

IN THE CIRCUIT COURT FOR BALTIMORE CITY, MARYLAND  
 STATE OF MARYLAND,  
 vs. Indictment Nos. 199103042-16  
 ADIAN SYED,  
 Defendant.

## REPORTER'S OFFICIAL TRANSCRIPT OF PROCEEDINGS

(Trial on the Merits)

Baltimore, Maryland

Tuesday, December 14, 1999

BEFORE:

THE HONORABLE WILLIAM D. QUARLES, Associate Judge  
 (and a jury)

PEARANCES:

For the State:

KEVIN URICK, ESQ.

KATHLEEN C. MURPHY, ESQ.

For the defendant:

M. CRISTINA GUTIERREZ, ESQ.

Recorded on videotape

TRANSCRIBED BY:

Charles F. Madden

Official Court Reporter

501 Courthouse West

Baltimore, Maryland 21202

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Preliminary matters

1

## PROCEEDINGS

(10:22 a.m.)

STATE'S WITNESSES

2

(The jury was not present upon reconvening.)

HOME SCHAB

3

THE COURT: Counsel, may we bring the jury

Direct Examination by Mr. Urick

5 down?

4

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

Cross-Examination by Ms. Gutierrez

6

MS. GUTIERREZ: Yes, Your Honor.

Redirect Examination by Mr. Urick

7

(The jury returned to the courtroom.)

Recess-Examination by Ms. Gutierrez

8

THE COURT: Good morning.

MARGARITA KORRELL

9

THE JURORS: Good morning, Your Honor.

Direct Examination by Ms. Murphy

10

THE COURT: Welcome back.

Cross-Examination by Ms. Gutierrez

11

Counsel, and, Mr. Syed, please approach.

MELOSSA STANGROOM

12

(Counsel and defendant approached the bench,

Direct Examination by Mr. Urick

13

14 and the following ensued:)

Cross-Examination by Ms. Gutierrez

15

THE COURT: Juror No. 4, would you please

Redirect Examination by Mr. Urick

16

approach?

Recess-Examination by Ms. Gutierrez

17

(A juror approached the bench.)

YASIR ALI

18

THE COURT: Juror No. 4, you sent me a note

Direct Examination by Mr. Urick

19

indicating that you knew the witness, Lynette Woodley,

Cross-Examination by Ms. Gutierrez

20

Principal of Woodlawn High School.

Redirect Examination by Mr. Urick

21

THE JUROR: Yes, I do.

CHRISTINA VINSON

22

THE COURT: You said, "Her family were

Direct Examination by Ms. Murphy

23

neighbors of my mother," and you know them. "However, I

Cross-Examination by Ms. Gutierrez

24

do not live at that address, so I do not know her that

Redirect Examination by Ms. Murphy

25

well. I must not have heard her name mentioned before

JAY WILDS

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<p>1 the jury selection. I just thought I would point it out,      2 given the circumstances."</p> <p>3 THE JUROR: Yes.</p> <p>4 THE COURT: Would the fact that you know Ms.      5 Woodley or she was a neighbor of your mother's keep you      6 from reaching a fair and impartial verdict in this trial?</p> <p>7 THE JUROR: No, not at all.</p> <p>8 THE COURT: Had you had any contact with Ms.      9 Woodley before seeing her testify?</p> <p>10 THE JUROR: No, not at all.</p> <p>11 What I was saying was that, you know, she and      12 her family moved into the house next door to the house      13 that I grew up in, but I had already moved out, and had      14 my own life, and so forth. So I didn't -- you know, so I      15 knew her as my mother's neighbor, not -- she wasn't there      16 when I was growing up. So --</p> <p>17 THE COURT: I appreciate your courtesy.</p> <p>18 THE JUROR: But I just wanted to -- right.</p> <p>19 THE COURT: Did you discuss this with anyone      20 else on the jury?</p> <p>21 THE JUROR: No, I did not.</p> <p>22 THE COURT: Very good. Thank you very much.</p> <p>23 THE JUROR: Okay.</p> <p>24 THE COURT: You may return to your seat.</p> <p>25 THE JUROR: Okay.</p>	<p>1 THE COURT: Very good.</p> <p>2 THE JUROR: But that I need more information.</p> <p>3 THE COURT: I'm going to try to supply you with      4 more information.</p> <p>5 The defense hasn't raised any mental health      6 issue in the case, so please do not reach -- that's      7 speculative of any issues that have not been raised.</p> <p>8 Both the defense and the State have their own theories,      9 their own way of trying the case and what they want to      10 prove.</p> <p>11 THE JUROR: They don't need my help?</p> <p>12 (Laughter.)</p> <p>13 THE COURT: You'll have a chance later for your      14 help, but it's -- so it's very important that you give      15 them a chance to do their jobs and then if there's      16 anything that's unclear at the end, you're free to give      17 me another note.</p> <p>18 Again, have you discussed this with anyone?</p> <p>19 THE JUROR: No one.</p> <p>20 THE COURT: Very good. Just sit back and have      21 faith in the attorneys, they're all excellent lawyers.</p> <p>22 And if there's anything unresolved, feel free to write me      23 a note later.</p> <p>24 THE JUROR: I shall.</p> <p>25 THE COURT: Now, would these issues that you've</p>
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<p>1 (The juror left the bench.)</p> <p>2 THE COURT: Counsel stay here, please.</p> <p>3 Alternate No. 4 -- Alternate No. 4, please come      4 up.</p> <p>5 (A juror approached the bench.)</p> <p>6 THE JUROR: Good morning.</p> <p>7 THE COURT: Good morning. You are Ms. Sears?</p> <p>8 THE JUROR: Yes, I am.</p> <p>9 THE COURT: Ms. Sears, I received your note      10 yesterday, "Has there been a psychological evaluation of      11 the accused? Can I request one?" May I ask you what      12 prompted you to write the note?</p> <p>13 THE JUROR: The nurse's testimony.</p> <p>14 THE COURT: The nurse's testimony?</p> <p>15 THE JUROR: Yes.</p> <p>16 THE COURT: Okay.</p> <p>17 THE JUROR: It seemed to be very brief and      18 inconclusive.</p> <p>19 THE COURT: Okay. Have you discussed this note      20 with the jury?</p> <p>21 THE JUROR: Oh no, no.</p> <p>22 THE COURT: Okay. Does the note indicate that      23 you have reached any opinion, one way or the other in the      24 case?</p> <p>25 THE JUROR: No.</p>	<p>1 discussed in your note or anything else, keep you from      2 reaching a fair and impartial verdict in this case?</p> <p>3 THE JUROR: No.</p> <p>4 THE COURT: Thank you. You may return to your      5 seat.</p> <p>6 (The juror left the bench.)</p> <p>7 Counsel please return.</p> <p>8 (Counsel returned to the trial tables, and the      9 following ensued:)</p> <p>10 THE COURT: The State?</p> <p>11 MR. URICK: With the Court's permission, I'll      12 call the first witness at this time.</p> <p>13 THE COURT: Okay.</p> <p>14 (Pause. )</p> <p>15 THE COURT: State?</p> <p>16 MR. URICK: At this time the State would call      17 Hope Schab to the stand.</p> <p>18 THE CLERK: Will you raise your right hand,      19 please?</p> <p>20 Whereupon,</p> <p>21 HOPE SCHAB,</p> <p>22 a witness produced on call of the State, having first      23 been duly sworn, was examined and testified as follows:</p> <p>24 THE CLERK: Ma'am, you may lower your hand.</p> <p>25 You may be seated.</p>

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

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

6 [REDACTED]  
 7 THE CLERK: Thank you.

8 DIRECT EXAMINATION  
 9 BY MR. URICK:

10 Q. Good morning, Ms. Schab.

11 A. Good morning.

12 Q. Where are you employed?

13 A. Woodlawn High School.

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

15 A. Teacher.

16 Q. Did you know Hae Min Lee?

17 A. Yes, I did.

18 Q. How long had you known her?

19 A. Four years.

20 Q. And how had you come to know her?

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

Page 8

1 Q. Did you know the defendant in this case?

2 A. Yes.

3 Q. How did you know him?

4 A. He was Hae's boyfriend.

5 Q. Would you ever see him?

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

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

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

14 Q. Did she come to confide in you?

15 A. Yes.

16 MS. GUTIERREZ: Objection.

17 THE COURT: Basis?

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

20 THE COURT: That's overruled.

21 BY MR. URICK:

22 Q. What sorts of things would she tell you?

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

Page 9

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

3 A. Yes.

4 Q. What happened on that occasion?

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

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

15 Q. What, if anything, happened next?

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

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

25 A. No.

Page 10

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

3 A. Yes, I did.

4 Q. What sort of things did you do?

5 A. I kept in constant contact with Detective  
 6 O'Shea. I would talk to teachers, asking them questions.  
 7 A lot of times the teachers weren't responding. They  
 8 weren't getting back to him in a timely manner, so since  
 9 I was at school, I was kind of the -- the liaison. I

10 would work with the students; for example, Debbie [REDACTED]  
 11 and Aisha [REDACTED] If they had a question to get to  
 12 them, I would work with him on contacting the girls and  
 13 having them contact him back.

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

16 A. Yes.

17 Q. What happened?

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

22 MS. GUTIERREZ: Objection. Move to strike.

23 THE COURT: Sustained. Granted.

24 BY MR. URICK:

25 Q. What did the defendant do?

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

7 MR. URICK: Witness with the defense.

8 THE COURT: Cross?

9 CROSS-EXAMINATION

10 BY MS. GUTIERREZ:

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

14 A. Yes, I was.

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

17 A. Yes, I was.

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

20 A. Yes.

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

23 A. I used that term by my own means.

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

Page 12

1 A. No.

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

4 A. Yes.

5 Q. And Aisha [REDACTED]

6 A. Yes, ma'am.

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

9 A. Absolutely.

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

12 A. Yes.

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

15 A. Yes, ma'am.

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

18 A. Yes, I was.

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

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

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

25 A. Yes, he did.

Page 13

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

3 A. Yes, ma'am.

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

6 A. Yes, I did.

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

10 A. I suppose so.

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

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

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

15 A. Yes, I was.

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

18 A. Yes.

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

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

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

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

Page 14

1 classes.

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

5 A. Yes.

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

8 A. Yes.

9 Q. And her job then was?

10 A. She worked at Lens Crafters.

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

13 A. I don't --

14 Q. Sort of?

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

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

18 A. Yes, ma'am.

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

21 A. Yes.

22 Q. And you saw her then every day?

23 A. Yes.

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

Page 15	Page 17
<p>1 called you in the classroom?</p> <p>2 A. No.</p> <p>3 Q. Okay. So the day she called you in the</p> <p>4 classroom, that was before she vanished?</p> <p>5 A. Yes.</p> <p>6 Q. How many days before?</p> <p>7 A. Uh -- do I have an option to say I don't</p> <p>8 recall? Because I don't.</p> <p>9 Q. Oh, no, if you don't recall, that's what --</p> <p>10 A. I don't want to make up an answer, so I really</p> <p>11 honestly don't recall.</p> <p>12 Q. Okay. And the first time that you spoke, did</p> <p>13 you only speak to Detective O'Shea formally on one</p> <p>14 occasion?</p> <p>15 A. Where we sat down and talked one on one?</p> <p>16 Q. Yes?</p> <p>17 A. Or are you talking via telephone?</p> <p>18 Q. Yes? No, when you sat down and spoke to him?</p> <p>19 A. I believe only once.</p> <p>20 Q. Okay. And if he wrote down that that occasion</p> <p>21 was February 1st, it's likely that he was accurate, was</p> <p>22 he not?</p> <p>23 A. Yes.</p> <p>24 Q. Okay. And all you know then about the day that</p> <p>25 Adnan came, in which the same day that Hae called you on</p>	<p>1 to be with Hae's consent?</p> <p>2 A. Yes.</p> <p>3 Q. Did it not?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. And there was never any occasion in</p> <p>6 which Hae ever asked you to have Adnan removed, did she?</p> <p>7 A. No.</p> <p>8 Q. No. And they always appeared to be friends,</p> <p>9 from your observation?</p> <p>10 A. Are you asking if they ever were in a dispute</p> <p>11 during that time period, in the first period?</p> <p>12 Q. No, I didn't ask you that. I asked you to your</p> <p>13 observation they always appeared to be friends; did they</p> <p>14 not?</p> <p>15 A. Not if they were arguing, no.</p> <p>16 Q. Friends don't argue in your experience, Ms.</p> <p>17 Schab?</p> <p>18 A. If that's your definition, then, yes, they were</p> <p>19 friends.</p> <p>20 Q. Okay. And from your observation, you thought</p> <p>21 they were friends; did you not?</p> <p>22 A. Yes.</p> <p>23 Q. And you described them as friends on February</p> <p>24 1st, when you were formally asked by Detective O'Shea;</p> <p>25 did you not?</p>
Page 16	Page ..
<p>1 the telephone in the classroom, that occurred at some</p> <p>2 point before she disappeared?</p> <p>3 A. Yes, ma'am..</p> <p>4 Q. Okay. Now, you had French class the first</p> <p>5 period?</p> <p>6 A. No. I had Hae as my intern the first period,</p> <p>7 and then she would come to French class, I believe Period</p> <p>8 Four -- was the honors class.</p> <p>9 Q. She would be, as your intern, in your classroom</p> <p>10 with you every day on first period?</p> <p>11 A. Yes.</p> <p>12 Q. And that began at ten after 8:00?</p> <p>13 A. 7:45.</p> <p>14 Q. 7:45. Till 9:15</p> <p>15 Q. And went for how long?</p> <p>16 A. Until 9:15.</p> <p>17 Q. Okay. And generally, up until this day,</p> <p>18 whenever it was, before the day she disappeared, Adnan,</p> <p>19 her boyfriend, would show up and be with her during some</p> <p>20 of that period of time?</p> <p>21 A. Yes, but not every day.</p> <p>22 Q. Not every day, but on a very regular basis; is</p> <p>23 that correct?</p> <p>24 A. Once or twice a week.</p> <p>25 Q. And that appeared to you from your observation</p>	<p>1 A. Yes.</p> <p>2 Q. And at that point you were aware that Detective</p> <p>3 O'Shea was leading the investigation to locate Hae Lee?</p> <p>4 A. Yes.</p> <p>5 Q. No one knew that she was -- had been murdered</p> <p>6 then, on the 1st; correct?</p> <p>7 A. No, they did not.</p> <p>8 Q. And you sought to tell Detective O'Shea</p> <p>9 everything that you thought was significant in this case;</p> <p>10 did you not?</p> <p>11 A. Yes.</p> <p>12 Q. Nothing further.</p> <p>13 THE COURT: Redirect?</p> <p>14 MR. URICK: Yes, please. Thank you, Your</p> <p>15 Honor.</p> <p>16 REDIRECT EXAMINATION</p> <p>17 BY MR. URICK:</p> <p>18 Q. Did you ever have any contact with the</p> <p>19 defendant's family?</p> <p>20 A. No, never.</p> <p>21 Q. Was there any way that the information you were</p> <p>22 gathering could have gotten to his family?</p> <p>23 MS. GUTIERREZ: Objection.</p> <p>24 THE COURT: Sustained.</p> <p>25 BY MR. URICK:</p>

