. At the time he's telling you what happened, who is present?
THE WITNESS: Just me.
THE COURT: You and Mr. Wilds?
THE WITNESS: Yes.
THE COURT: Okay, overruled. You may proceed.
A Jay's in the car.
MS. GUTIERREZ: I just want to make sure the records reflects a continuing objection.
THE COURT: Yes, the record's noted.
A Jay gets in the car, tells me to put on my seat belt, we get ready to leave the parking lot, and he tells me he has something that he wants to tell me, but I can't tell anybody. It has to stay between me and him, that he feels like he needs to tell somebody in order to protect himself as well as -- just because once he told me the information, I could understand why he needed to feel like he needed to tell somebody. So he went on to tell me that Adnan

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had strangled Hae and then like he was like he wanted to go see his girlfriend Stephanie to make sure she was okay. It was her birthday. So we proceeded to Stephanie's house, and then he said that Adnan had used his shovels and he wanted to go around and make sure there wasn't any of his prints I guess on shovels from before.
So he had me drive him to the back of Westview Mall. Back to Westview Mall, so we went to the back of Westview Mall and Jay got out of the car and walked over towards some dumpsters. I sat in the car. He came back and got in the car and we went to go hang out at my friend's house.
Q Did he tell you where Adnan had strangled Hae?
A Yea, I think I remember him telling me that he had done it in, because I remember him saying that Adnan was going to get caught, that he had done it in the Best Buy parking lot.
Q Did Mr. Wilds indicate to you whether he had seen Hae?
A Yes, he told me that he saw her body in the trunk of a car.
Q Now, when you picked up Jay at the mall later that night did he still have the phone?

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A No.
Q Did you ever --
A Not that I saw.
Q You never saw the phone again that night?
A No.
Q When you took Jay Wilds to Stephanie's house, you mean Stephanie is who?
A Stephanie is his girlfriend. Well, ex-girlfriend I think now, I don't know.
Q And you knew Stephanie prior to that night?
A Yes.
Q What happened when you all went to Stephanie's house?
A I sat in the car. Jay got out and went up to the door. He gave her a hug and I don't know. I guess he was in there for a couple of minutes.
Q And that was it?
A Uh-huh.
Q About what time of night would that have been?
A Between eight-thirty and nine.
Q Did you all go anywhere after that?
A Yes.
Q Where was that?
A We went to UMBC first.

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MS. GUTIERREZ: I'm sorry I can't hear.
THE COURT: You have to repeat. Just sit back just a little bit.
THE WITNESS: Okay.
THE COURT: Because I think now you're too close to the mike.
THE WITNESS: Right.
THE COURT: And your answer was, we went to?
THE WITNESS: UMBC.
THE COURT: First?
THE WITNESS: First.
Q Where did you go at UMBC?
A To my friend's apartment.
Q Who was that?
A My friend Shelly.
Q Did you go anywhere else?
A Yes, then we went to [redacted] house.
Q Did you go anywhere else after that?
A No, home.
Q Did you take Jay to his home --
A Yes.
Q -- at that point in time? Did you notice when Jay got into your car, had his clothes been muddy or dirty?

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A Not that I noticed.
Q Did you see Jay the next day?
A Yes.
Q When was that?
A After I got off of work.
Q What happened when you saw Jay the next day?
A He asked me about taking him to F & M.
Q Did he say why?
A He wanted to go to F & M and he wanted to go I guess back to get rid of the clothes and boots that he had on.
Q Did you see the clothes?
A No, I saw the boots.
Q Can you describe those boots?
A They were like Timberland type boots, the butter ones, the brown ones.
Q And he had those with him when you saw him?
A Yes.
Q Now, did you know Hae Lee?
A Yes.
Q How did you know her?
A From Woodlawn.
Q Did you know her well?
A No.

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Q Do you recall a point in time which you stated you thought she might have been a little stuck up?
A Yes.
Q What do you mean by that?
A Just like -- I don't know. She -- I didn't never hang out with her. Like she wouldn't really talk to me or nothing like that. So I guess since she wouldn't really speak to me I would just consider that she would be a little bit stuck up.
Q Did you hang out with any of her friends?
A No, not really.
Q And you stated you already knew Stephanie --
A Yes.
Q -- Jay's girlfriend? How did you know her?
A From Woodlawn and from softball. We played softball together and we went to middle school together.
Q So you actually knew her outside of her relationship with Jay?
A Yes.
Q What was your relationship like with Stephanie?
A It was okay, but we had differences on a

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lot of things, just life in general. But we were on speaking terms.
Q Did she have any problems with you being friends with Jay?
A Not that I know of.
Q MS. GUTIERREZ: Objection?
THE COURT: Overruled, not that she knows of. That's her answer.
Q Did you have any problems with Jay dating Stephanie?
A No.
Q After Jay told you what happened on the 13th, why didn't you go to the police?
A Because I didn't think we had enough information because at that point like Jay told me that he didn't really know anything except for he had seen the body. He didn't know where it was or anything like that, and I just really didn't want to be involved.
Q Why was that?
A I'd just rather not have any involvement with any type of thing like this.
Q There did come a time when you did speak to the police?
A Yes.