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1 Q. Now, Hae always to you indicated she was 2 friends with the defendant, that sort of -- he was the 3 sort of person she would feel comfortable inviting to her 4 car; did she not? 5 A. Yes. 6 Q. Was she the sort of person that would let just 7 anybody into her car? 8 MS. GUTIERREZ: Objection. 9 THE COURT: Overruled. 10 THE WITNESS: No. 11 BY MR. URICK: 12 Q. Were she and the defendant ever in a dispute? 13 A. Yes. 14 Q. What sort of disputes would they have? 15 A. Just, I mean I term it as high school disputes, 16 but over not calling back, or you know, whatever the case 17 may be. 18 I didn't get in depth about what they were 19 arguing about. You could just tell body language and the 20 fact that she didn't want to talk to him, or she would 21 turn her back kind of thing if he were in the classroom. 22 Q. Nothing further. 23 THE COURT: Recross? 24 RECROSS-EXAMINATION 25 BY MS. GUTIERREZ:	1 MR. URICK: Yes, please. Thank you. 2 THE COURT: Okay. 3 Good day, ma'am. 4 THE WITNESS: Thank you. 5 (The witness was excused.) 6 MS. MURPHY: Your Honor, may I step out to get 7 the next witness? 8 THE COURT: Sure. 9 (Pause.) 10 THE COURT: Come up to the front of the 11 courtroom, please. 12 MS. MURPHY: Your Honor, at this time the State 13 calls to the stand, Dr. Korell. 14 Whereupon, 15 MARGARITA KORELL, 16 a witness produced on call of the State, having first 17 been duly sworn, was examined and testified as follows: 18 THE CLERK: Ma'am, you may lower your hand. 19 Will you take the stand, please? You may be seated. 20 And will you please state your first and last 21 name for the record, and spell your name also? 22 THE WITNESS: I'm Dr. Margarita Korell, M-A-R- 23 G-A-R-I-T-A, Korell, K-O-R-E-L-L. 24 THE CLERK: And your business address, please? 25 THE WITNESS: It's the Office of the Chief
Page 20	Page 22
1 Q. Did you become aware when Hae Lee got her 2 license? 3 A. I remember when she got her new cars? 4 Q. Her new car. 5 A. Yes. 6 Q. Okay. And at the time when she got her new 7 car, you were aware that she drove then? 8 A. Yes. 9 Q. Okay. And you were aware that after she got 10 her new car, she then drove every day to school? 11 A. Yes. 12 Q. And were you aware that Adnan Syed had his own 13 car? 14 A. Yes. I was -- oh. Sorry. 15 Q. And that he drove to school also? 16 A. Yes. 17 Q. Did you observe that car? 18 A. No. 19 Q. Were you aware that Hae Lee and Adnan were in 20 each other's car on a daily basis? 21 A. I know that he was allowed to drive her car. 22 Q. Okay. And that, in fact, he did so? 23 A. Yes. 24 Q. Okay. Thank you. Nothing further. 25 THE COURT: May this witness be excused?	1 Medical Examiner, 111 Penn Street, P-E-N-N, Baltimore, 2 Maryland 21201. 3 THE CLERK: Thank you, ma'am. 4 THE COURT: Yes. 5 MS. MURPHY: Thank you, Your Honor. 6 DIRECT EXAMINATION 7 BY MS. MURPHY: 8 Q. Dr. Korell, please explain what are the duties 9 of the Office of the Chief Medical Examiner? 10 A. Well, the duties are to determine the cause of 11 death in people who have died suddenly, unexpectedly 12 violently, like homicides, suicides, accidents or in 13 cases which somebody dies while not under the care of a 14 physician, called "unattended deaths." 15 Q. What are your specific duties? 16 A. My specific duties are to determine the cause 17 of death in homicides, suicides, accidents, and 18 unattended deaths. 19 Q. And does that include the performance of 20 autopsies? 21 A. Yes, ma'am. 22 Q. How long have you been practicing in this 23 field? 24 A. I have been an Assistant Medical Examiner since 25 October 1978. Before that I was an Associate

<p>1 Pathologist. That's a training-type job for two years at 2 the same place. And before that I was, for one year, an 3 Associate Pathologist at the Coroner's Office in 4 Pittsburgh, Pennsylvania.</p> <p>5 This is all forensic pathology.</p> <p>6 Q. What type of training did you receive to become 7 an Assistant Medical Examiner?</p> <p>8 A. Well, I became a physician at the University of 9 Buenos Aires, Argentina. Then I did a rotating 10 internship at Fordham Hospital in the Bronx, New York. 11 Rotating means going through the several specialties of a 12 lab at that hospital.</p> <p>13 Then I had training in anatomical and clinical 14 pathology. That's hospital-type pathology at Fordham and 15 Misericordia hospitals also in Bronx, New York.</p> <p>16 And then I went into forensic pathology, with 17 one year at the Coroner's Office in Pittsburgh, two years 18 at the Medical Examiner's Office here.</p> <p>19 Q. Approximately how many autopsies have you 20 performed during the course of your career?</p> <p>21 A. Thousands.</p> <p>22 Q. Can you explain what the term forensic 23 pathology means?</p> <p>24 A. Forensic pathology is a subspecialty of 25 pathology that deals in determining the cause of death in</p>	<p>Page 23</p> <p>1 Medical Examiner, 111 Penn Street.</p> <p>2 MS. MURPHY: May I approach the witness, Your 3 Honor?</p> <p>4 THE COURT: Yes.</p> <p>5 BY MS. MURPHY:</p> <p>6 Q. Dr. Korell, I show you what's been marked for 7 identification as State's Exhibit 3. Can you please 8 identify that document?</p> <p>9 A. Yes. This is a notarized copy of the autopsy 10 on Ms. Hae Min Lee. Our autopsy number is 99759-510, 11 with attached photos.</p> <p>12 Q. And those photos, do they fairly and accurately 13 depict the observations you made of Ms. Lee on that date?</p> <p>14 A. Yes, ma'am.</p> <p>15 MS. MURPHY: Your Honor, at this time I would 16 offer State's Exhibit 3.</p> <p>17 THE COURT: Okay. Without objection -- I 18 thought it had been in -- but State's 3 is admitted. (State's Exhibit No. 3, having previously been marked for identification, was received into evidence.)</p> <p>18 BY MS. MURPHY:</p> <p>19 Q. Dr. Korell, based on your autopsy of Ms. Lee, 20 to a reasonable degree of medical certainty, have you</p>
<p>Page 24</p> <p>1 homicides, suicides, accidents, and unattended deaths.</p> <p>2 Q. During your years of experience in the Office 3 of the Medical Examiner, have you had occasion to observe 4 cases in which the cause of death was strangulation?</p> <p>5 A. Yes, ma'am.</p> <p>6 Q. Have you also been qualified and testified as 7 an expert in a court of law in the area of pathology?</p> <p>8 A. Yes.</p> <p>9 Q. Approximately how many times?</p> <p>10 A. Hundreds of times.</p> <p>11 MS. MURPHY: Your Honor, at this time, I would 12 offer Dr. Korell as an expert in pathology.</p> <p>13 MS. GUTIERREZ: We certainly consider Dr. 14 Korell an expert.</p> <p>15 THE COURT: Very good.</p> <p>16 Dr. Korell is qualified as an expert in 17 pathology, and like the other experts you've heard, may 18 give the testimony in the form of opinions.</p> <p>19 MS. MURPHY: Thank you, Your Honor.</p> <p>20 BY MS. MURPHY:</p> <p>21 Q. Dr. Korell, did you have occasion to perform an autopsy on the victim Hae Min Lee on February 10th, 1999?</p> <p>22 A. Yes.</p> <p>23 Q. Where did that autopsy take place?</p> <p>24 A. It took place at the Office of the Chief</p>	<p>Page 25</p> <p>1 formed an expert opinion concerning the cause of death?</p> <p>2 A. Yes, ma'am.</p> <p>3 Q. What is that opinion?</p> <p>4 A. The cause of death is strangulation.</p> <p>5 Q. And can you explain?</p> <p>6 A. Well, the autopsy showed petechiae hemorrhages 7 in the eyes -- petechiae, P-E-T-E-C-H-I-A-E.</p> <p>8 THE COURT: Would you spell that again, please?</p> <p>9 THE WITNESS: P-E-T-E-C-H-I-A-E. And they are 10 small minute areas of bleeding in the eyeballs; 11 specifically in the conjunctiva, -- that's the lining of 12 the eyelids -- and on the sclera -- that's the white of 13 the eyes.</p> <p>14 She also had bleeding into the, what we call, 15 "strap muscles," S-T-R-A-P muscles of the neck. These 16 are the muscles that you can -- the larger one you can 17 feel here, and the smaller ones go between the tongue and 18 the jaw and the breastbone, that smaller muscles there.</p> <p>19 And there were areas of bleeding, -- we call 20 hemorrhage, but bleeding into those areas, and there was 21 a fractured hyoid bone, H-Y-O-I-D. It's a bone that's in 22 the back of the tongue in the shape of a small horseshoe. 23 That's where the tongue, which is a muscle, is attached 24 to, and that was fractured.</p> <p>25 BY MS. MURPHY</p>

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

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

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

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

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

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

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1 Q. On the shirt? And have you ever actually seen  
 2 and handled the shirt?  
 3 A. No, not that shirt.  
 4 Q. No. In fact, what was submitted to you was the  
 5 body, at the time unknown and unidentified; isn't that  
 6 correct?  
 7 A. Right. Yes, ma'am.  
 8 Q. And you conducted a normal autopsy to determine  
 9 the cause of death; is that correct?  
 10 A. Yes.  
 11 Q. And essentially, your opinion, Dr. Korell --  
 12 Dr. Korell, you and I have spoken before today; have we  
 13 not?  
 14 A. Yes.  
 15 Q. Okay. Dr. Korell, your opinion is essentially  
 16 that the death of this young woman occurred by likely  
 17 manual strangulation; is that correct?  
 18 A. I wouldn't say likely. It is strangulation.  
 19 Q. Okay, but manual, likely manual --  
 20 A. Yes, the manual is likely, yes.  
 21 Q. Okay. And when you know because of your  
 22 experience, that you've looked at strangulation cases, it  
 23 would be fair to say that you looked closely to see if  
 24 there was anything, either internally or externally, that  
 25 might indicate some type of ligature?

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1 A. Right.  
 2 Q. Isn't that correct?  
 3 A. Yes.  
 4 Q. Like a cord, or a rope, or something that was  
 5 used to assist in applying pressure necessary to cause  
 6 first the loss of consciousness and then death; is that  
 7 correct?  
 8 A. Yes; correct.  
 9 Q. And you found nothing in your observations that  
 10 to you indicated any type of ligature, did you?  
 11 A. Right.  
 12 Q. Okay. And that's why your opinion is that it's  
 13 likely manual; is that correct?  
 14 A. Yes.  
 15 Q. And the manual strangulation of a human being,  
 16 regardless of their age, size, weight, height, as you  
 17 said studies show, can occur as quickly as ten seconds?  
 18 A. That's when you may lose consciousness, yes.  
 19 Q. And if there's nothing else, if the pressure is  
 20 continued even for a minuscule amount of time, then it's  
 21 a very simple matter for consciousness to go into death.  
 22 Is it not?  
 23 A. Yes.  
 24 Q. Okay. And, you, of course, from your  
 25 pathological review of this young woman's body, can't

Page 35	Page 37
1 tell us how long it took to conduct the manual 2 strangulation, can you?	1 A. Yes, and the location.
3 A. No.	2 THE COURT: Again, we do need you to talk one
4 Q. Okay. Now, Dr. Korell, you were asked 5 questions about the time of death.	3 at a -- we need one at a time. We know you're over
6 A. Yes.	4 excited, so, both of you calm down and let the other
7 Q. You, in your expert opinion, can only tell us 8 that it was sometime before her body was recovered; is 9 that correct?	5 finish before the other starts.
10 A. Yes.	6 THE WITNESS: Sorry.
11 Q. Okay. And you conducted the autopsy on this 12 young woman's body on February the 10th, did you not?	7 BY MS. GUTIERREZ:
13 A. Yes.	8 Q. That's all right. My question was, you 9 mentioned temperature?
14 Q. At ten o'clock in the morning?	10 A. Yes.
15 A. Yes.	11 Q. Would cold slow down decomposition or speed it 12 up?
16 Q. As quickly as your office could set up an 17 autopsy following the recovery of her body the day 18 before; isn't that correct?	13 A. Slow down certainly.
19 A. Yes; correct	14 Q. And hot would speed it up, would it not?
20 Q. Okay. And from your autopsy, you can, in your 21 expert opinion, tell us that decomposition had already 22 started?	15 A. Right.
23 A. Yes.	16 Q. Okay. And it could also be affected by other 17 conditions, could it not?
24 Q. And was, in fact, well on its way?	18 A. Uh-huh. Yes.
25 A. Yes.	19 Q. Whether the body was exposed to air, for 20 instance?
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1 Q. Decomposition is a natural event; is it not?	21 A. Yes.
2 A. Yes.	22 Q. As opposed to whether or not the body was 23 buried?
3 Q. Okay. That occurs following the death of a 4 live human being or other species?	24 A. Right.
5 A. Right.	25 Q. Is that correct?
6 Q. Is that correct?	
7 A. Yes.	
8 Q. But decomposition takes place over a period of 9 time, does it not?	
10 A. Yes.	
11 Q. And decomposition of a once live human being, 12 the time line on such decomposition, is affected by lots 13 of factors; is it not?	
14 A. Yeah. Multiple, yes.	
15 Q. Who the person is?	
16 A. Yes. Well, --	
17 Q. Physically who they are? What condition?	
18 A. Yes, physically. You know, if the person is --	
19 what condition, what happened. I mean, even the	
20 circumstances, you know, the temperature --	
21 Q. The temperature of the air outside, how cold it	
22 is?	
23 A. Yes.	
24 Q. How cold it is would mean that it would	
25 decompose less rapidly?	
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1 A. Yes.	
2 Q. When you viewed this body that was initially	
3 unidentified to you, you could look at -- anyone, even	
4 without your expertise, could look at the body and be	
5 able to determine that it had been dead longer than the	
6 day in which it was found?	
7 A. Certainly.	
8 Q. Certainly. You could look because	
9 decomposition, although it is a natural process, is a	
10 process that has visible results, does it not?	
11 A. Yes.	
12 Q. As a pathologist, you are looking, not only for	
13 what's visible, but what is not readily visible to the	
14 naked or un-expert eye, are you not?	
15 A. Yes, ma'am.	
16 Q. But you, as an expert pathologist, never	
17 attempted to pinpoint a time of death for the body of	
18 this young woman, did you?	
19 A. In general, you cannot pinpoint.	
20 Q. Okay. Did you ever --	
21 A. You only may be able to estimate.	
22 MS. MURPHY: Objection.	
23 BY MS. GUTIERREZ:	
24 Q. To estimate? Did --	
25 A. If that much, yes.	

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1 Q. Did you, in your autopsy, Dr. Korell, estimate 2 the time of death of this young woman?	1 to fix, as closely as you could, the particular time of 2 death?
3 A. Based that the libra was fixed and she had been 4 buried, and she was very cold, the stiffness really was 5 from cold more than just rigor, and, you know, I only can 6 say several weeks.	3 A. As I said before, I only can estimate, based on 4 where she was found and the general appearance of the 5 body, that estimated a couple weeks.
7 Q. Several weeks. Okay. The stiffness that you 8 referred to, you earlier referred to that as "rigor"; 9 correct?	6 Q. Okay. And that estimate of a couple weeks does 7 not appear in your autopsy, however, does it?
10 A. Yes.	8 A. No. We never do.
11 Q. R-I-G-O-R.	9 Q. Okay. You were asked subsequently, in fact, 10 much later to provide an estimate as to whether or not 11 her body decomposition, as you observed, in your medical 12 opinion, was consistent with the date of January 13th?
12 A. Yes, yes.	13 A. Right.
13 Q. That is the medical term for what happens to 14 the joints post death?	14 Q. Were you not?
15 A. Right	15 A. Yes.
16 Q. Is it not?	16 Q. Were you not?
17 A. Yes.	17 A. Yes.
18 Q. And you said that was the rigor, the stiffness 19 that you observed, was really related to the coldness, --	18 Q. Is that correct?
20 A. Yes.	19 A. Yeah.
21 Q. -- more than the natural decomposition of her 22 body?	20 Q. And that would be consistent with what you saw, 21 would it not?
23 A. Because the body was already decomposed and the 24 libra was fixed so the rigor in that person who wasn't 25 decomposed should have been gone and we would have called	22 A. Yes, ma'am.
1 the joints flaccid, yes.	23 Q. Depending upon such factors as the temperature; 24 is that correct?
2 Q. Okay. And that is a medical process that you 3 can determine in your expertise?	25 A. Certainly.
4 A. Yes.	
5 Q. Now, when you saw the body, you were made aware 6 of the conditions under which it was found, were you not?	
7 A. Yes.	
8 Q. And those conditions included, as you've 9 already said, a shallow burial?	
10 A. Yes.	
11 Q. By that you mean to determine that it was not 12 buried deeply in any context?	
13 A. Right.	
14 Q. And you were also told that it was buried in 15 the ground?	
16 A. Yes.	
17 Q. And that it was partially covered by both soil 18 and dirt?	
19 A. Yes.	
20 Q. Okay. And you were provided -- you're being 21 provided that information was ordinary, was it not?	
22 A. Yes, ma'am.	
23 Q. You didn't have to request that, did you?	
24 A. Right. No.	
25 Q. Okay. And you -- did you ever make an attempt	
Page 40	Page
1 the joints flaccid, yes.	1 Q. And depending upon other factors that you have 2 no knowledge of; is that correct?
2 Q. Okay. And that is a medical process that you 3 can determine in your expertise?	3 A. Even the air -- the flow of air, cold air, 4 besides just the temperature and all that.
4 A. Yes.	5 Q. After you were asked to ask if her body as it 6 appeared was consistent with January 13th, the only 7 opinion you rendered was that, "Well, it's consistent"?
5 Q. Now, when you saw the body, you were made aware 6 of the conditions under which it was found, were you not?	8 A. Consistent with, yes.
7 A. Yes.	9 Q. Is that correct?
8 Q. And those conditions included, as you've 9 already said, a shallow burial?	10 A. Certainly.
10 A. Yes.	11 Q. That's the best estimate that you can give us?
11 Q. By that you mean to determine that it was not 12 buried deeply in any context?	12 A. Yes.
13 A. Right.	13 Q. And the way that her body appeared, Dr. Korell, 14 would also be consistent, if she were manually strangled, 15 --
14 Q. And you were also told that it was buried in 15 the ground?	16 A. Yes.
16 A. Yes.	17 Q. -- by another human being, but that manual 18 strangulation occurred on January 14th, would it not?
17 Q. And that it was partially covered by both soil 18 and dirt?	19 A. Certainly.
19 A. Yes.	20 Q. And it would be consistent also if she were 21 manually strangled by another human being and that manual 22 strangulation occurred on the 15th --
20 Q. Okay. And you were provided -- you're being 21 provided that information was ordinary, was it not?	23 A. Correct.
22 A. Yes, ma'am.	24 Q. -- of January?
23 Q. You didn't have to request that, did you?	25 A. Right.
24 A. Right. No.	
25 Q. Okay. And you -- did you ever make an attempt	

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1	Q. Or the 16th even?	1 A. You mean a lay person?
2	A. Yes.	2 Q. Yes.
3	Q. Or the 17th?	3 A. I would doubt it.
4	A. Yes.	4 Q. Okay. And would that hemorrhaging/bleeding
5	Q. Or any time forward to the time when the body	5 actually produce blood that came out of the eye?
6	was buried to within, if you backtrack, a couple of	6 A. No.
7	weeks; is that correct?	7 Q. Would it produce blood that came out of any
8	A. Right.	8 other body part anywhere on a person such as this, where
9	Q. A couple of weeks from February 9th, when her	9 you observed the petechiae hemorrhaging?
10	body was discovered?	10 A. No. These petechiae hemorrhages in the eyeball
11	A. Right.	11 are capillaries that break, but they break into the
12	Q. Is that correct? Now, Dr. Korell, you also	12 tissues of the eye itself. So it doesn't come out.
13	were asked about things with the cause of death being	13 Q. So they wouldn't -- they would not produce
14	strangulation, you spoke and you spelled for us petechiae	14 blood on the exterior of the body?
15	hemorrhages?	15 A. Certainly not.
16	A. Yes.	16 Q. Either from the eye or from any other orifice?
17	Q. Okay. And you've defined for us hemorrhaging	17 A. Right.
18	is a word that most of us lay people would describe as	18 Q. They certainly wouldn't produce blood from the
19	bleeding; is that correct?	19 nose?
20	A. Right; yes.	20 A. No. These are not petechiae hemorrhages. The
21	Q. The petechiae hemorrhages that you have	21 bleeding from the nose would be larger bleeding areas of
22	described are on the eye, are they not?	22 bleeding after decomposition or something like that.
23	A. Yes.	23 Q. After decomposition, --
24	Q. Inside the eye; is that correct?	24 A. Yeah.
25	A. Yes.	25 Q. -- meaning after death?
	Page 44	Page 46
1	Q. And inside the eyelid itself; is that correct?	1 A. Right.
2	A. Yes.	2 Q. Is that correct?
3	Q. By the hemorrhaging or bleeding you meant that	3 A. Yes.
4	it's the petechiae which is -- I don't know, is it an	4 Q. So there wouldn't be bleeding that if that
5	organ? Is it a body part? What?	5 occurred, and you observed it -- by the way, did you
6	A. No. It's a tiny blood vessel also that breaks.	6 observe that?
7	Q. Okay. The bleeding that you could observe in	7 A. What?
8	your expert opinion; correct?	8 Q. Bleeding that was related to decomposition?
9	A. Yes.	9 A. No.
10	Q. And, in fact, it is one of the signatures of	10 Q. No. And, Dr. Korell, the hundreds or thousands
11	strangulation that you always attempt to observe when you	11 of autopsies that you've conducted, you rely on others
12	believe strangulation may be the cause of death; is it	12 both from your office and from other agencies, to bring
13	not?	13 you bodies that have not been tampered with subsequent to
14	A. Correct.	14 their being found?
15	Q. It's the trademark of strangulation; is it not?	15 A. Right.
16	A. Yes.	16 Q. You rely on that, do you not?
17	Q. Because of what happens to the body when the	17 A. Yes.
18	pressure cuts off the blood flow --	18 Q. And you were aware that this body was, in fact,
19	A. Yes.	19 disinterred, taken from the shallow grave, --
20	Q. -- of blood to the brain into the heart;	20 A. Yes.
21	correct?	21 Q. -- packed up and sent to your office by a
22	A. Yes.	22 coroner, by a pathologist?
23	Q. Now, could ordinary people, without your	23 A. Yes.
24	expertise, observe the hemorrhaging/bleeding that you've	24 Q. Were you not?
25	described?	25 A. Yes.

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1 Q. You were given that information, were you not?	1 A. Yes.
2 A. Yes.	2 Q. And you observed no opening on the neck or this
3 Q. And by disinterment, you were aware that that	3 area from the chin all the way down to the breast bone --
4 pathologist took great care to not do anything else to	4 A. Right.
5 the body, --	5 Q. -- that was open?
6 A. Yes.	6 A. No, nothing was open.
7 Q. -- or to do the least amount of possible by	7 Q. No injury?
8 disinterring it and then doing something; correct?	8 A. Right.
9 A. Correct.	9 Q. No cut?
10 Q. And if the body was injured in the disinterment	10 A. Right.
11 or the travel to your office, because that injury would	11 Q. No bleeding through?
12 clearly have occurred after death, it would look	12 A. It was all internal, yes.
13 different to you, would it not?	13 Q. Okay. All internal, nothing external; correct?
14 A. Certainly.	14 A. There was only that bruise on the front of the
15 Q. And you would be able to tell that it was post-	15 neck, yes.
16 death injury, would you not?	16 Q. Okay. And by bruise, you are describing
17 A. Yes.	17 something different than bleeding?
18 Q. And you noted no such post-death injuries on	18 A. Well, bruise or contusion is bleeding under the
19 the body of this young woman, did you?	19 skin.
20 A. Correct.	20 Q. On the inside; correct?
21 Q. Correct. And if you had, you would have	21 A. But still on the inside, yes.
22 reported them in your autopsy report, would you have	22 Q. And bruising is a natural process that occurs
23 not?	23 when there's an injury to any part of the body, internal
24 A. Yes.	24 or external, while a person, while a body is alive?
25 Q. Now, you spoke of other injuries to the strap	25 A. Correct.
Page 48	Page
1 muscles? Is that how you say it?	1 Q. Because if a body is dead, and it's bruised, it
2 A. Yes.	2 doesn't bleed, --
3 Q. S-T-R-A-P?	3 A. Yeah.
4 A. Yes.	4 Q. -- because blood is no longer flowing; is that
5 Q. Those are muscles that are inside the neck;	5 correct?
6 correct?	6 A. Because the heart had stopped, yes.
7 A. Yes.	7 Q. Okay. The heart stopped and therefore, if a
8 Q. Okay. What I call the neck from your chin down	8 body were injured post-death, you would see no evidence
9 to your breast bone.	9 of bruising; is that right?
10 A. Yes, you know, behind the skin.	10 A. Right.
11 Q. Okay. Meaning underneath the skin?	11 Q. But again, let me make sure. In this area of
12 A. Yes.	12 the body that you examined, that you have reported on, of
13 Q. They're not external?	13 an unidentified young woman whose body was delivered to
14 A. Certainly not.	14 your office on the 9th of February, you observed no
15 Q. You can't touch them from the outside, can you?	15 external bleeding or source of external bleeding, meaning
16 A. You can feel the big one here.	16 external to the body in this entire area of the neck down
17 Q. But its' from the inside? What you are feeling	17 to the breast plate?
18 is a muscle contained entirely within the body?	18 A. Correct.
19 A. Right.	19 Q. And if you had, you certainly would have noted
20 Q. Is that correct? And so the hemorrhaging, the	20 it on your report, would you have not?
21 bleeding as you referred to it, bleeding into the strap	21 A. Certainly.
22 muscles, occurred entirely inside the body of this young	22 Q. Dr. Korell, you also spoke of the hyoid
23 woman?	23 fracture?
24 A. Yes.	24 A. Yes.
25 Q. Did it not?	25 Q. That was what you call in parlance of

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<p>1 pathologists, that was also evidence of injury; was it 2 not?</p> <p>3 A. Certainly.</p> <p>4 Q. Okay. And by fracture you meant the bone to 5 which the human tongue is connected was broken?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. And its being broken is not a normal 8 condition?</p> <p>9 A. Certainly not.</p> <p>10 Q. Is that correct? And in your experience, Dr. 11 Korell, that bone being broken is entirely consistent 12 with the evidence that you saw that led you to your 13 opinion of strangulation as the cause of death; was it 14 not?</p> <p>15 A. Correct.</p> <p>16 Q. Okay. And that, you also described, there was 17 some bleeding at the site of the fracture?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. And that would also be consistent with 20 what you observed with other injuries internal to this 21 young girl's neck; is that correct?</p> <p>22 A. Right.</p> <p>23 Q. There was no evidence of blood that exited the 24 body relative to the fracture of the hyoid bone, was 25 there?</p>	<p>1 A. No.</p> <p>2 Q. And if you had so observed externally, you 3 would have, in your expertise, noted it on your autopsy 4 report, would you have not?</p> <p>5 A. Correct; certainly.</p> <p>6 Q. You're trained to do that, are you not?</p> <p>7 A. Yes.</p> <p>8 Q. In fact, when you conduct an autopsy, you 9 dictate it as you go along?</p> <p>10 A. No.</p> <p>11 Q. Okay. Do some pathologists do so?</p> <p>12 A. When we put our findings on a paper, and we 13 have a sketch, and we write on that, and then we go and 14 dictate from that.</p> <p>15 Q. And you dictate from the notes that you make 16 contemporaneous with conducting the autopsy?</p> <p>17 A. Correct.</p> <p>18 Q. Okay. And you're very carefully trained to be 19 as accurate and thorough as you can, are you not?</p> <p>20 A. Correct.</p> <p>21 Q. Okay. And you conducted this autopsy with that 22 accuracy, did you not?</p> <p>23 A. Yes.</p> <p>24 Q. And with that thoroughness, did you not?</p> <p>25 A. Right.</p>
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<p>1 A. Correct. Correct.</p> <p>2 Q. The only evidence was inside?</p> <p>3 A. Yes.</p> <p>4 Q. And you literally get inside the bodies you 5 autopsy by opening them up according to your trained 6 expertise; is that correct?</p> <p>7 A. Right. Yes.</p> <p>8 Q. To give you the maximum and best view of both 9 the external view of an entire body that you're 10 examining; correct?</p> <p>11 A. Correct.</p> <p>12 Q. That you observe very carefully; correct?</p> <p>13 A. Yes.</p> <p>14 Q. Particularly when you have a body such as the 15 body of this young woman that came to you on the 10th, 16 and you know nothing about the circumstances that caused 17 her death before you start to autopsy her body; is that 18 correct?</p> <p>19 A. Correct.</p> <p>20 Q. You first carefully examine the external parts 21 of the body; is that correct?</p> <p>22 A. Yes.</p> <p>23 Q. And did you note any blood that appeared 24 visible related to any injury that you later observed 25 internally?</p>	<p>1 Q. And if you had seen any evidence of blood on 2 the external parts of this once live body, you would have 3 noted it?</p> <p>4 A. Certainly.</p> <p>5 Q. And you didn't see so, did you?</p> <p>6 A. Right.</p> <p>7 Q. Okay. Now, the skin slippage that you 8 observed, Dr. Korell, would that be visible to someone 9 without your expertise?</p> <p>10 A. Well, somebody would see that the skin is not 11 normal and that it's sort of soft and tearing slightly 12 off, especially epidermis. You could --</p> <p>13 Q. The epidermis is the skin; right?</p> <p>14 A. Yes. You know, you could see, but I don't know 15 if you could make, a lay person could put two and two 16 together, I don't think so.</p> <p>17 Q. But if a lay person saw skin slippage in the 18 state that you observed in this young woman's body, they 19 could observe that there was something wrong with the 20 skin?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. And skin slippage -- by slippage, that 23 is a word commonly used in every day parlance. Is that 24 similar to its meaning as you've used it as an expert?</p> <p>25 A. Yes.</p>