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Q What happened with that?
A The two detectives came to my house one evening and asked me if they could come inside. I told them no. I was actually on my way out the door. They caught me out in front of my house in [redacted] car and they were driving up and down the street lost, and I asked them if I could help them and then they parked the car and got out once I told them that it was my house. And they asked me what, if anything -- you know, he introduced himself, said he was a Homicide detective, and he asked me what, if anything, did I know about Hae Min Lee, and I acted as though I didn't know anything and I told him I had -- I was going -- I was on my way out the door and I didn't have time to talk with him. He gave me --
Q How were you feeling at that point?
A Scared.
Q Did you speak with these detectives again?
A Yes, he gave me his card and asked me if I would come down after I was finished what I was going to do, and I went down there and talked to him later that night.
Q And what happened next?
A He asked me a bunch of questions. He let me go and I went home and told my parents what

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happened, and then the next morning I went and got a lawyer and we went to the detectives.
Q When you say he asked you questions, did you answer all of those questions?
A Yea, I guess.
Q Why is it you had to go back then the next day?
A Oh, because when we went down there I really wasn't like cooperating completely. I pretty much just told him I didn't know much. I knew a little bit about it but not as much as I really knew. So I had lied, and that's why I went to get the lawyer in the morning because I was scared.
Q Did anybody else go with you in the morning?
A In the morning?
Q Yes.
A Yea, my lawyer was with me and my mom. It was actually the afternoon, the next day.
Q The afternoon. When did you talk to your mom about this?
A The night after I left -- the night that I talked to the detectives.
Q Did you talk to anybody else that night?
A That night, no.

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Q Did there come a time when you talked to Jay about the fact that the police had come to you?
A Yes.
Q And when was that?
A Before I went to talk to the detectives for the first time.
Q So that was the night?
A Uh-huh.
Q What did you tell Jay?
A I told Jay that the police were at my house asking me about Hae.
Q What did he -- what, if anything, did he tell you with respect to what to tell the police?
A He told me to go down there and tell them what I knew, tell them enough to keep me out of trouble and tell them to go see Jay, send them his way.
MS. MURPHY: Court's indulgence, please. The State has no further questions, Your Honor.
THE COURT: Very well. Witness with you, Ms. Guterriez.
MS. GUTIERREZ: Thank you, Your Honor.
CROSS EXAMINATION
BY MS. GUTIERREZ
Q Let me get this straight, Ms. Pusateri. On

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the morning after you spoke to the police you went and hired a lawyer?
A I went and spoke to a lawyer friend.
Q A friend who happened to be a lawyer?
A Yes.
Q And ultimately you went down to the police station, did you not?
A Yes.
Q The same day that you went and spoke to him, correct?
A My lawyer, yes.
Q And the lawyer accompanied you down to the police station?
A Yes.
Q And by the police station let's make sure we understand that's the Police Headquarters Building in Baltimore City right there on Fayette Street?
A Yes.
Q The Homicide Division?
A Yes.
Q And you took that lawyer friend with you as a friend?
A No, as a lawyer.
Q You took him as a lawyer, did you not?
A Yes.

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Q He acted as your lawyer, did he not?
A Yes.
Q He introduced himself as your lawyer, did he not?
A I don't know how he introduced himself.
Q Well, you were there, were you not?
MS. MURPHY: Objection.
A I don't remember.
THE COURT: Sustained.
Q He stayed with you, did he not?
A Yes, he stayed with me.
Q He was there the entire time you spoke to the police?
A Yep.
Q All right. And in addition to your lawyer, you took your mother with you, did you not?
A My mother came with me.
Q That was her choice?
A Yes.
Q To accompany you?
A Yes.
Q Not your choice?
A No.
Q You didn't want her there, did you?
A No.

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Q You didn't want her to know anything about this, did you?
A No, I just didn't want her involved.
Q But she decided to come any way?
A Yes.
Q She was acting as your mother, was she not?
A Yes.
Q Okay. Now, that day that you went down to Police Headquarters, that was February 27th, was it not?
A I don't remember the date.
Q It was a Saturday, was it not?
A Yes.
Q Okay. And so it was the last Saturday in February, wasn't it?
A I don't remember.
Q Whatever date that was. And you started talking quarter to four in the afternoon?
A Yes.
Q Okay. That would be about right, would it not?
A Yes.
Q So the day that you first spoke to the police was the day before that Saturday, the Friday, right?

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A Yes.
Q And when you spoke to them you said you were on your way out of your house; is that right?
A Uh-huh.
Q And these two police officers, they were lost?
A I mean, I saw them go up the road and come back and go up the road and come back while I was sitting out front of the house.
Q To you they looked lost, right?
A Yea.
Q Like they didn't know where they were going?
A Right.
Q Is that right?
A Right.
Q So you went up to them?
A No, I just rolled down the window and asked if I could help them.
Q Because you thought they were lost?
A Right, yes.
Q You were going to tell them where to go, right?
A Uh-huh.
Q And where your car was parked was where you

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live?
A Uh-huh.
Q You lived the same place then as you now live?
A Yes.
Q That's the McAdoo Avenue address?
A Yes.
Q That's a neighborhood, is it not?
A Yes.
Q And that's single family houses?
A Yes.
Q And there're lots of houses on your street?
A Yes.
Q Yes. And your street is connected to other houses on which there are lots of houses?
A Yes.
Q And all of those houses are single family homes?
A Yes.
Q And your car Ms. Pusateri, it was parked on your property?
A It was [redacted] car I was inside of.
Q Your friend [redacted]
A Yes.
Q And the other car that you drive is the car

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that belongs to your parents, right?
A Yes.
Q And it's in their name, is it not?
A Yes.
Q And their name is the same as yours, Pusateri --
A Yes.
Q -- is it not? And to your knowledge, because you drive it often, it's registered to them, is it not?
A Yes.
Q At that address?
A Yes.
Q And where your house is -- is it McAdoo?
A Yes.
Q Okay. Are there drive ways off the road?
A Yes.
Q And there's a place to park cars?
A In the driveway.
Q In the driveway. But the car you were driving that day wasn't your parents' car?
A What?
Q The car that you were sitting in that day?
A Wasn't my parents' car.
Q Wasn't your parents' car, right?