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1 Q. Slipping from where it was; is that correct?	1 same way; is that correct?
2 A. Right. Yes. Yeah.	2 A. Right; correct
3 Q. Not appearing in the same place where it	3 Q. Whether it appears externally somewhere on the
4 appeared when that person's body was alive; is that	4 epidermis or inside the body; is that correct?
5 correct?	5 A. Right.
6 A. Correct.	6 Q. And that's why you use the same term. As to
7 Q. Okay. In the -- the bruises that you were	7 either of those injuries that you describe as bruising
8 asked about, Dr. Korell, on the head, you pointed, I	8 inside, there was no evidence of breakage of skin at or
9 guess on the left side of your head --	9 near the locus of that bruising, the placement of that
10 A. No. Right side, right side.	10 bruising?
11 Q. But it actually appears on the right side,	11 A. Correct.
12 correct?	12 Q. There's no breakage that would leak any of the
13 A. It's on the right (inaudible) and right	13 bleeding, the hemorrhaging that causes bruising, from
14 temporalis muscles. So it would be here and here.	14 inside what you observed to outside the skin?
15 Q. Okay. And you pointed to the back of head;	15 A. Correct.
16 right?	16 Q. Is that correct?
17 A. Yes, that's occipital.	17 A. Correct.
18 Q. Behind the ear but fully in the back of the	18 Q. Either as to the bruise behind the temple; is
19 head; correct?	19 that correct?
20 A. Yes, yes. Yeah.	20 A. Right.
21 Q. And a bruise that appears above --	21 Q. Or as to the bruising that you saw on the back
22 A. In the temple area.	22 of the head?
23 Q. -- the eyebrow; is that correct?	23 A. Right.
24 A. This would be temple, yes.	24 Q. Right. And if you had observed any break that
25 Q. Okay. The temple. And both of those bruising	25 would create any evidence on the external body of this
Page 56	Page .
1 were bruising that you can clearly determine occurred	1 young girl, you again, would have reported it, would you
2 before death, because otherwise they would not appear as	2 have not?
3 bruising?	3 A. Correct.
4 A. Right.	4 Q. Thank you.
5 Q. Right? Because if they occurred after death,	5 The blood that you described that might come or
6 you might see other evidence of injury, but it wouldn't	6 might appear you were asked for instance, on the shirt,
7 appear as bruising?	7 the State's Attorney told you that that was blood, but
8 A. Correct.	8 you didn't examine it, did you?
9 Q. Is that correct?	9 A. No. It looks like pink material consistent
10 A. Yes.	10 with --
11 Q. Because again, the bruising that you described	11 Q. Consistent with blood?
12 occurred inside the head?	12 A. Yeah, yeah.
13 A. Correct.	13 Q. It's not surprising to you to be told that
14 Q. Inside the body?	14 somebody else has determined it to be blood; correct?
15 A. Correct.	15 A. Right. Usually the lab, the police lab does
16 Q. Is that correct?	16 that determination.
17 A. Correct. Correct. Yes.	17 Q. But you were never submitted any results of
18 Q. Even though you use the same word bruising to	18 anything to ask you to put inside your autopsy report,
19 describe something that would appear outside on the skin,	19 were you?
20 also; correct?	20 A. Correct.
21 A. Yes.	21 Q. And you weren't asked to conduct any tests on
22 Q. And that's because that's medically --	22 any shirt regarding any fluid that may have come from the
23 A. It's the same way, the same -- it's produced	23 body that you autopsied on February 10th?
24 the same way, yes.	24 A. Correct. And it's -- our office doesn't do
25 Q. The body produces the evidence of injury in the	25 those types of tests. It's the police lab that does

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<p>1 those types of tests.</p> <p>2 Q. Right. And so you weren't surprised that 3 nothing else was submitted to you?</p> <p>4 A. Correct.</p> <p>5 Q. There's nothing abnormal about that; is that 6 correct?</p> <p>7 A. Correct.</p> <p>8 Q. There are times when things that are important 9 and relevant to your autopsy are submitted to you, are 10 they not?</p> <p>11 A. Correct.</p> <p>12 Q. Okay. Now, one of the things, though, that you 13 described was because the lungs, the fluid in the lungs, 14 what happens as a result of decomposition, or the 15 contents of the stomach, including the normal contents of 16 the stomach, excluding what one puts into the body, 17 things happen to those contents after death; is that 18 correct?</p> <p>19 A. Yes.</p> <p>20 Q. And that's also part of the normal --</p> <p>21 A. And may I say also --</p> <p>22 Q. Certainly.</p> <p>23 A. -- the lungs, the congestion edema occurs 24 during the process of dying also.</p> <p>25 Q. But the evidence of that --</p>	<p>1 BY MS. GUTIERREZ:</p> <p>2 Q. Because sometimes death is not a process that 3 only takes 10 or 15 seconds; correct?</p> <p>4 A. Right.</p> <p>5 Q. In fact, you can't tell us how long the death 6 of this young woman took place?</p> <p>7 A. No.</p> <p>8 Q. And you can't tell us when it took place?</p> <p>9 A. Correct.</p> <p>10 Q. And your autopsy doesn't report any findings of 11 evidence on her body of that process, does it?</p> <p>12 A. Well, the lungs are quite heavy --</p> <p>13 Q. By "heavy," you mean heavy in weight?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. And is that indicative of that process?</p> <p>16 A. Of congestion and edema, yes.</p> <p>17 Q. Okay. Did you speculate -- did you render any 18 opinion regarding when that edema took place, if at all?</p> <p>19 A. As I said before, it's non-specific, but it 20 occurs during, or a little bit before, during the process 21 of dying or even before dying, because of the backup of 22 fluids because of the backup of the general circulation.</p> <p>23 Q. Does that same --</p> <p>24 A. You know, the heart slows down and there is a 25 backup of fluids.</p>
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<p>1 A. Yes?</p> <p>2 Q. -- what happens through the decomposition of 3 the fluid in the lungs or the stomach, takes place over 4 time, does it not?</p> <p>5 A. Yes.</p> <p>6 Q. You would not expect to appear immediately, the 7 fluid from the lungs, outside the body through the mouth, 8 would you?</p> <p>9 A. Yes. May I say something?</p> <p>10 Q. Yes.</p> <p>11 A. The pulmonary edema and congestion appears, can 12 appear during the process of death because essentially 13 there is backup of -- I mean --</p> <p>14 Q. By reason of the pressure on the neck --</p> <p>15 MS. GUTIERREZ: Objection.</p> <p>16 THE COURT: Sustained. Please let her finish 17 the answer.</p> <p>18 You may finish your answer, Doctor.</p> <p>19 THE WITNESS: Thank you.</p> <p>20 There is lack of oxygen to the brain. The 21 brain also is involved in determining the rhythm of the 22 respirations. Then there is a backup of fluid in the 23 lungs. But the person is not quite dead and that 24 pulmonary edema, it's like a person with a heart attack. 25 Pulmonary edema can come while still the person is alive.</p>	<p>1 Q. Okay. That same process -- would that same 2 process apply to the contents of the stomach?</p> <p>3 A. That's a little bit different, because that's 4 again, when circulation stops in the stomach, the lining 5 of the stomach breaks down. But that wouldn't be 6 necessarily -- that's more after death. And the breakage 7 of small capillaries in the nose, that's a process more 8 often -- you know, after death.</p> <p>9 Q. After death.</p> <p>10 A. Yeah.</p> <p>11 Q. Did you, in your report, note any evidence of 12 any fluid from the lungs coming out of anyplace 13 externally on this young girl?</p> <p>14 A. No.</p> <p>15 Q. And if you had, you would have noted it, would 16 you have not?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. Because that may have some significance 19 to the manner or cause of death, might it?</p> <p>20 A. Right.</p> <p>21 Q. And you didn't note any such observations, did 22 you?</p> <p>23 A. Correct.</p> <p>24 Q. Dr. Korell, you examined the body of this young 25 girl fully, did you not?</p>

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1	A. Yes.	1 Q. That's pretty easy. You do it on a smear, then
2	Q. And you included looking at her hands?	2 you look at the slide and you can tell if semen is
3	A. Yes.	3 present, is it not?
4	Q. And you were aware that she was not yet	4 A. And we do also what's called "acid
5	identified, were you not?	5 phosphatase."
6	A. Right.	6 Q. That's to test for a specific -- I guess is
7	Q. And during an autopsy, is it ordinary and	7 acid phosphate a chemical?
8	routine to clip the fingernails of the person whose	8 A. Yes. It's a chemical an enzyme that's in the
9	autopsy you're doing?	9 prostatic fluid of a man.
10	A. Yes.	10 Q. Of a man?
11	Q. And did you do so?	11 A. Yes.
12	A. I don't quite remember, but yes, I think. Yes.	12 Q. So that you would be able to tell by the level
13	Q. You think you did?	13 of acid phosphotase if, in fact, even before knowing
14	A. Yeah, yeah, yeah.	14 conclusively that sperm was inside the woman whose body
15	Q. You would have ordinarily done that, would you	15 you were examining; is that correct?
16	have not?	16 A. Correct.
17	A. Yes.	17 Q. And did you, in fact, do a smear to determine
18	Q. There would be nothing out of the ordinary to	18 whether or not there was semen inside the body of this
19	clipping the fingernails of the body submitted to you for	19 young woman?
20	autopsy?	20 A. Yes.
21	A. Correct.	21 Q. And was there?
22	Q. And like other things that you recover from the	22 A. No.
23	body, once you clip them, you don't analyze them.	23 Q. Okay. And you conducted that yourself, did you
24	They're then sent to a lab, are they not?	24 not?
25	A. Correct.	25 A. Yes.
	Page 64	Page
1	Q. Okay. And you're not the one that determines	1 Q. And you put that on your autopsy, did you not?
2	what, if any, scientific tests are performed on evidence	2 A. Correct.
3	that you then submit as a result of your autopsy?	3 Q. Okay. And did you also conduct or collect
4	A. Correct.	4 swabs --
5	Q. Is that correct? Now, Dr. Korell, also after	5 A. Yeah.
6	death -- on the death of any woman generally you conduct	6 Q. -- for acid phosphotase?
7	an examination to see how recent sexual intercourse has	7 A. Correct.
8	taken place, if at all, do you not?	8 Q. You collected swabs from the vagina of this
9	A. Yeah. We do what we call "smears."	9 young woman?
10	Q. Smears. And that's -- the smears is to -- by	10 A. Yes.
11	testing the inside of a woman's private parts to	11 Q. And you also collected swabs of her mouth, did
12	determine for the presence of a substance not her own;	12 you not?
13	correct?	13 A. Yes, and anus also.
14	A. Correct.	14 Q. And anus. And that's all normal; is it not?
15	Q. Being semen; is that correct?	15 A. Correct.
16	A. Right.	16 Q. Okay. And did those tests, those swabs, reveal
17	Q. Or some other substance, but generally you	17 the presence of acid phosphotase in sufficient quantities
18	conduct the smears so that that can also be tested to	18 to indicate the presence of semen?
19	determine for the presence of semen?	19 A. No.
20	A. Correct.	20 Q. No. In fact, your test indicated a level of
21	Q. Is that correct?	21 acid phosphotase far below what you would expect to see,
22	A. Correct.	22 if, in fact, she had semen?
23	Q. And that's a test that you do in your lab;	23 A. Correct.
24	isn't that correct?	24 Q. Anywhere in your body where you collected the
25	A. Certainly, that we do.	25 swabs?

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1 A. Correct.		1 Q. There's nothing about what you saw that made
2 Q. In her anus?		2 you even hesitate to render that opinion?
3 A. Yes.		3 A. Correct.
4 Q. In her vagina and in her mouth?		4 Q. Correct.
5 A. Correct.		5 (Pause.)
6 Q. And so your autopsy reflects that there is no		6 MS. GUTIERREZ: Thank you, I have nothing
7 evidence inside her body of recent sexual activity?		7 further, thank you, Dr. Korell.
8 A. Correct.		8 THE COURT: Redirect?
9 Q. And by recent sexual activity semen is produced		9 MS. MURPHY: Nothing, Your Honor.
10 by a male; correct?		10 THE COURT: Very good. May the doctor be
11 A. Yes.		11 excused?
12 Q. And semen -- the evidence of semen inside a		12 MS. MURPHY: Yes, Your Honor.
13 woman's body on any of the three orifices we've		13 THE COURT: Thank you, Doctor.
14 discussed, can remain there for how long a period of		14 THE WITNESS: Thank you, Your Honor.
15 time?		15 (The witness was excused.)
16 A. Well, it depends on the medium it is in. But		16 THE COURT: Next?
17 it can stay several days, yes.		17 (Pause.)
18 Q. Several days.		18 MR. URICK: At this time the State will call
19 A. Yes.		19 Melissa Stangroom to the stand.
20 Q. It would also depend upon whether or not -- you		20 THE CLERK: Raise your right hand, please?
21 say the medium whether that body is dead or alive, would		21 Whereupon,
22 it not?		22 MELISSA STANGROOM
23 A. Certainly.		23 a witness produced on call of the State, having first
24 Q. Certainly. Okay. So from your examination,		24 been duly sworn, was examined and testified as follows:
25 you cannot detect any physical evidence that suggests		25 THE CLERK: Okay. Ma'am, you may lower your
	Page 68	Page 70
1 that she had recent sexual activity?		1 hand. You may be seated.
2 A. Correct.		2 Will you please state your name and address for
3 Q. And your performing those tests was part of the		3 the record? And would you please spell your first and
4 normal routine of any autopsy; is that correct?		4 last name?
5 A. Correct.		5 THE WITNESS: Melissa Stangroom, S-T-A-N-G-R-
6 Q. You weren't asked to do anything special here?		6 O-O-M. I am at the Maryland State Police Crime
7 A. Certainly not.		7 Laboratory, 1201 Reisterstown Road, Pikesville, Maryland.
8 Q. And you did not?		8 THE CLERK: Thank you, ma'am.
9 A. Right.		9 THE COURT: Yes.
10 Q. If it had been called for, you would have done		10 DIRECT EXAMINATION
11 something special; would you have not?		11 BY MR URICK:
12 A. No. This is routine.		12 Q. Good morning, Ms. Stangroom.
13 Q. This one was routine?		13 A. Good morning.
14 A. Yes.		14 Q. Where are you employed again?
15 Q. Okay. There was nothing that you saw either		15 A. The Maryland State Police Crime Laboratory.
16 inside or outside the body, whether it would have been		16 Q. And how long have you been employed there?
17 visible to those of us who are lay people or not, that		17 A. Almost five years now.
18 gave you concern about your opinion as to what was the		18 Q. And what is your current position there?
19 cause of death, did it?		19 A. I am a Forensic Chemist II in the Biology DNA
20 A. Correct.		20 Unit.
21 Q. Or as to what was the manner of death?		21 Q. And what are your job duties?
22 A. Can you rephrase that, please?		22 A. I analyze physical evidence that comes into the
23 Q. Certainly, I'll try. Meaning that it was a		23 Crime Lab for the presence of blood and semen and other
24 homicide?		24 body fluids and then I perform DNA testing on them.
25 A. Yes.		25 Q. What previous work experience have you had?

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

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

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

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

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

20 Q. What is your educational background?  
 21 A. I have a Bachelor of Science degree from the  
 22 University of Buffalo in Medical Technology. And I have  
 23 a Master of Science degree from the George Washington  
 24 University in forensic science.

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

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

6 I attend regular meetings in forensic science,  
 7 as well.

8 Q. Do you belong to any professional  
 9 organizations?

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

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

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

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

20 A. Yes, I have.

21 Q. And in DNA?

22 A. Yes, I have.

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

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

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

5 BY MR. URICK:

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

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

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

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

17 Q. And where is DNA found in humans?

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

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

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

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Page .

1 of the cell.

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

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

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

10 A. Yes, that's true.

11 Q. In short, what is forensic DNA profiling?

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

16 Q. And would this be a new technology?

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

18 Q. What other fields utilize RFLP analysis?

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

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

Page 75	Page 77
1 Q. Are there any other laboratories that might use 2 it?	1 A. Okay. Basically, when I received the blood 2 samples from the shirt, the first thing I'm going to do 3 is cut the sample up, cut the blood stain up. In this 4 case, it was, I believe, around the size of a quarter.
3 A. Yes. Many labs across the country utilize RFLP 4 technology.	5 I cut it up and place it into a plastic small 6 tube and add some chemicals. This is going to start my 7 extraction phase of the analysis. In other words, I'm 8 going to break open the nucleated cells and now take out 9 the DNA from the cells and isolate that.
5 Q. Have you successfully completed any proficiency 6 tests at the Maryland State Police?	10 The next thing I'm going to do is cut the DNA 11 up into fragments because I want to isolate the areas of 12 variation. I want to only concentrate on the areas that 13 we vary in and leave all the other DNA out.
7 A. Yes, I have.	14 Because in actuality, 99 percent of our DNA is 15 the same. That's why we all have two arms and two legs, 16 and one head.
8 Q. Can you explain what that means?	17 Most of our DNA codes for the same thing, but 18 there's the one percent of this variation that I'm going 19 to zone in on and compare.
9 A. Proficiency testing is necessary to make sure 10 that all of us working in the laboratory are doing the 11 right job and we're up to par in the reports that we give 12 out to the community.	20 So I'm going to compare the DNA profiles that 21 are found in the questioned sample to the DNA profiles 22 that are found from the individual's -- the known blood 23 standards that I had received from Hae Min Lee, Adnan 24 Syed, and Jay Wilds.
13 And, it is required that I am proficiency 14 tested twice a year at the State Police. And I have 15 been, and I have successfully completed all of my 16 proficiency tests.	25 Q. Were you able to reach a conclusion based on
17 Q. What is T-W-G-D-A-M?	Page 78
18 A. That's an acronym that stands for TWGDAM. It's 19 the technical working group on DNA analysis methods. 20 And, basically, it's just a group of individuals, of 21 scientists from laboratories across the country and 22 Canada, that come together and talk about current 23 advances and the current methodologies used in DNA 24 analysis.	1 your testing and analysis of the evidence received?
25 And they set forth guidelines for other	2 A. Yes, I was.
Page 76	3 Q. And what was conclusion? Pardon me. And upon 4 what do you base your conclusion?
1 laboratories around the country to follow. So they set 2 standards for all of us as forensic chemists to follow 3 while we're doing our DNA work.	5 A. I have my report with me, I'd like to read 6 from.
4 Q. Does the Maryland State Police Crime Laboratory 5 DNA Unit adhere to TWGDAM guidelines?	7 Q. If you would, please?
6 A. Yes, we do.	8 A. The DNA profiles obtained from the blood 9 samples from the shirt match the DNA profiles from the 10 known blood standards of the victim, Hae Min Lee. Hae 11 Min Lee cannot be excluded as a possible donor of the DNA 12 extracted from the blood samples from the shirt.
7 Q. Did there come a time when you were requested 8 to conduct DNA profiling testing in the investigation of 9 the death of Hae Min with various suspects, including 10 the defendant today, Adnan Syed?	13 The probability of selecting an unrelated 14 individual at random from the Caucasian and African- 15 American populations having DNA profiles matching the 16 blood samples from the shirt, is as follows:
11 A. Yes.	17 This is from the F.B.I. database.
12 Q. Can you tell the members of the jury what 13 samples were submitted to you for your analysis?	18 The Caucasian frequency is one in 1.7 billion.
14 A. On September 24, 1999, I received in the State 15 Police Crime Laboratory, a blood sample from Hae Min Lee, 16 a blood sample from Adnan Syed, one blood sample from Jay 17 Wilds, and a blood sample from a shirt.	19 And the African-American frequency is one in 4.1 billion.
18 And these items were received from Sal Bianca 19 from the Baltimore City Crime Lab.	20 The DNA profiles from the blood samples from the shirt do 21 not match the blood samples obtained from the suspects 22 Adnan Syed and Jay Wilds.
20 Q. And did you indicate when you received that 21 evidence?	23 Q. What is a lumograph?
22 A. Yes. That was September 24th, 1999.	24 A. The lumograph is a piece of X-ray film that is
23 Q. If you would, please explain the procedures 24 used by the laboratory to conduct your testing? In 25 short, explain DNA and the testing performed?	25 my final product of my entire RFLP analysis. And it's

<p style="text-align: right;">Page 79</p> <p>1 what I bring to court to show the jury of my final work 2 product.</p> <p>3 Q. Would this be an appropriate time to show the 4 jury the product?</p> <p>5 A. Sure.</p> <p>6 MR. URICK: Your Honor, I'm not certain if the 7 two alternate witnesses over there can see the screen. 8 They might want to move around a bit.</p> <p>9 THE COURT: How about it, Jurors? Can you see 10 the screen from there? You can move your chairs if it 11 will make it easier.</p> <p>12 Everybody see?</p> <p>13 BY MR. URICK:</p> <p>14 Q. Let's test one first just to make sure they 15 focus.</p> <p>16 A. This piece of X-ray film here is known as a 17 lumograph. This is just what I said. It's a piece of X- 18 ray film that I'm going to put into contact with my final 19 RFLP product.</p> <p>20 I'd like to briefly describe to you what each 21 lane represents so you have an understanding of what 22 we're looking at.</p> <p>23 This first lane here, this is a size ladder or 24 a size marker. This is like my ruler. All of these bar 25 code looking things, these are my rulers that I'm going</p>	<p style="text-align: right;">Page 81</p> <p>1 see that the bands lie at different areas on the 2 lumograph.</p> <p>3 We have another internal marker, or an internal 4 ruler, and then we move on to the next sample lane, and 5 that's represented with the suspect Jay Wilds.</p> <p>6 His sample bands are one up here and one down 7 here. Again, his banding pattern is different than the 8 other two individuals.</p> <p>9 I have an empty lane next. And then down here 10 is our sample lane, two bands that line up and match 11 visually and mathematically with those bands from the 12 victim.</p> <p>13 And then I have in the very second lane AC is 14 represented, that means my allelic control. That is one 15 of my internal controls that I run on every single 16 lumograph that I have. That is going to make sure that 17 these two bands do not size appropriately, then I know 18 something went wrong during my analysis, and the entire 19 result is null or I throw it away.</p> <p>20 In this case, these two bands sized what they 21 were supposed to. It's a national control. All 22 laboratories in the country use this. All forensic labs 23 use this internal control.</p> <p>24 I also have another standard down in this lane, 25 and it's an in-house blood standard that I'm going to</p>
<p style="text-align: right;">Page 80</p> <p>1 to use to measure all of the information in here. 2 Because --</p> <p>3 THE COURT: Ms. Stangroom, would you like a 4 marker? A pointer?</p> <p>5 THE WITNESS: Oh, yes, I would. Thank you.</p> <p>6 Okay. So we have four rulers that I'm going to 7 use to size all the information in between.</p> <p>8 Remember I said you get half of your DNA from 9 your mother and half of your DNA from your father, so 10 that we are going to end up with two bands or two 11 fragments. And these are represented by -- these are 12 represented by, for example, in the first lane, marked 13 "victim," you see a band here and a band here.</p> <p>14 There's a lot of smearing going on, and that's 15 because the victim was deceased and her blood sample was 16 breaking down.</p> <p>17 But if you look very closely, you can see a 18 dark band here and a dark band here. That's her DNA 19 profile at Chromosome Number 4. I'm going to be looking 20 at six different areas on the DNA, so six different 21 chromosomes. This represents one profile at one 22 chromosome.</p> <p>23 Moving on to the next lane, we have the 24 suspect, Adnan Syed. He has a band here and a band here.</p> <p>25 Comparing the victim's banding pattern to his, you can</p>	<p style="text-align: right;">Page ..</p> <p>1 extract at the same time I extract my samples. So that 2 if something goes wrong again, I have yet another 3 standard to fall back on to prove that everything worked 4 as it should have.</p> <p>5 So summing this up, Chromosome Number 4, we 6 have the victim matching the evidence, the two suspects 7 being excluded.</p> <p>8 Would you like me to show another one?</p> <p>9 Q. Would it be helpful to show the jury more of 10 those?</p> <p>11 A. We can throw one more up on the screen.</p> <p>12 Okay. This is another chromosome location.</p> <p>13 This is Chromosome Number 1. The first one I showed you 14 is Chromosome Number 4.</p> <p>15 Again, this is just to show you -- we've got a 16 lot of degradation going on, but we have the top band of 17 the victim is here, and her bottom band is down here.</p> <p>18 The suspect's bands are here. Jay Wilds' bands 19 are here. The evidence matches the victim. And I do 20 this six times, but for time's sake, I just wanted to 21 show you two.</p> <p>22 Q. Thank you very much.</p> <p>23 (Pause.)</p> <p>24 BY MR. URICK:</p> <p>25 Q. Are all of the procedures that you just</p>

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<p>1 described generally accepted in the scientific community?</p> <p>2 A. Yes, they are.</p> <p>3 Q. If any of the steps in the procedure did not</p> <p>4 work right, what results would be obtained?</p> <p>5 A. I wouldn't get any results. A DNA profile</p> <p>6 cannot be created. I just would -- if something went</p> <p>7 wrong during my procedure, I wouldn't get any results.</p> <p>8 Q. And is the case work and the conclusions drawn,</p> <p>9 subject to peer review?</p> <p>10 A. Yes, they are. At least one other analyst, one</p> <p>11 other qualified analyst, usually my supervisor, looks at</p> <p>12 my work and has to agree with my conclusions before it's</p> <p>13 sent out.</p> <p>14 Q. And again, to a reasonable degree of scientific</p> <p>15 certainty, what are your opinions concerning the</p> <p>16 conclusions of this case?</p> <p>17 A. That Hae Min Lee cannot be excluded as a</p> <p>18 possible donor of the DNA extracted from the blood</p> <p>19 samples from the shirt.</p> <p>20 MR. URICK: Witness with the defense.</p> <p>21 THE COURT: Cross?</p> <p>22 MS. GUTIERREZ: Yes.</p> <p>23 CROSS-EXAMINATION</p> <p>24 BY MS. GUTIERREZ:</p> <p>25 Q. Ms. Stangroom, let me make sure I get this</p>	<p>1 Hae Lee; correct?</p> <p>2 A. That is true.</p> <p>3 Q. Okay. So the frequency as you report it, is</p> <p>4 really a frequency for the rate of error, is it not?</p> <p>5 A. No. It's not.</p> <p>6 Q. Okay, fine. Now, Ms. Stangroom, you reported</p> <p>7 it as 1.7 billion, one in 1.7 billion?</p> <p>8 A. That is correct.</p> <p>9 Q. And that was for Caucasians; correct?</p> <p>10 A. Yes.</p> <p>11 Q. And one in 1.4 billion for African-Americans?</p> <p>12 A. That's correct.</p> <p>13 Q. And were you aware of who Hae Min Lee was?</p> <p>14 A. No.</p> <p>15 Q. You only had a sample of her blood; correct?</p> <p>16 A. That is correct.</p> <p>17 Q. That somebody else had collected; correct?</p> <p>18 A. That's correct.</p> <p>19 Q. And were you aware that she was not a</p> <p>20 Caucasian?</p> <p>21 A. No.</p> <p>22 Q. And that she was not an African-American?</p> <p>23 A. No.</p> <p>24 Q. The two other blood samples that you analyzed,</p> <p>25 ma'am, to which you found no correlation to the blood on</p>
Page 84	Page 86
<p>1 straight. You report your results by referring them to</p> <p>2 the probabilities of making an error; isn't that correct?</p> <p>3 A. Are you talking about the frequencies that I</p> <p>4 read?</p> <p>5 Q. Yes. The frequencies that you reported to us?</p> <p>6 A. Actually, no, that's not true. The frequencies</p> <p>7 --</p> <p>8 Q. Read it again please?</p> <p>9 MR. URICK: Objection.</p> <p>10 THE COURT: Sustained. Again, please let the</p> <p>11 witness finish her answer.</p> <p>12 THE WITNESS: The frequencies, maybe I could</p> <p>13 explain it one more time.</p> <p>14 The frequencies that I read off are the</p> <p>15 frequency of finding that DNA profile in the population.</p> <p>16 So other than Hae Min Lee having that profile, who else,</p> <p>17 how many other people would I have to look at in the</p> <p>18 population to find it again?</p> <p>19 BY MS. GUTIERREZ:</p> <p>20 Q. Okay. Now, Ms. Stangroom, you first told us,</p> <p>21 on Mr. Urick's questioning, that each of us are unique,</p> <p>22 other than identical twins, are we not?</p> <p>23 A. Yes, that is true.</p> <p>24 Q. So you wouldn't expect to find some other</p> <p>25 member of any group of population to have the same DNA as</p>	<p>1 the shirt -- correct?</p> <p>2 A. That's correct.</p> <p>3 Q. -- were listed to you as being suspects, were</p> <p>4 they not?</p> <p>5 A. Yes.</p> <p>6 Q. On paper work submitted to you from the</p> <p>7 Baltimore City Police Department; isn't that correct?</p> <p>8 A. Yes.</p> <p>9 Q. And there's nothing unusual about paperwork</p> <p>10 asking you to compare various types of blood to see if</p> <p>11 something matches; correct?</p> <p>12 A. That's correct.</p> <p>13 Q. And by the word "match" you understand what I</p> <p>14 mean by that; correct?</p> <p>15 A. Yes.</p> <p>16 Q. Your job, based on your experience, was to look</p> <p>17 at the blood stain on a shirt and see if any one of those</p> <p>18 three people, the victim, and two suspects matched --</p> <p>19 their blood matched, whatever that means, the blood that</p> <p>20 was determined to be on the shirt; is that correct?</p> <p>21 A. Yes.</p> <p>22 Q. And that's why you performed every single thing</p> <p>23 that you just spent half an hour telling us about;</p> <p>24 correct?</p> <p>25 A. That's correct.</p>

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- 1 Q. You can't tell, in your analysis -- can't tell  
2 us when that blood, which you've essentially identified  
3 as belonging to the victim, got there, can you?  
4 A. The time frame?  
5 Q. Yes, ma'am?  
6 A. No, I cannot.  
7 Q. Okay. And you can't tell us how the blood on  
8 the shirt you've identified as belonging to Hae Min Lee  
9 got there?  
10 A. No, I cannot.  
11 Q. Or under what circumstances; is that correct?  
12 A. Yes.  
13 Q. All you can tell us is that between the three  
14 samples that you analyzed, it's Hae Min Lee's blood and  
15 not Adnan Syed's; correct?  
16 A. I'm actually telling you more than just that.  
17 Q. Well, are you telling us that, ma'am, yes or  
18 no?  
19 A. That's one of the things I am reporting.  
20 Q. You're also telling us that that blood is Hae  
21 Min Lee's and is not Jay Wilds'; is that correct?  
22 A. That is correct.  
23 Q. Now, you don't know who Adnan Syed is, do you?  
24 A. No.  
25 Q. Other than that you're in a trial that bears

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- 1 his name; is that correct?  
2 A. That's correct.  
3 Q. His name appeared on the summons issued to you  
4 to come and tell us these things, did it not?  
5 A. Yes.  
6 Q. And you don't know who Jay Wilds is, do you?  
7 A. No.  
8 Q. And you don't actually know, other than that  
9 his name appears listed as a suspect on the paperwork  
10 that was submitted to you; is that correct?  
11 A. That's correct.  
12 Q. And the first time this blood from the shirt,  
13 or from Hae Min Lee, or Adnan Syed, or Jay Wilds was  
14 submitted to you personally or to your office, was the  
15 24th of September; is that correct?  
16 A. That's correct.  
17 Q. It wasn't submitted to you back in February,  
18 after February the 10th, 1999, was it?  
19 A. No, I received it in September.  
20 Q. Okay. And if it had been submitted earlier,  
21 you would have known about it, would you have not?  
22 A. Yes.  
23 Q. Okay. Samples that are submitted to your lab  
24 for analysis don't just get lost, do they?  
25 A. No.