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A Right.
Q It was your friend [redacted] car, right?
A Yes.
Q That wasn't the first day that you had driven that car, was it?
A Ridden in it?
Q Driven it?
A I wasn't driving it.
Q She was driving?
A Yes, I've never drove her car.
Q She came to pick you up?
A Yes.
Q And she parked her car while she waited for you in your driveway?
A No.
Q On the street?
A Halfway in the driveway, halfway on the street.
Q And so the driveway connects with the street at a perpendicular, does it not?
A Yes.
Q You pull directly into your driveway, right? In front of your house, there's a walkway?
A No.

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Q A sidewalk?
A No.
Q No. Is there anything blocking your house from the street?
A No.
Q So if someone drove down the street they could have gotten past, they didn't have to wait for your car?
A Right.
Q Did they? The car, actually [redacted] car, wasn't blocking or impeding traffic in any way, right?
A Right.
Q And your friend [redacted] was there to pick you up, right? Because you were going somewhere with her?
A Right.
Q And that wasn't unusual, was it?
A No.
Q To hang out your with friend. And have your friends -- friend come pick you up in her car?
A No.
Q Right?
A Right.
Q And when -- had she backed into the

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driveway?
A No, she just pulled in parallel with the street.
Q Parallel to the street, running the same way as the street or perpendicular?
A Yes, parallel with the street.
Q Okay. So she pulled into your driveway in such a way that she was parallel to the street; is that right?
A Yes.
Q But not in the street?
A Right.
Q And she waited for you to come out?
A She came to the door and knocked.
Q And did she go inside the house?
A Perhaps, yes.
Q And then the two of you came out when you were ready to go?
A Yes.
Q And you got in your car, right?
A Right.
Q And you just rolled down your window to speak to these guys you thought were lost?
A Uh-huh.
Q Okay. And the car they were driving, that

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was going up and down on McAdoo?
A Yes, I saw it go by while we were still out front.
Q Okay.
A Before we had left.
Q That's what I'm trying to get to understand, Ms. Pusateri. You're still out front. When you left from the inside of the house your intent was to leave?
A Yes.
Q Did you leave?
A Well, when we come out of the house I saw the car go by once.
Q While you were walking?
A Yes, to the car.
Q Then you got in the car?
A Uh-huh.
Q And your intent was to leave?
A Yes.
Q And you had a destination?
A Yes.
Q But you didn't leave?
A Not right away.
Q The car being parallel to the road, were you on the outside or the inside?

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A I was on the outside.
Q Closest to the road?
A Yes.
Q And because you had already seen this car -- it wasn't a marked car, was it?
A No.
Q It didn't have any identification on it that said police car?
A No.
Q And it didn't have a siren or a flashing light on it, did it?
A No.
Q There was nothing about the car that made you think police, police, police, did it?
A Yea, because the type of car. It was a Lumina.
Q So because it was a Lumina you thought police?
A A little bit.
Q Because in your experience the police drive Luminas?
A Sometimes.
Q And what you did was roll down your window?
A Yes.
Q To see if you could help them?

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A Yes.
Q Because you thought they were lost?
A Yes.
Q And they identified themselves right away, did they not?
A They said they were looking for 1208 McAdoo.
Q Okay. And that was the magic address that you lived, right?
A Right.
Q What a surprise, right?
A Right.
Q You didn't see anything that made you think that the police in this police car as you thought it was might be looking for your address?
A Right.
Q Right. And so you then got out of the car?
A No.
Q They got out of theirs?
A They said they wanted to know if they -- they went and parked their car behind --
Q I get to ask the questions.
MS. MURPHY: Objection.
THE COURT: One moment. You may answer the question.

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A All right, they parked their car.
Q No, ma'am, the question is --
THE COURT: Ms. Gutierrez, you asked --
Q Did they get out of the car?
THE COURT: And her answer was no, and then she was about to finish her answer. Ms. Gutierrez, the witness will be permitted to answer the question.
MS. GUTIERREZ: Well, then I ask for an instruction that the witness ask the question. When I first asked did she get out of the car and she said no. I then asked did they get out of the car. Then she starts to offer an explanation without giving an answer, Judge. I ask for an instruction that the witness be instructed to answer the question. If she has something to add, then she's perfectly capable of saying she has to add to explain an answer. It's a pretty simple question. It calls for a yes or no.
THE WITNESS: Yes.
THE COURT: Wait one moment. See, unfortunately, I'm the Judge.
THE WITNESS: Right.
THE COURT: And I get to decide how you're going to answer.
THE WITNESS: Okay.
THE COURT: Now, your answer was no,

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right?
THE WITNESS: No, I didn't get out of the car.
THE COURT: Correct. And as you started to answer Ms. Gutierrez asked you another question.
THE WITNESS: Right.
THE COURT: I'm going to let you answer the first question.
THE WITNESS: Okay.
THE COURT: Go ahead and finish answering the question. Your objection is sustained. You may answer.
THE WITNESS: All right. No, I did not get out of the car. They proceeded to park and I didn't -- like I didn't know what they were doing but they went back and they parked behind [redacted]s car like in front of my neighbor's driveway. We have -- me and my neighbor share a double driveway and they parked in front of my neighbor's driveway like under the basketball hoop out in front of my neighbor's house, and then the police got out and walked up to the car.
THE COURT: Your next question.
Q Thank you. Now, Ms. Pusateri, did you ask them to get out of their car?
A No.