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- 1 Q. You take good care of them, don't you?  
2 A. Yes.  
3 Q. Okay. And all of the analysis that you've  
4 performed has been performed since September the 24th,  
5 1999; right?  
6 A. That's correct.  
7 Q. Okay. Now, would it matter to your analysis to  
8 know that the shirt from which or against which you were  
9 to match the samples of Hae Min Lee, Adnan Syed, and Jay  
10 Wilds, came from Hae Min Lee's car?  
11 A. Would it matter in my analysis?  
12 Q. Yes, ma'am?  
13 A. Not really, no.  
14 Q. Not at all because all you are doing is  
15 matching blood samples with blood samples to see if they  
16 match on any level, are you not?  
17 A. That's correct.  
18 Q. And to exclude blood samples from being  
19 compared to other blood samples; is that correct?  
20 A. That's correct.  
21 Q. That's why when you reported your results, you  
22 reported it as at the end that Hae Min Lee could not be  
23 excluded as the source of the blood on the sample taken  
24 from a shirt; is that correct?  
25 A. That's correct.

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- 1 Q. Okay. Now, you had not been -- you already  
2 knew, because it was reported to you that the blood on  
3 that shirt had already been identified as human blood  
4 prior to 9-24 -- were you not told that or given that  
5 information?  
6 A. Just on the chain of custody it's noted that it  
7 was a blood sample.  
8 Q. Okay. And so that meant to you, in your  
9 expertise, that some other scientist had determined that  
10 it was blood; correct?  
11 A. That is correct.  
12 Q. And that it was blood from a human being;  
13 correct?  
14 A. That's correct, yes.  
15 Q. And as differentiated as blood from some other  
16 species; is that correct?  
17 A. It just said "blood sample."  
18 Q. Okay. And that you had been given information  
19 that this was a criminal case; is that correct?  
20 A. That is correct.  
21 Q. Okay. And you had no control over the number  
22 of samples that might be submitted to you; is that  
23 correct?  
24 A. Yes.  
25 Q. If you had been given three suspects' names,

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1 you would have compared them all, would you have not?	1 six?
2 A. Yes.	2 A. That's correct.
3 Q. Or four; is that correct?	3 Q. And, now, after you -- when you did your
4 A. Right.	4 testing, did you use up the entire sample?
5 Q. Or five even, or more; is that correct?	5 A. No, I did not. We --
6 A. Yes.	6 Q. -- was there --
7 Q. Is that correct?	7 A. As a procedure in our Crime Lab, we always save
8 A. Yes. That is correct.	8 a sample for retest, always.
9 Q. Okay. And you would have done anything that	9 Q. And could any party involved in a case request
10 was asked of you, would you not?	10 a test be done with that?
11 A. Yes.	11 MS. GUTIERREZ: Objection.
12 Q. Would you have not? Much like you did here; is	12 THE WITNESS: Yes.
13 that correct?	13 MR. URICK: Nothing further.
14 A. That's correct.	14 THE COURT: Recross?
15 Q. So essentially what you can tell us is that the	15 RECROSS-EXAMINATION
16 source, in layman's terms, the source of the blood in the	16 BY MR. GUTIERREZ:
17 line that you've outlined, indicates that the blood that	17 Q. Ms. Stangroom, how many billion people are
18 had been predetermined to be human blood on the shirt	18 currently in the world?
19 found in Hae Min Lee's car, was her own; is that correct?	19 A. I believe it's almost six billion.
20 A. That is correct.	20 Q. Okay. And of those six billion people
21 Q. Thank you.	21 currently alive today, and alive for the last couple
22 MS. GUTIERREZ: Nothing further.	22 months, how many of them are Asian?
23 THE COURT: Any redirect?	23 A. I am not sure.
24 REDIRECT EXAMINATION	24 Q. A large percentage, don't you think?
25 BY MR. URICK:	25 A. I'm not sure.
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1 Q. You had started to say that you were actually	1 MS. GUTIERREZ: Nothing further.
2 saying more than the defense counsel was putting into her	2 THE COURT: Okay. Thank you, ma'am. You are
3 question. Please explain what you meant by that?	3 excused.
4 MS. GUTIERREZ: Objection.	4 (The witness was excused.)
5 THE COURT: Overruled.	5 THE COURT: Next?
6 THE WITNESS: I am not only saying that the	6 MR. URICK: May we approach?
7 blood sample matched Hae Min Lee, but I'm also going a	7 THE COURT: Okay.
8 step further and telling you that there were two people	8 (Counsel and the defendant approached the
9 that it did not match, and that the frequency is also	9 bench, and the following ensued:)
10 important in this case because it tells you how rare or	10 MR. URICK: We would request a five or ten-
11 common this type of a profile is in the population.	11 minute recess at this time.
12 Yes. I did say that all of our DNA is unique,	12 THE COURT: (Inaudible ) since you are getting
13 and that is very true. But because I'm only looking at	13 more of a lunch out of it and screwing me out of a chance
14 six areas of the DNA, I'm not looking at our whole DNA	14 to have another witness on this morning.
15 profile, I have to assign it a statistical weight to help	15 MR. URICK: We would like to show the witness
16 other people understand what that match really means.	16 an exhibit so that when they come in they don't fumble
17 And so I'm telling you that Hae Min Lee's blood	17 with it. And also we would like to have a rest room
18 matches the blood that was found on the t-shirt. And I'm	18 break.
19 assigning the weight to it by telling you that that DNA	19 THE COURT: We're starting at 1:30, then. No,
20 profile is found in the population approximately 1.7	20 we're starting at 2:00. (Inaudible) prisoner up before
21 billion in the Caucasian, and 4.1 billion in the African-	21 2:00. You've lost the witness break.
22 American.	22 Step back.
23 BY MR. URICK:	23 (Counsel and the defendant returned to the
24 Q. So across just those six chromosomes you may	24 trial table, and the following ensued:)
25 another match, but this would be the frequency for those	25 THE COURT: Members of the jury, if you would



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

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

7 (The jury left the courtroom.)

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

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

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

17  
18  
19  
20  
21  
22  
23  
24  
25

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1 a witness produced on call of the State, having first  
 2 been duly sworn, was examined and testified as follows:  
 3 THE CLERK: Okay, sir, you may be seated.  
 4 And would you please state your name and  
 5 address for the record, and would you please spell your  
 6 first and last name?

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

10 THE CLERK: Thank you, sir.

11 DIRECT EXAMINATION

12 BY MR. URICK:

13 Q. Good afternoon, Mr. Ali.

14 A. Hello.

15 Q. Do you know the defendant?

16 A. Yes.

17 Q. How do you know the defendant?

18 A. He's a good friend of mine.

19 Q. And where do you know him from?

20 A. The Mosque.

21 Q. What high school did you attend?

22 A. Centennial High School.

23 Q. When you would socialize with the defendant,

24 would you socialize with him with people from The Mosque  
 25 or with people from his high school?

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1 AFTEROON SESSION  
 2 (2:27 p.m.)

3 (The jury was not present upon reconvening.)

4 THE COURT: We are now waiting on one juror.

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

7 THE COURT: Good afternoon.

8 We're now waiting for a juror.

9 (Pause.)

10 (The jury returned to the courtroom.)

11 THE COURT: Thank you, ladies and gentlemen.

12 Let me commend you generally for your promptness. I have  
 13 appreciated it. Of course, you understand that we can't  
 14 get started unless we have all of you present. So it's  
 15 very important that you all be as prompt as you can  
 16 because we can't get started unless we have all of you  
 17 here.

18 Please call your next witness.

19 MR. URICK: Thank you, Your Honor.

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

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

24 Whereupon,

25 YASAR ALI,

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1 A. From The Mosque.

2 Q. And how long have you known him?

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

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

10 A. Which one?

11 Q. At the top of the page?

12 A. Okay. Yeah.

13 Q. Do you recognize that number?

14 A. Yeah.

15 Q. Whose number is that?

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

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

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

21 THE WITNESS: All right.

22 BY MR. URICK:

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

25 A. Yes, I do.

	Page 99	Page 101
1	Q. Whose number is that?	1 THE COURT: Would his understanding of Islam be
2	A. That's Mr. -- mine.	2 sufficiently narrow?
3	Q. Can you read that, please?	3 MS. GUTIERREZ: Well, Judge, I suggest that
4	A. [REDACTED] 6:59 31 seconds p.m. duration 27	4 sufficiently narrow would be his understanding as his
5	seconds, Cell Site 651A, 1500 Woodlawn Drive.	5 as his being an Islamic or Muslim, -- I'm not sure how
6	Q. These are phone records from the 13th of	6 you say it -- what is his view as he understands it to be
7	January of this year. Do you have any independent	7 toward drinking, would not be an overly broad question,
8	recollection of that phone call?	8 and we wouldn't object to that.
9	A. No.	9 THE COURT: What about any knowledge he has of
10	Q. Now, I'd like you to look up to Line 3. Do you	10 the defendant's beliefs?
11	recognize that number?	11 MS. GUTIERREZ: As to the beliefs about
12	A. Yeah. That's my number.	12 drinking?
13	Q. And what's the time of that call?	13 THE COURT: Uh-huh.
14	A. The time of that is 10:02, 44 seconds, p.m.	14 MS. GUTIERREZ: Then I would object on other
15	Q. Now, if you would, I'd just like you to start	15 grounds. I believe as to relevancy, I believe it's
16	at the top and look down and see if you recognize any of	16 highly prejudicial.
17	the other numbers?	17 THE COURT: I assume at some point he's going
18	A. The only other number I recognize is Line 18	18 to get to the matter of relationships.
19	which is Adnan Syed's number when he was calling his	19 MS. GUTIERREZ: I wouldn't make that
20	voice mail.	20 assumption, Judge.
21	Q. Okay. Thank you.	21 MR. URICK: I thought I had already established
22	I'll take that back at this time.	22 one. I can continue.
23	(Pause.)	23 THE COURT: Okay.
24	BY MR. URICK:	24 Sustained, but just as to form.
25	Q. Of what religion are you?	25 (Counsel and the defendant returned to the
	Page 100	Page 101
1	A. Islam.	1 trial tables, and the following ensued:)
2	Q. What is an imam?	2 BY MR. URICK:
3	A. Imam is a higher priest, a priest.	3 Q. What is your understanding as to how Islam
4	Q. And what does the imam do?	4 views drinking?
5	A. He leads the prayer.	5 MS. GUTIERREZ: Objection.
6	Q. And is there an imam for the Mosque that you	6 THE COURT: Basis?
7	and the defendant attended?	7 MS. GUTIERREZ: Same basis as before, Judge.
8	A. Yeah.	8 THE COURT: Okay. Overruled.
9	Q. Now, Islam is a religion of laws, is it not?	9 BY MR. URICK:
10	A. It's a way of life.	10 Q. You may answer that question?
11	Q. And how does Islam view drinking?	11 A. It doesn't agree with it.
12	MS. GUTIERREZ: Objection.	12 Q. And have you ever had occasion to discuss with
13	THE COURT: Sustained.	13 the defendant his views on drinking, as he understands
14	Do you wish to approach?	14 the religious precepts concerning that?
15	MR. URICK: Yes, if we may.	15 A. I don't think we ever talked about if it was
16	(Counsel and the defendant approached the	16 right or wrong.
17	bench, and the following ensued:)	17 Q. Do you have any personal knowledge as to
18	THE COURT: Yes?	18 whether the defendant drinks?
19	MS. GUTIERREZ: I object to it Judge. I think	19 MS. GUTIERREZ: Objection.
20	it's improper to ask this witness, who has identified as	20 THE COURT: Is there a relevance here?
21	his religion, identifying this being Islam, to ask him a	21 MR. URICK: Yes.
22	broad-based question such as how does Islam, which has	22 THE COURT: On the drinking?
23	not been defined. This is not an expert in this. There	23 MR. URICK: Yes.
24	is no expertise established how does Islam view drinking.	24 THE COURT: Come up.
25	It's an improperly broad and unfair prejudicial question.	25 (Counsel and the defendant approached the

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1 bench, and the following ensued:)	1 BY MR. URICK:
2 MR. URICK: As I said in my opening statement,	2 Q. Did you know who Hae Min Lee was?
3 this defendant was leading a double life. He was leading	3 THE COURT: You need to say yes or no, sir.
4 one life that his parents' religion wanted him to lead.	4 THE WITNESS: Yes, I did know her.
5 He was leading a hidden or illicit life that caused him	5 BY MR. URICK:
6 to lie to many people to create different personas,	6 Q. How did you know her?
7 different fronts for different people.	7 A. She was Adnan Syed's girlfriend.
8 This is someone who can testify personally as	8 Q. Now, how did you come to know that she was his
9 to the defendant's actions.	9 girlfriend?
10 THE COURT: Ms. Gutierrez?	10 A. He had told me.
11 MS. GUTIERREZ: Judge, I'd renew my objection.	11 Q. What is your understanding of Islam's views
12 Relevance is not dependent upon the definition the State	12 concerning dating before marriage?
13 gives in its opening. There's no relevancy to alcohol	13 A. I don't think they agree with it.
14 here.	14 Q. And what is your understanding --
15 On either the day her body was found, on the	15 THE COURT: If we could have you just a little
16 day that it disappeared, that she disappeared, on any day	16 louder and a little slower, again, would you repeat your
17 in between, there's no relevancy related to any fact	17 last answer, please?
18 necessary to prove, which they've proffered at all, to	18 THE WITNESS: I don't think they agree with
19 prove any of the elements of the crime.	19 that.
20 THE COURT: Actually, I agree with you. I do	20 THE COURT: Thank you, sir.
21 have some difficulty in exploring any witness' religious	21 BY MR. URICK:
22 beliefs sort of generally. Obviously, there are certain	22 Q. Did there come a time where at the Mosque the
23 of these beliefs that are at issue, but there are, I	23 Imam gave a sermon on dating?
24 think fairly significant restrictions on the general	24 A. I believe there was, but I was not present.
25 exploration either of the defendant's religious beliefs	25 Q. And who do you believe that -- why that sermon
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1 and/or the witness'.	1 came about?
2 If you get to the point, which basically is the	2 MS. GUTIERREZ: Objection.
3 relationship, whether it's frowned on or not, whether it	3 THE COURT: Sustained.
4 was consistent with Islam or not, I think you have gotten	4 BY MR. URICK:
5 to what's relevant in the case. But if you start and you	5 Q. What is your understanding of the views of
6 talk generally about whether he adheres to his religion,	6 Islam concerning premarital sex?
7 then; one, that's character; two, that's religious	7 A. They don't agree with it.
8 beliefs, which are beyond the pale. And I think we raise	8 Q. Did you ever have occasion to discuss with the
9 needless due process considerations if you're going to do	9 defendant whether he was having premarital sex?
10 generally an exploration of his adherence to his	10 A. No, it never came about.
11 religious beliefs.	11 Q. Now, to your knowledge, were people talking at
12 Initially, it's character which is bad, and	12 the Mosque about the defendant dating Hae Min Lee?
13 then, beyond that, it raises all sorts of other	13 MS. GUTIERREZ: Objection.
14 constitutional issues as to religion. You have a very	14 THE COURT: Overruled.
15 legitimate reason for arguing for discussion of religious	15 THE WITNESS: Friends. Like I never heard
16 belief as to sex, as to their youth, as to the marital	16 anybody else talking about it. Like Adnan's close
17 status. That's really an issue.	17 friends, we were the only people that ever talked about
18 But when you start straying us to how good a	18 it.
19 Muslim is?	19 BY MR. URICK:
20 MR. URICK: Thank you.	20 Q. How would they talk about it?
21 THE COURT: Thank you.	21 MS. GUTIERREZ: Objection.
22 (Counsel and the defendant returned to the	22 THE COURT: Sustained.
23 trial tables, and the following ensued:)	23 THE WITNESS: Just that it was his girlfriend.
24 THE COURT: Yes, Mr. Urick.	24 THE COURT: No. You don't have to answer the
25 MR. URICK: Thank you, Your Honor.	25 question, sir.

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1 BY MR. URICK: 2 Q. Did the defendant ever discuss with you how he 3 dealt with his parents concerning his relationship with 4 Hae Min Lee? 5 MS. GUTIERREZ: Objection. 6 THE COURT: Overruled. 7 THE WITNESS: He didn't bring it up to them. 8 BY MR. URICK: 9 Q. Did he tell you why not? 10 MS. GUTIERREZ: Objection. 11 THE COURT: Overruled. 12 THE WITNESS: Because -- 13 MS. GUTIERREZ: Ask for a continuing objection 14 to the whole line of questioning? 15 THE COURT: Denied. Overruled. 16 BY MR. URICK: 17 Q. You may answer the question? 18 A. Because they didn't agree with it. 19 Q. Now, do you know who Jay Wilds is? 20 A. By face. 21 Q. And did you ever have occasion to hear the 22 defendant -- did the defendant ever say anything to you 23 about Jay Wilds? 24 MS. GUTIERREZ: Objection. 25 THE COURT: Overruled.	1 A. Eighteen. 2 Q. And how long have you been a member of the same 3 Mosque as Adnan Syed? 4 A. Ten years, 12 years. 5 Q. Do you know his family? 6 A. Yeah. 7 Q. You know his parents? 8 A. Yeah. 9 Q. You know his older brother? 10 A. Uh-huh. 11 Q. Okay. 12 A. Yes. 13 Q. And you, as he, is also Islamic, is that how 14 you determine your religion? 15 A. Yeah. 16 Q. Is there a difference between the use of the 17 word Muslim and Islamic? 18 A. No. 19 Q. It's the same word. Okay. And how many 20 families are members of the Mosque with which you share 21 membership with Adnan? 22 A. I believe more than 500. 23 Q. Five hundred families; is that correct? 24 A. Yeah. Somewhere -- 25 Q. And that would include a mother, father, and
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1 THE WITNESS: That it was his friend. 2 MR. URICK: If I may have the Court's 3 indulgence for just a second. 4 THE COURT: Yes, sir. 5 (Pause.) 6 BY MR. URICK: 7 Q. Did the defendant ever discuss with you any 8 problems he was having in his relationship with Hae Lee? 9 A. In his relationship, there were no problems, 10 really. 11 Q. Did there ever come a time that he told you it 12 was over? 13 A. Yeah, when it was over. 14 Q. What did he tell you? 15 A. That is was over. 16 Q. Did he give any reason for it? 17 A. It was too much for Hae and him. Just like 18 sneaking around because his parents didn't agree with it. 19 MR. URICK: Thank you, Your Honor. No further 20 questions. 21 THE COURT: Cross? 22 MS. GUTIERREZ: Thank you. 23 CROSS-EXAMINATION 24 BY MS. GUTIERREZ: 25 Q. Mr. Ali, how old are you?	1 some children in each family unit? 2 A. Yes. 3 Q. As a member of the Islamic religion, are you 4 required to pray a certain number of times a day? 5 A. Yes. 6 Q. And are you required to do that at any specific 7 location? 8 A. Just not in the bathroom, from what I 9 understand. 10 Q. Not in the bathroom, but are you encouraged to 11 do your prayers at the Mosque itself? 12 A. It's encouraged. 13 Q. It's encouraged. And do you, as a young man, 14 as a member of that Mosque, do you go to the Mosque 15 frequently? 16 A. Whenever I have time. 17 Q. Okay. And have there been periods of time in 18 your life when you've gone as a member of that Mosque to 19 pray within your community on a daily basis? 20 A. Over the summer. 21 Q. Over the summer. So when you are able, you 22 participate as a member of the Mosque community by 23 praying with the rest of the community; is that correct? 24 A. Correct. 25 Q. Do they have -- does the Mosque have specific

Page 111	Page 113
1 activities for young people of your age?	1 agree with; is that correct?
2 A. Yeah. They play basketball a lot, a lot of	2 A. Yes.
3 people. There are other activities, games going on	3 Q. There are very formal rites about dating in
4 around.	4 Islam; is that not correct?
5 Q. And are young members of the Mosque, such as	5 A. Yes.
6 yourself, encouraged to involve themselves in activities	6 Q. And they require sort of approval by the
7 at the Mosque?	7 parents and knowledge of both the boy and the girl to
8 A. Yes.	8 each other's family?
9 Q. Is that how you've known Adnan?	9 A. Uh-huh.
10 A. Yes.	10 Q. Is that correct?
11 Q. Does he participate in those activities to the	11 A. Yes.
12 extent that you participate with him, or observed him	12 Q. There is no proscription, meaning any rule
13 participating?	13 forbidding a Muslim from marrying a non-Muslim, is there?
14 A. He participated a lot more than me.	14 A. No.
15 Q. He did. That was from your own observation?	15 Q. It's not encouraged, however; correct?
16 A. Uh-huh.	16 A. Yeah.
17 Q. Is that correct?	17 Q. But there's nothing that precludes a Muslim
18 A. Yes.	18 from intermarrying with someone who doesn't adhere to the
19 Q. And from your conversations with other members	19 Islamic faith; is that correct?
20 of the Mosque?	20 A. Sorry. I'm --
21 A. Yes.	21 Q. Okay. Now, Mr. Ali, you've been a member of
22 Q. Mr. Ali, you answered the question about how	22 that Mosque for ten years, and have you always generally
23 Islams view the question about sex or --and/or dating.	23 participated?
24 Let's deal with the sex question first. You answered by	24 A. Yeah, whenever I could.
25 saying "they" didn't agree with it. You meant to refer	25 Q. Okay. And you've known Adnan and other young
Page 112	
1 to the religion as a whole; is that correct?	1 men of similar age?
2 A. Uh-huh.	2 A. Yes.
3 THE COURT: I need you to say yes or no, sir.	3 Q. Is that correct? You are how old, sir?
4 THE WITNESS: Sorry.	4 A. Eighteen.
5 THE COURT: We're making a recording of it.	5 Q. Okay. And the only interaction that you had
6 THE WITNESS: Yes.	6 with Adnan was through the Mosque; correct?
7 BY MS. GUTIERREZ:	7 A. Uh --
8 Q. And by that you meant that the tenets of the	8 Q. You didn't attend his high school? You didn't
9 faith of Islam encouraged its members, particularly its	9 know him from any other source, is what I meant?
10 young members to not have sex; is that correct?	10 A. Yes.
11 A. Correct.	11 Q. Okay. The only source was through --
12 Q. Prior to marriage and a commitment; is that	12 A. My parents were friends with his parents.
13 correct?	13 Q. Okay. And that friendship was because of the
14 A. Correct.	14 community of the Mosque, was it not?
15 Q. And that is something that you are taught from	15 A. Yeah, as well.
16 infancy; is it not?	16 Q. So you saw Adnan over that period of time, from
17 A. Yes.	17 the time he was a very young man, sometimes on a daily
18 Q. And that prescription applies equally to young	18 basis; is that correct?
19 men and to young women; does it not?	19 A. Yes.
20 A. Yes.	20 Q. You were asked questions about even though the
21 Q. Okay. In dating, do you understand that to	21 faith of Islam does not agree with its young people
22 mean sort of formal ritualized set of relationships	22 dating, as you've defined that to us, are there, in fact,
23 between young men and women?	23 young men of the Muslim faith in your Mosque who date?
24 A. Yes.	24 A. Yes.
25 Q. And that also is something that Islam does not	25 Q. And hide that dating from their parents?

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1	A. Yes.	1 imam of the Mosque that you belong to together with
2	Q. And, in fact, participate in sort of subterfuge	2 Adnan's family is a man by the name of Adam El Shek; is
3	in order to hide that?	3 that correct?
4	A. Yes.	4 A. Yeah. Yes.
5	Q. And is that common knowledge among the young	5 Q. And he's been the Imam for a number of years,
6	men?	6 has he not?
7	A. Yes.	7 A. Yes.
8	Q. Is that a source of agony for the young people?	8 Q. And by imam, you said higher priest, is that
9	A. Yeah.	9 he's accorded a degree of respect that is related to the
10	Q. Yes. And it's something that you all discuss,	10 level of his learning; is that correct?
11	is it not?	11 A. Yes.
12	A. Umm -- not a lot, but yeah.	12 Q. Okay. And the imam is not the only person that
13	Q. But yes, at least once in a while?	13 leads prayers, is he?
14	A. Yes.	14 A. Yes.
15	Q. And the discussions centers around that you all	15 Q. Are there not occasions in which someone other
16	know that that is a practice that your religion frowns	16 than the imam leads prayers?
17	upon; is that correct?	17 A. Yes.
18	A. Uh-huh. Yes.	18 Q. Okay. And sometimes young people lead prayers?
19	Q. But notwithstanding understanding of all the	19 A. Yes.
20	young people, most of the young people, do, in fact,	20 Q. And they are encouraged to lead prayers, is
21	engage in it, do they not?	21 that correct?
22	A. Yes, they do.	22 A. Yes.
23	Q. Both within the Islamic faith?	23 Q. There is a special month in the holy year of
24	A. Yes.	24 all Islamics that is called what, Ramadan?
25	Q. Is that correct? And without the Islamic faith?	25 A. Ramadan.
	Page 116	Page 118
1	A. Yes.	1 Q. Ramadan. And that is actually ongoing now, is
2	Q. Meaning dating young people of other faiths --	2 it not?
3	A. Yes.	3 A. Yes.
4	Q. -- and other religions; is that correct?	4 Q. It just started; is that correct?
5	A. Yes.	5 A. Yes.
6	Q. And most young people engage in the same kind	6 Q. And during that month, all members of the
7	of subterfuge to their parents?	7 Islamic faith are called to pray more often, are they
8	A. Yes.	8 not?
9	Q. Is that correct? And that's the kind of	9 A. Yes.
10	subterfuge that you observed Adnan engaging in over the	10 Q. And to pray in a certain way?
11	ten years that you saw him?	11 A. Yes.
12	A. Yes.	12 Q. And to have certain celebrations of their
13	Q. From the time he began to date; is that	13 adherence to Islamic faith, are they not?
14	correct?	14 A. Yes.
15	A. Yes.	15 Q. And all members of the Islamic faith are called
16	Q. Were you aware, Mr. Ali, that Hae was the first	16 to fast on a daily basis, are they not?
17	young woman that he dated?	17 A. Yes.
18	A. Yes.	18 Q. And the fast requires that they fast from sunup
19	Q. Okay. And you were aware of that from him,	19 in the morning to sundown at night, does it not?
20	were you not?	20 A. Yes.
21	A. Yes.	21 Q. And the purpose of that fast is to remind and
22	Q. And you had no reason to disbelieve what he	22 call them as members of the Islamic faith to the core
23	would tell you, did you?	23 value of discipline and focus on themselves as human
24	A. Yes.	24 beings within the world as populated by Islam, is it not?
25	Q. Mr. Ali, you were asked about the imam. The	25 A. Yes.

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1 Q. And that fast requires that they refrain not  
 2 only from food from sunup to sundown, but that they  
 3 refrain even from water, does it not?

4 A. Yes.

5 Q. And all Muslims who attempt to adhere to the  
 6 tenets of their faith, generally adhere to trying to  
 7 observe Ramadan with much more discipline and insight  
 8 than any other month of the year; do they not?

9 A. Yes.

10 Q. Okay. And that is something that you've been  
 11 taught, have you not?

12 A. Yes.

13 Q. Throughout the time that you've known Adnan  
 14 Syed, has he adhered, to your knowledge, to the fasting  
 15 requirements that are proscribed to members of the  
 16 Islamic faith?

17 A. Yes.

18 Q. Has he fasted as a fellow Islamic with you  
 19 during the Ramadan years that you have known him?

20 A. Yes.

21 Q. And are there, throughout that month of  
 22 Ramadan, times when the young people of the Mosque lead  
 23 the whole community, including their elders, in prayers  
 24 that call the faithful to the tenets of their Islamic  
 25 faith?

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1 A. Yeah.

2 Q. Okay. You were a member of the same Mosque  
 3 with Adnan Syed last year at this very time of Ramadan,  
 4 were you not?

5 A. Yes.

6 Q. And is there, in addition to the activities  
 7 that you've described to us, groups organized age  
 8 appropriately for the young people in the Mosque to be  
 9 led by teachers or mentors of such?

10 A. Yes.

11 Q. And is there, in fact, such a group that is  
 12 always operated, although the teacher and the student may  
 13 change, from the time that you've been a member of the  
 14 Mosque?

15 A. Yes.

16 Q. Is there a young men's group, as you will, not  
 17 necessarily with a name, that has existed over the last  
 18 several years, that you have participated in?

19 A. Excuse me?

20 Q. Is there such a group for young men your age  
 21 that you've participated in?

22 A. Yes.

23 Q. Yes. And did that group include the  
 24 participation of Adnan Syed --

25 A. Yes.

1 Q. -- during the years that you've known him? Is

2 that correct?

3 A. Yes.

4 Q. And during Ramadan, was that group of young men  
 5 called upon to lead prayer?

6 A. Yes.

7 Q. And was that an ordinary thing that you all as  
 8 young men of the Mosque would be called to lead prayer?

9 A. Umm -- few people get selected for it, not  
 10 everybody.

11 Q. It was considered a special thing, --

12 A. Yes, yes.

13 Q. -- was it not?

14 A. Yes.

15 Q. And you all as young men practiced for that  
 16 event, did you not?

17 A. Yes.

18 Q. And it was considered an honor to lead your  
 19 community in prayer, was it not?

20 A. Yes.

21 Q. During Ramadan, Mr. Ali, it would be usual for  
 22 most of the families to make a special effort to attend  
 23 the Mosque at least once a day if not more often, would  
 24 it not?

25 A. Yes.

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1 Q. That was part of reserving the whole month of  
 2 Ramadan as a month of spirituality celebration for those  
 3 of the Islamic faith; is that correct?