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Q And were they blocking your ability to pull off and go about your business?
A No.
Q And did your friend Ms. [redacted] ask them to move out of her way?
A No.
Q And did she have any conversation with them?
A No.
Q And did anybody that you saw give them directions to do anything?
A No.
Q And was there anybody else around?
A No.
Q All right, now, your first conversation with them took place through the window; is that correct?
A Yes.
Q And when they indicated to you -- they spoke to you from the window?
A Yes.
Q And from inside their car?
A The first conversation, yes.
Q The first conversation. And when they indicated to you that they were looking for your

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address, did you ask them, are you guys the police that I suspect you are because you're driving a Lumina?
A No.
Q And did they say to you anything that indicated at first in your first conversation that they were looking for you?
A No.
Q And at the point which they got out of their car, was their car blocking yours, the one in which you were in from leaving?
MS. MURPHY: Objection.
THE COURT: Was their vehicle blocking the one that you were in from leaving? Overruled. You may answer that.
THE WITNESS: No.
THE COURT: Uh-huh.
THE WITNESS: All right, I already answered but it's no.
Q No. So you and your friend were actually free to just continue leaving?
A Right.
Q Now, at some point they communicated to you not only were they looking for your address but they were looking for you, right?

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A Right.
Q And that they wanted to speak to you, right?
A Right.
Q Now, I assume your friend [redacted] and you had a specific location in mind as a destination?
A Yes.
Q It was a Friday night?
A Yes.
Q You had plans?
A Yes.
Q And you knew where you were going when you left out with her after she had come to pick you up?
A Yea.
Q And when the police indicated to you that it was you they wanted to speak to, was that a surprise to you?
A Yes.
Q And did you tell them, oh, isn't this something and I thought you guys were lost?
A No.
Q No. And did they order you back inside your house?
A They asked if we could go inside the house.
Q And you said?

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A No.
Q No. And did they ask if they could speak to you?
A Yes.
Q And did they advise you that perhaps you might want to get a lawyer?
A No.
Q Did they advise you in any way to decline?
A Not at that time.
Q And did they tell you about which -- what they wanted to speak with you about?
A Yes.
Q Yes. And they told you that it concerned your friend Jay Wilds, did they not?
A No.
Q And they told you it concerned the murder of Hae Min Lee, did it not?
A No.
Q They told you it concerned events of January 13th?
A No.
Q It became quickly apparent, did it not, Ms. Pusateri, that they knew exactly where they were going when you thought they were lost, didn't they?
A No.

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Q You still thought they were lost?
A They didn't see my address. They didn't know where they were going until I told them that this was 1208.
Q Now, once they told you it was you that they wanted to speak -- that they wanted to speak with you and you told them they couldn't go outside -- inside, did you refuse to speak to them?
A No.
Q You were still in the car or out?
A In the car.
Q And that was still the car parked parallel to the road?
A Yes.
Q And your friend [redacted] was there --
A Yes.
Q -- was she not? And you asked them what they wanted to talk about?
A They told me it was about Hae Lee.
Q Hae Lee. And at that point, and you knew who Hae Lee was when they asked you, right?
A Yes.
Q And you knew that she was dead, right?
A Yes.
Q And you knew that her body had been found?

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A Yes.
Q Did you not? At least a couple of weeks before this night, right?
A About two weeks I think, yes.
Q Now, your friend [redacted] did she remain in the car?
A Yes.
Q And there was nothing blocking her ability to hear --
A No.
Q -- what you were saying to the police, was there?
A No.
Q Or her ability to hear what they were saying to you?
A No, right.
Q At that point weren't they standing right outside your car window?
A Yes.
Q Okay. So she heard all of that, did she not?
A Yes.
Q Your friend [redacted]
A What?
Q Your friend [redacted]

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A Yes.
Q And that friend is also a good friend of your friend Jay Wilds?
A At that time, yes.
Q Okay. Now, they stood talking to you through your window?
A Yes.
Q And did they give you anymore details about what it was they wanted to talk with you about?
A No.
Q Did they explain to you why it was they were looking for you?
A No.
Q Or why they thought you might have some information?
A No.
Q And did they explain to you who had given them your name?
A No.
Q No. And did they mention Jay's name?
A No, not at that time.
Q How long at that time did they stand outside your window?
A A few moments, enough time for me to tell them that I was leaving. I wasn't going to talk with

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them right now.
Q You had other plans?
A Right.
Q And you weren't going to talk to them right then and there?
A Right.
Q Because of your schedule?
A Right.
Q Because you were busy?
A Right.
Q Okay. And after you told them that did they leave?
A Yes.
Q And they gave you a card?
A A card.
Q And the card had their names on it?
A Just one, yes.
Q Okay. And it had the location of where their offices were?
A Yes, I believe he told me, but I knew.
Q Okay. And the card reflected their offices were in Baltimore City --
A Right.
Q -- did it not?
A Yes.

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Q Then did you just pull off with your friend [redacted]
A Yes, we left.
Q Did you go to where you had planned to go?
A No.
Q No. You went some place else?
A Yes.
Q Okay. And did you ultimately come home?
A Yes.
Q All right. And did you see Jay?
A Yes.
Q Yes. That night?
A Yes.
Q That same night?
A Yes.
Q Was he in your plans?
A Yes.
Q Okay. And that wouldn't have been unusual, would it have?
A No.
Q You saw Jay sometimes on a daily basis, did you not?
A Yes.
Q And you generally spoke to him on the phone, did you not?

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A Yes.
Q He was, as you've described it, a very, very good friend, did you not?
A At that time, yes.
Q And at that time it would not have been unusual for you and Jay and [redacted] to have plans together, would it have been?
A No.
Q She was your friend then, too, wasn't she?
A Yes.
Q And because she was your friend she had turned into Jay's friend, too?
A Yea.
Q Is that right? And you were aware of that, weren't you?
A Yes.
Q And it wasn't unusual for your friend, your very, very good friend Jay, to see your friend [redacted] two, three, maybe more times a week, was it?
A Right.
Q And you weren't -- you were aware of that, were you not?
A That they -- yes.
Q Yes, back at that time?
A That they saw each other.

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Q Now, did the police ever ask you who the driver of the car was?
A Of what?
Q The car you were in in front of your house?
A No.
Q And did you ever identify her?
A Yes.
Q To them?
A Yes.
Q And you identified her by name?
A Yes.
Q And did they speak to her?
A Yes.
Q What questions did they ask her?
A I don't know.
Q You couldn't hear them?
A Oh, you mean that night, did they speak to her? No, they did not.
Q I was talking about that night.
A Oh, I'm sorry. I thought you meant --
MS. MURPHY: Objection.
A -- in general.
THE COURT: Sustained.
Q So the answer to my question was you thought at another occasion they spoke to her?

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A Yes.
Q Okay. But that night in front of your house they didn't speak to her, did they?
A No.
Q And they didn't ask her any questions, did they?
A No.
Q And at that night they didn't really know who she was in relationship to Hae Min Lee, did they?
A No.
Q Or in relationship to the events of January 13th, right?
A Right.
Q Now, so you pull off. Where did you all go?
A To where Jay was working.
Q Where Jay was working. And where he was working then, was that the porn shop?
A Yes.
Q And that's on Southwestern?
A Yes.
Q And the name of the porn shop again?
A I don't remember.
Q So --
A Oh, no, Southwest Video.

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Q Southwest Video?
A Yes.
Q But really what it sells is porn videos?
A Yes.
Q And there're peep shows there?
A Yes.
Q And you went right from your house in [redacted] car over there because Jay was there, right?
A We stopped to get some food because I was taking him some dinner.
Q You were taking your very good friend dinner?
A Yes.
Q While he was working?
A Yea.
Q And so that had been in your plans?
A Yea.
Q Okay. And while you were there you told him about the detectives that you thought were just lost on your street, didn't you?
A Yes.
Q You spoke to him about what questions they had asked you, did you not?
A Yes.

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Q And you told him everything, didn't you?
A Yes.
Q He was your very, very good friend?
A Yes.
Q And he was the one you knew any questions about the 13th would lead to if you answered, right?
A He was the one that told me about everything that happened on the 13th.
Q And so if you were asked questions about the 13th and you had answered, it would lead to him, right?
A I guess, yes.
Q Well, did you have any questions about that?
A I wasn't thinking about that, no.
Q Well, in any event you told him everything they asked, right?
A Yes.
Q That they wanted to speak to you, right? And you showed him -- was it Detective MacGillivary or Ritz who gave you his card?
A MacGillivary.
Q MacGillivary. And you showed him his card, did you not?
A I don't remember.

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Q When the police -- when the detectives were there speaking at you through the window at your home as you were getting ready to leave, they indicated it was pretty important that they talk to you, did they not?
A Yes.
Q And they wanted to do it as soon as possible, did they not?
A Yes.
Q And they didn't set an appointment, did they?
A No.
Q And that they didn't tell you to come down tonight, did they?
A Yes, they asked me if I would come down tonight.
Q If you would come down to their offices tonight?
A They would be there all night.
Q And when they asked that did you tell them yes I'll appear tonight?
A I took the card and I don't think I told them yes no, but I took the card.
Q You sort of brushed them off, didn't you?
A Right.

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Q You were on your way to your-- because you told them you were busy?
A Right.
Q You had plans, right?
A Yes.
Q You had to take Jay his dinner, right?
A Yes.
Q And then you and [redacted] were going to go do something, right?
A Yes.
Q And it was fun, was it not?
A Yea.
Q What you planned to do wasn't work, was it?
A No.
Q No. And what time of night was that?
A It was night time. It was dark.
Q Dark?
A I don't remember.
Q Okay. And when you told Jay about what questions these detectives had for you, did he have any suggestions?
A No, he just told me I should go down there and talk to them.
Q You should go downtown to the Police Headquarters?

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A And see what they wanted.
Q See what they wanted, right? And did you then go right down?
A After we left Jay's work, yes.
Q So your friend [redacted] took you down?
A Yes.
Q She knew all about this, didn't she?
A Not until that night.
Q That night. She was present and heard what the detectives were asking you, right?
A Right.
Q And she was present and heard you talking to Jay about what the detectives had asked, had she not?
A Right.
Q And so she would have heard Jay saying Jen go down?
A Uh-huh.
Q Wouldn't she have?
A Yes.
Q Is that right?
A Yes.
Q From your own observation, right? And did Jay say anything else other than go down?
A He told me to go down there and tell them

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the truth and tell them to go see Jay.
Q Go see Jay?
A He said tell them send them my way.
Q And before that moment you hadn't spoken to [redacted] about these events, had you?
A No.
Q Although you and Jay had ended up at her house that night, right?
A Right.
Q And that wasn't unusual, was it?
A No.
Q And how long were you at Jay's store?
A Fifteen minutes maybe.
Q And it's not a long ride from your house to where the store is, is it?
A Ten, fifteen minutes.
Q And did anything else happen while you were at the video store?
A No.
Q And the place where you and your friend [redacted] had planned to go after delivering your very good friend Jay his dinner was where?
A The precinct.
Q The precinct. That's a bar?
A No, I mean we were going downtown.

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Q Well, that wasn't your original plan, was it?
A Oh, our original plan, no, to her house.
Q To where?
A Her house.
Q To her house. And her house is located how far from your house?
A From my house?
Q Yes.
A Ten, fifteen minutes.
Q In the same direction as the porn store?
A Yes.
Q Yes. And you had plans to do something specific at her house?
A No.
Q She was just picking you up to take you back to her house?
A To hang out.
Q To hang out. And you didn't do that, did you?
A No.
Q Instead you left directly from the porn store and went down to what you call the precinct?
A Yes.
Q The precinct meaning the place where

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Detective MacGillivary's card said his office was located?
A Right.
Q And that place is about two to three blocks from here?
A Right.
Q In downtown Baltimore?
A Right.
Q At 601 Fayette Street?
A Yes.
Q In the Police Headquarters Building?
A Yes, there was construction going on around that time, so I'm saying it might have been.
Q Around the Police Department building?
A Right.
Q And you went to a specific floor?
A Yes.
Q And you had to get escorted in or did he come down and get you?
A When we pulled into the parking lot, he came down to meet us.
Q By the parking lot, do you mean part of the parking garage that's on the first floor of the building?
A A parking garage.

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Q It's a place for cars to park?
A Right.
Q That's really what would be for you to walk in. At that place is the first floor?
A Yes, yes.
Q And he came down to get you?
A Yes.
Q And by we, you refer to yourself and Ms. [redacted]
A Yes.
Q And from there he took you upstairs?
A Yes.
Q And you understood that to be his office?
A Yes.
Q All right. Then what had caused you to tell him you were busy at the time he was outside your house parallel in the street to where you were inside the car but not blocking it was the business of getting Jay Wilds' dinner at a certain time?
MS. MURPHY: Objection.
A I have no idea what you just asked.
Q Well, you told us that you told him when he asked you that you couldn't talk to him then because you were busy?
A Right.

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Q Right? And the only plans you've told us that you had was to -- after delivering Jay Wilds' dinner was to go hang out at your friend [redacted] house, right?
A Right.
Q And was there something terribly important happening down at [redacted] house?
A No.
Q Was there someone else with whom you had a time to meet?
A No.
Q And was there something specific coming on television at a specific time that you had to see?
A No.
Q And were there other people expected there?
A No.
Q Did you have any obligations to perform at her house as a hostess?
A No.
Q For anyone?
A No.
Q And there weren't really any time limits on what you were supposed to do there, right?
A Right.
Q Nor on what time you were supposed to

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arrive?
A Right.
Q And the only other thing you've told us you had to do was deliver Jay Wilds' dinner?
A Right.
Q That was the only other thing that existed that night, right?
A Right.
Q And was there a requirement that you deliver it on time?
A No.
Q Was it a hot dinner?
A Yes.
Q You had to keep it hot. You didn't want to let it get cold?
A It was from a fast food restaurant.
Q So you had bought it before?
A No, we bought it on the way going to see Jay.
Q To see him?
A Yes.
Q Right?
A Just as a gift. He didn't ask.
Q So you hadn't bought it yet, so you weren't worried about it getting cold?

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A Right.
Q So there was nothing urgent in regard to time about delivering his dinner, was there?
A No.
Q So that wasn't the basis for your telling the police officers that you were too busy to talk to them?
A Right.
Q You just told them that, right?
A Right.
Q And then you went right to where Jay worked; is that right?
A Yes.
Q And he told you to go down and talk to them, right?
A Yes.
Q And to send them, meaning the detectives, his way, right?
A Right.
Q And so you went and you did that, didn't you?
A Yes.
Q And you had [redacted] your friend take you right down there?
A Yes.

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Q And that's a haul from where you were, isn't it?
A About twenty minutes.
Q About a twenty minute ride, isn't that right? And this is now in the evening in the dark of Friday night?
A It was getting late.
Q Well, you said when you were back there talking to the cops it was already dark, right?
A Yea.
Q So it wasn't getting there?
A It was late.
Q It was already dark, right?
A Right.
Q It didn't get lighter then, did it?
A No.
Q It was as dark or darker?
A Yes.
Q Right? And when you got down to the police garage and Detective MacGillivary came down to collect you, was he surprised?
A I don't know.
Q Did he appear surprised to you?
A I don't know.
Q Did you look at him?

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A Yes.
Q Didn't you want to make sure it was the same guy who had given you his card --
MS. MURPHY: Objection.
Q -- that you were seeing the right guy?
THE COURT: Sustained.
Q Was it important that it be the same guy you saw who might come down?
MS. MURPHY: Objection.
THE COURT: Overruled. Was it important that the guy that came downstairs was the same guy that you had seen earlier?
THE WITNESS: No.
THE COURT: Next question.
Q When you got there you were taken upstairs into a room, were you not?
A Yes.
Q And both of the detectives were there, weren't they?
A No.
Q Just one, just Detective MacGillivary?
A Yes.
Q And he took you into an interview room?
A What I believed to be his office.
Q His office. Then did [redacted] Vinson go with

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you?
A No.
Q No. Where did she remain?
A Where they brought us in, they had us sit out in like a lobby type --
Q Like a lobby. And she was just left there?
A Yes.
Q And was that okay with you?
A Sure.
Q Were you asked was it okay with you?
A No.
Q Were you ever given the option of bringing your good friend in with you?
A No, he didn't tell me I could bring her in there.
Q And it was Detective MacGillivary really that told her to sit in that place?
A He had both us sit there and wait and then he called me back.
Q And by calling you he actually came to get you, did he not?
A The room was like in view of the bench that we were sitting on. So he just stepped out of the room and said come in here.
THE COURT: And with that, and with that,

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it's five-thirty, we're going to stop there. I think that's a perfect place to stop.
MS. GUTIERREZ: Yes, Judge.
THE COURT: Because we'll be able to remember tomorrow that the last thing that we talked about was Detective MacGillivary beckoning the witness to come into the little interview room. That's where we stopped. So that tomorrow when we pick up, we will all know exactly where we are. We're at the point where MacGillivary says come into the office.
With that, I must advise you Ms. Pusateri you are a witness on the witness stand at this time. You may not discuss your testimony with anyone. You may not discuss with the State or the defense. You are sequestered they call it, which means you can't talk about your testimony to anybody right now. You're on the witness stand and if anybody wants to know about your testimony, you tell them you can't talk about it right now. Do you understand?
THE WITNESS: (Indicating.)
THE COURT: That includes mom and dad, everybody.
THE WITNESS: Okay.
THE COURT: All right. I need you to come

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back tomorrow. And, Mr. White, can you tell me about how many cases I have tomorrow morning on the docket? You can't tell me. No, not that it matters.
Ladies and gentlemen -- you're going to give them a call. Call and see. You might as well just check -- I'm going to ask you to do what you did today. Go over to the jury assembly room, ladies and gentlemen.
When you come back, Ms. Pusateri, you're going to be here no later than ten o'clock, okay, outside in the hallway. You're going to wait until we call you. You see the ladies and gentlemen over there. I don't want you to have any contact with them. If you see them in the hallway, in the canteen, I need you to go in the opposite direction, catch the next elevator. Go in the other direction because I don't want there to be any misunderstanding.
Not only can you not have any contact with the attorneys but you can't have any contact with the jurors, all right. At this point you can go home. Tomorrow at ten o'clock I need you back here sitting on the little bench outside of this courtroom, all right?

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THE WITNESS: Okay.
THE COURT: Very well, you're excused. Now, ladies and gentlemen, tomorrow I need you to go between nine and nine-thirty to the Jury Commissioner's Office to be paid. Then I need you to make your way upstairs to the jury room. However, I have no problem that after you're paid if you want to stop by anywhere and get coffee or tea or whatever, you're welcome to do that because I'm going ask that you be in that jury room. Do you have any other matters in the morning anywhere else?
MS. GUTIERREZ: No, Judge.
THE COURT: Ten-thirty. I'm going to try my darnest. At this point Mr. White is checking. I don't even know what the docket looks like tomorrow. I'm going to try ten-thirty and I will tell you that if I'm not done by ten-thirty, I'll send Ms. Connelly in there so that you can go back downstairs and get more tea for a half hour until eleven, but I really would like to get started on this case no later than eleven o'clock and I just want you to know I appreciate your patience.
But everyday I do have a docket and I don't always know. Sometimes there's eight cases and I work them out in twenty minutes and other times

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there's two cases and it takes me three hours, but I have to do that before I resume this case. Mr. White is going to tell me that I have --

THE CLERK: Haven't found out yet.

THE COURT: Haven't found out yet, all right. So we're going to work on trying to finish it up by ten-thirty. I need you to be in the jury room by ten-thirty, though, okay, and Madame Forelady, I'm going to ask you to count heads like you've done on a number of other occasions, count fifteen and either Ms. Connelly, Mr. White, or Deputy Church will stick their head in and just insure that everyone is present.

Do not discuss the testimony that you've heard today or on any previous occasion, either amongst yourselves or with anyone else, family friend, or otherwise. I ask you to leave your notepads face down on the chairs. They will be secured overnight and I would ask that you have a safe journey home.

In terms of tomorrow's docket and tomorrow's schedule, this Court will have to -- let me tell you this Court will have to stop by 4:45 tomorrow because there's a 5:00 o'clock proceeding, court proceeding that I must preside over. So,

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therefore, we will not sit any later than 4:45 tomorrow. So with that said, have a pleasant evening and I'll see you tomorrow. Good night, ladies and gentlemen.

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

MS. GUTIERREZ: Can I approach the bench?

THE COURT: Certainly.

(Whereupon, counsel and the Defendant approached the bench and the following conference ensued:)

THE COURT: Scheduling.

MS. GUTIERREZ: Yes, first of all, is Monday a holiday?

THE COURT: Yes, it is.

MS. GUTIERREZ: Is there anyway we can sit?

THE COURT: No.

MS. GUTIERREZ: Well, Judge, I guess I'm going to ask that because we have four more witnesses, this is one and I know who the other three are now, I would ask that they all be available tomorrow and that if there's any way --

THE COURT: All of the witnesses?

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MS. GUTIERREZ: Those three. It would be this one and then three others.

MR. URICK: Does that mean to be available to testify? To finish their testimony tomorrow?

MS. GUTIERREZ: Yes.

THE COURT: We might get through them.

MS. GUTIERREZ: Well, knowing who they are, I don't know that we're going to get through them.

THE COURT: But we might.

MS. GUTIERREZ: But I certainly think it's a possibility at this juncture, Judge.

THE COURT: Who are the three?

MS. GUTIERREZ: It's Deborah Warren, [redacted] and Detective MacGillivary.

THE COURT: So four witnesses. This one plus three others.

MS. GUTIERREZ: Right.

THE COURT: Is that possible?

MR. URICK: Yea. As a matter of fact, we actually had them all coming in during -- at various times during the day anticipating --

THE COURT: Sounds goods.

MS. GUTIERREZ: Then, Judge, I will certainly have my witnesses starting to be available as of the next day which would be Thursday.

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THE COURT: Correct.

MS. GUTIERREZ: I am concerned, you know, this is now our fifth week and I do appreciate the efforts the Court's made to try to make sure we get as much as possible. I'm due in New Orleans on Wednesday.

THE COURT: Of next week?

MS. GUTIERREZ: Yes, I'm a director in the National Association of Criminal Defense Lawyers. I'm running for national office.

THE COURT: It doesn't matter if you have to be there, I will try to do my best to get you there.

MS. GUTIERREZ: That's what I thought. If there's any way that we can sit later, have less lunch, sit on Monday.

THE COURT: One of the things I'm going to try to do is I'm going to ask tomorrow morning if -- I've had offers as a result of my conversation with some of the judges -- on Thursday there's a bench conference. Between now and then I'm going to communciate with judges and see if I can't get someone to cover my dockets.

MS. GUTIERREZ: Right.

THE COURT: Tomorrow --

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MS. GUTIERREZ: That certainly would help, yes.
THE COURT: Tomorrow, Thursday, and Friday. As you remember at the beginning of the trial, I did that.
MS. GUTIERREZ: Yes.
THE COURT: And we had some snow days.
MS. GUTIERREZ: Right.
THE COURT: Which turned out it didn't help me because I covered days that, you know, we weren't sitting, but I will attempt to do that again and in the event that I can, we'll try to get started earlier.
MS. GUTIERREZ: Yes, and, Judge, look, I understand if we go over and I've made some alternate plane reservations that are costly --
THE COURT: Well I'm going to try --
MS. GUTIERREZ: -- for everyday to get me there because --
THE COURT: Ms. Gutierrez, I will try to accomodate you in that way as I would do if the State had a problem. So I would let you know that I will make an effort.
MS. GUTIERREZ: Okay, thank you.
THE COURT: I was promised that I would not

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have a docket.
MS. GUTIERREZ: There is no way we can sit on Monday.
THE COURT: Not only is it a holiday but we already sat this Monday when the rest of the city was closed.
MS. GUTIERREZ: Right.
THE COURT: And so --
MS. GUTIERREZ: Right.
THE COURT: I can't -- there is no way I can get people in here to do that unfortunately.
MR. URICK: Could we clarify one point? If we got through the State's case tomorrow, is there a possibility we can get to closing by Friday? Do we need to be prepared by Friday for closing?
MS. GUTIERREZ: I really doubt it.
THE COURT: I am still going to ask you both to prepare instructions and stuff like that. You know, I haven't granted any motions or heard any motions but to the extent that you are thinking about -- there are a couple of instructions that are going to be tailor made, I'm sure.
MS. GUTIERREZ: We've already discussed some.
THE COURT: -- for some of the witnesses.

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So, you know, I mean with regard to the credibility issues and how to consider certain portions of the testimony. I expect -- and also in light of the cases that you cited where instructions were --
MS. GUTIERREZ: Yes.
THE COURT: I mean, a couple of the cases -- in fact, Mr. Urick the other day you gave me a couple of cases where there were excellent instructions crafted by the Court that went to credibility issues and other types of testimony which I found to be particularly very interesting and I'm hopeful that you will come up with something. And if you don't come up with something, you may find that the Court may. I'd rather you do it because I think you know the facts in your case better than I, both of you.
MS. GUTIERREZ: In any event, just to help answer his question. I think it's extremely unlikely even if I could start my case first thing Thursday that I would be finished the defense case any time earlier than late Friday afternoon and that would -- I just think that's extremely unlikely.
THE COURT: With the exception of tomorrow, I plan to sit until five-thirty Thursday and Friday. I can't keep folks after that.

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MS. GUTIERREZ: I know.
THE COURT: It gets dark. Jurors have to get home. I will contemplate trying to sit early like eight-thirty if I get someone to clear my docket.
MS. GUTIERREZ: I'll do that. That's just hard for me, Judge.
THE COURT: I know it's hard but I'll let you know.
MS. GUTIERREZ: I just need to plan because I can get somebody else to take my child to school.
THE COURT: I understand but I'll let you know that in advance. I won't do it tomorrow but I may do it Friday.
MS. GUTIERREZ: Okay.
THE COURT: But I will let you know tomorrow if I plan to do that for Friday. But again it will be a matter of trying to get my clerk to agree and he just came back to me -- he probably left -- he comes in earlier than all of the other clerks and he leaves later than all of the other clerks and he doesn't get a full hour for lunch. He gets forty-five minutes. There's got to be some point that I try to give him some of this time back. Is there anything else to do with scheduling? I guess

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your answer we could get to the end of the defense case by Friday. It will depend on how far we can get. In the interim I will try to get someone to cover my dockets.

Did we ever get an answer as to how many cases I have tomorrow? Two means?

MS. GUTIERREZ: It could mean anything.

THE COURT: Anything else?

MS. GUTIERREZ: No, Judge.

MS. MURPHY: I guess for planning purposes. I'm trying to figure out -- you know, we are preparing blowups and that kind of thing, can I ask --

THE COURT: For closing arguments?

MS. MURPHY: Can I assume that we have the weekend to do that?

THE COURT: Yes. Let's put it this way. Even if we finish the State's case and the defense case on Friday, we do have to do jury instructions and we've got at least forty-five minutes of instructions from the Court. So there's no way I'm going to, even if I instructed them before your closing argument, we wouldn't get all of that done by Friday.

In fact, I probably think it would be best

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to have them come back fresh, you know, on Tuesday and instruct them and send them out if we could finish the case. So that the only thing that they would be doing when they came back would be instructions, closing argument, and deliberation which would be the ideal way to do it if we could get it done. Then that gives them a couple of days before you're going to have to leave. But, again, I will do my best to continue and, as I said -- as you saw I was on the bench promptly at 2:15. I really am trying to stick to the schedule.

I try my best. As I said, I was hopeful that I wouldn't have a docket which would allow me not to have to stop every morning but that's not been the way -- and I ended up with other people's dockets, as I think you all knew, in addition to civil court in the middle of it. You know, I do the best I can do. After all I am still the baby Judge. This court stands in recess then until tomorrow, ten-thirty for this proceeding.

CONCLUSION OF PROCEEDINGS

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CERTIFICATE

This is to certify that the proceedings in the matter of State of Maryland versus Adnan Syed, indictment numbers 199103042, 43, 45, 46 held on February 15, 2000 were recorded by means of video tape.

I do hereby certify that the aforegoing 259 pages constitute the official transcript as transcribed by me from said videotaped proceedings to the best of my ability in a complete and accurate manner.

In Witness Whereof, I have hereunto subscribed my name this 17th day of August, 2000.

Diane R. Walker Diane R. Walker

Official Court Reporter

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