4 A. Yes.

5 Q. Okay.

6 Thank you. I have nothing further.

7 THE COURT: Any redirect?

8 MR. URICK: Very briefly, if I may have the  
 9 witness step down to come over to this map, I would like  
 10 him to see if he can determine from the map where the  
 11 Mosque is?

12 REDIRECT EXAMINATION

13 BY MR. URICK:

14 Q. That would be -- this is I95, Security  
 15 Boulevard. This is (inaudible)

16 MS. GUTIERREZ: Now, I'm going to object to the  
 17 State's Attorney educating the witness. I don't object  
 18 to questions being asked of the map but I --

19 THE COURT: Well, he's --

20 MR. URICK: I'm just trying --

21 THE COURT: Well, he's orienting the witness,  
 22 that's not objectionable. Overruled.

23 BY MR. URICK:

24 Q. I believe this is Baltimore National Pike --

25 A. Yes, that's --

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1	MS. GUTIERREZ: See, I object --	1 A. Johnnycake Road.
2	THE COURT: Overruled.	2 Q. And how close to the -- where Rolling Road
3	MS. GUTIERREZ: (Inaudible) objection.	3 crosses Johnnycake is it?
4	BY MR. URICK:	4 A. I believe less than a mile.
5	Q. (Inaudible) Boulevard, 695, 170, Security	5 MR. URICK: Okay. Nothing further.
6	Boulevard (inaudible.) Are you oriented as to the map	6 THE COURT: Any redirect -- any recross,
7	now?	7 rather?
8	A. Somewhat.	8 MS. GUTIERREZ: Nothing, Your Honor.
9	THE COURT: Keep your voice up please.	9 THE COURT: Thank you. Good day, sir.
10	THE WITNESS: Somewhat.	10 (Witness excused.)
11	BY MR. URICK:	11 THE COURT: Next?
12	Q. Do you know where the Mosque is located --	12 (Pause.)
13	roughly, you don't have to have it in the exact block?	13 MR. MURPHY: Your Honor, at this time the State
14	But, roughly do you know where it is on this map?	14 would call to testify Ms. Christina Vinson.
15	A. Umm -- not on this map.	15 THE CLERK: Raise your right hand, please?
16	Q. What's its address?	16 Whereupon,
17	A. I think --	17 CHRISTINA VINSON,
18	Q. What's the address of the Mosque?	18 a witness produced on call of the State, having first
19	A. I don't know.	19 been duly sworn, was examined and testified as follows:
20	Q. What street is it on?	20 THE CLERK: Okay, ma'am. You may have a seat.
21	A. Johnnycake Road	21 Please state your name and address for the record, and
22	Q. Near what cross streets?	22 please spell your last name?
23	A. Rolling Road.	23 THE WITNESS: Okay. Christina Vinson, V-I-N-S-
24	MS. GUTIERREZ: Again, I would object to the	24 O-N. My address is [REDACTED]
25	State's Attorney pointing out specific locations on the	25 Baltimore.
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1	map to the witness?	1 THE CLERK: Thank you very much.
2	BY MR. URICK:	2 THE WITNESS: Thanks.
3	Q. This road right here is Rolling Road --	3 DIRECT EXAMINATION
4	THE COURT: Overruled.	4 BY MS. MURPHY:
5	BY MR. URICK:	5 Q. Good afternoon, Ms. Vinson.
6	Q. -- this road right here is JohnnyCake Road.	6 A. Hi.
7	Has that oriented you better?	7 Q. How old are you?
8	A. This is (inaudible.)	8 A. 22.
9	Q. Well, this is 695.	9 Q. And do you attend school?
10	MS. GUTIERREZ: Objection.	10 A. University of Maryland in Baltimore.
11	THE COURT: Sustained. Sustained. Sustained.	11 Q. What are you studying there?
12	You cannot win it any more, Ms. Gutierrez. You	12 A. Social work.
13	have won.	13 Q. And how much longer do you have before you
14	BY MR. URICK:	14 finish?
15	Q. How close is the Mosque to the intersection of	15 A. I've got one more exam, and then I'm done.
16	Rolling Road? How close is it on Johnnycake to Rolling	16 Q. Do you also work?
17	Road?	17 A. I work at a residential group home for
18	A. (Inaudible.)	18 adolescent boys in Ellicott City.
19	Q. How close is it to Rolling Road --	19 Q. Where were you living in January of 1999?
20	THE COURT: Why don't you put the witness back	20 A. At the address I just gave in Baltimore.
21	on the stand so he can be near a microphone?	21 Q. And what's that address?
22	Let's take the map and easel back where it was.	22 A. [REDACTED]
23	(Pause.)	23 Q. Did you live with anybody else at that time?
24	BY MR. URICK:	24 A. No. Just myself.
25	Q. The Mosque is on what street again?	25 Q. Who is Jeff Johnson?

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1 A. He used to be my boyfriend. 2 Q. Was he your boyfriend in January, 1999? 3 A. Uh-huh. 4 Q. Do you also know Jennifer Pusateri? 5 A. Yep. 6 Q. How do you know her? 7 A. She and I are in the same sorority together. 8 Q. How long have you known Ms. Pusateri? 9 A. About a year. 10 Q. And do you know Jay Wilds? 11 A. Uh-huh. 12 Q. How do you know Mr. Wilds? 13 A. Through Jen. 14 Q. And how long have you known him? 15 A. I would say less than a year. 16 Q. Now, you say you know him through Jen. Would 17 you say he's a friend of Jen? 18 A. Right, yeah. A friend of Jen's. 19 Q. Okay. Do you know the victim in this case, Ms. 20 Hae Min Lee? 21 A. Uh-uh. No. 22 Q. Okay. Ms. Vinson, I'm going to ask you to 23 remember back to January 13th, 1999. Does that night 24 stand out in your mind? 25 A. Yeah.		1 Q. What did that person look like? 2 A. A young person. I'm not exactly sure what you 3 -- 4 Q. Male? Female? 5 A. Male. Dark hair. Dark clothes. 6 Q. Is that person present here today? 7 A. Uh-huh. 8 Q. Could you point out for the ladies and 9 gentlemen where that person is? 10 A. Sitting at the table with the shirt and tie. 11 MS. MURPHY: Indicating for the record, Your 12 Honor, she's identified the defendant. 13 THE COURT: The record will reflect that. 14 BY MS. MURPHY: 15 Q. And you did not know him at that point? 16 A. No. 17 Q. Were you introduced at any point that evening? 18 A. No. 19 Q. What happened next? 20 A. Jay -- I was just, you know, making kind of 21 like, little small conversation, like, "Where" -- "what" 22 -- you know, "What are you guys doing," or "What have you 23 guys been doing?" And the way I remember -- the reason I 24 remember it is because it was just -- Jay was just 25 telling me all these different things that just didn't	
1 Q. Why is that? 2 A. Just an odd night. 3 Q. Why don't you tell the ladies and gentlemen 4 what happened, beginning from the point where you got 5 home from work that day? 6 A. Okay. I had been in a conference all day, 7 through my internship in the City, and I came home, and 8 my then boyfriend was already there, and Jay and his 9 friend or someone else came in, knocked on the door and 10 asked if they could come in and hang out for a while, and 11 I said, yeah, they could come in. 12 Q. About what time do you think you got home? 13 A. I would say around 5:30, six o'clock. Between 14 5:30 and 6:00, somewhere around there. 15 Q. Okay. What happened next? 16 A. They came in. And Jeff was already sitting 17 down watching TV, and I sat down in the chair, kind of 18 facing the TV. Jay came in and sat on my right-hand 19 side. There's a table and some chairs there. He sat 20 there. And his friend, like, laid -- sat on the floor. 21 There was a bunch of pillows on the floor next 22 to my couch. He kind of laid, like, half-sat, half, like 23 slumped over. 24 Q. Did you know that person? 25 A. No. And they didn't introduce me.	Page 128	1 make any sense, like they were going to the video store, 2 or they were coming from the video store, something. 3 They were being picked up by somebody. And 4 when I tried to clarify, he just got more confusing, so I 5 just let it rest. I was like, okay, well whatever. 6 Q. What was the defendant doing? 7 A. Just like, slumped over. 8 Q. Was it unusual that Jay would come to your 9 house? 10 A. I wouldn't say unusual. I had known him for a 11 little bit, through Jen. He usually came with Jen, but, 12 you know, there -- I think there had been a couple of 13 occasions where he came just to -- by himself. 14 Q. Did there come a time when the defendant said 15 anything to you? 16 A. Uh-huh. Well, not directly to me, kind of like 17 to everybody in the room. We were just watching TV. It 18 was really uncomfortable. Like, nobody was talking, and 19 all of a sudden, he just like, popped up and was like, 20 "How do you get rid of a high," or "How do I get rid of a 21 high," something along those lines. 22 And I was like, "I don't know. I think you 23 just have to wait." 24 Q. What did you understand that to mean when he 25 said that?	Page 130

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

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

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

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

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

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1 a look at the phone numbers in the second column and see  
 2 if you recognize any of those numbers?  
 3 A. The 410 [REDACTED]  
 4 Q. And which call number are you referring to?  
 5 A. I guess 22.  
 6 Q. Okay. And whose number is that?  
 7 A. That's Jen's. That's Jen's number. That shows  
 8 up a couple times on here.  
 9 Q. Where else do you see that number?  
 10 A. 22, 26, 30 and 31.  
 11 Q. Okay.  
 12 A. But I don't know any of the other numbers on  
 13 here.  
 14 Q. Okay. Now, I'll ask you to look at Calls 14,  
 15 and 16, stated to be incoming calls.  
 16 A. Uh-huh.  
 17 Q. I'll ask you to look at the fourth column which  
 18 indicates the time.  
 19 A. Right.  
 20 Q. With Call 16 being 6:07 p.m., Call 14 being  
 21 6:24 p.m. Now, would any of those incoming calls be  
 22 consistent with the call you described the defendant  
 23 receiving at your house?  
 24 A. Uh-huh.  
 25 MS. GUTIERREZ: Objection.

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

1 stand.  
 2 MS. MURPHY: I have no other questions, Your  
 3 Honor.  
 4 THE COURT: Cross?  
 5 CROSS-EXAMINATION  
 6 BY MS. GUTIERREZ:  
 7 Q. Ms. Vinson, you didn't know this man that  
 8 you've identified prior to -- prior to that day; correct?  
 9 A. Correct.  
 10 Q. You had never met him; correct?  
 11 A. No.  
 12 Q. He had never been pointed out to you; correct?  
 13 A. Correct.  
 14 Q. He had never been in your home?  
 15 A. Correct.  
 16 Q. He was not somebody known to you either by  
 17 sight or by name?  
 18 A. Correct.  
 19 Q. Is that correct?  
 20 A. Uh-huh.  
 21 Q. And the other --  
 22 THE COURT: Speak as loud as you can, ma'am.  
 23 MS. GUTIERREZ: I'm sorry.  
 24 BY MS. GUTIERREZ:  
 25 Q. The other man, the man named Jay, had been in

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- 1 your house on numerous occasions?
- 2 A. That's correct.
- 3 Q. Both with your sorority sister, Ms. Pusateri;
- 4 correct?
- 5 A. Correct.
- 6 Q. And sometimes by himself?
- 7 A. Correct.
- 8 Q. Is that correct? And you met him through your
- 9 friend; is that correct?
- 10 A. Correct.
- 11 Q. Okay. And you said that you knew Jennifer,
- 12 your sorority sister, for about a year; is that correct?
- 13 A. That's correct.
- 14 Q. This is December, 1999; is that correct?
- 15 A. Right.
- 16 Q. So you knew her through about December of 1998;
- 17 is that correct?
- 18 A. I probably knew her a couple months before
- 19 that, but we didn't start really becoming friends until
- 20 around then; that's correct.
- 21 Q. Okay. So around December of 1998 is when you
- 22 would date the beginning of your real friendship with
- 23 Jennifer Pusateri?
- 24 A. That's correct.
- 25 Q. Okay. And Jay, you said, you knew for less

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

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- 1 A. Correct.
- 2 Q. But shortly after you met him through her, he
- 3 became friend enough that it was okay that he would
- 4 sometimes come over your house; correct?
- 5 A. Correct.
- 6 Q. And during that whole period of time, Jeff
- 7 Johnson was your boyfriend; correct?
- 8 A. Correct.
- 9 Q. Okay. And during the period of time that you
- 10 know Jay, whether that dated from less than December of
- 11 1998, or some other time, how often did he come over to
- 12 your house alone?
- 13 A. I would say not frequently.
- 14 Q. Okay. How often? How many times?
- 15 A. I can't say exactly.
- 16 Q. How often did Jen come over to your house?
- 17 A. All the time.
- 18 Q. Okay. And how often did Jen show up at your
- 19 house with her friend Jay Wilds?
- 20 A. I would say a few.
- 21 Q. A few?
- 22 A. A couple.
- 23 Q. Is that less than ten or more than ten?
- 24 A. I would say between five and ten times.
- 25 Q. Now, that night, you said the one reason that

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- 1 you could date the time was because you liked watching
- 2 Judge Judy; is that correct?
- 3 A. Uh-huh, yes.
- 4 Q. And what time does Judge Judy come on, or did
- 5 it come on then?
- 6 A. Six o'clock.
- 7 Q. Six o'clock. In fact, it ran from 6:00 to
- 8 6:30?
- 9 A. Correct.
- 10 Q. Is that correct? And what channel is that on?
- 11 A. I think 45.
- 12 Q. Okay. And during that period of time, because
- 13 you liked it, you generally watched it; correct?
- 14 A. If I was home.
- 15 Q. If you were home. And that day, you were home;
- 16 correct?
- 17 A. Yes.
- 18 Q. And one of the ways that you dated the time
- 19 that you saw that person you knew through your sorority
- 20 friend and a person that he brought with him that you
- 21 didn't know, was you dated by the time period that Judge
- 22 Judy came on television; is that correct?
- 23 A. That's correct.
- 24 Q. The first time, Ms. Vinson, that you were asked
- 25 to recollect that date, the date being the 13th of

<p style="text-align: right;">Page 143</p> <p>1 January, 1999, was on the 9th of March, was it not?</p> <p>2 A. Okay. That sounds right.</p> <p>3 Q. Okay. And on the 9th of March, you were right</p> <p>4 down the street from here at Police Headquarters</p> <p>5 building, were you not?</p> <p>6 A. That's correct.</p> <p>7 Q. And you had been asked to be there. In fact,</p> <p>8 were you brought there by Detective MacGillivary?</p> <p>9 A. I met him there.</p> <p>10 Q. You met him there. At his request; right?</p> <p>11 A. That's correct.</p> <p>12 Q. You weren't just dropping in as a friend;</p> <p>13 correct?</p> <p>14 A. That's correct.</p> <p>15 Q. You were asked you be there officially; were</p> <p>16 you not?</p> <p>17 A. That's correct.</p> <p>18 Q. And you knew what it was about on the 9th of</p> <p>19 March; did you not?</p> <p>20 A. Yes.</p> <p>21 Q. And you were asked about the same subject</p> <p>22 matter you just shared with us as a result of being</p> <p>23 questioned by the State's attorney, were you not?</p> <p>24 A. That's correct.</p> <p>25 Q. Now today, you said that you got home between</p>	<p style="text-align: right;">Page 145</p> <p>1 Q. Okay. So by saying it could be, meaning do you</p> <p>2 recall telling Detective MacGillivary that?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. And so back then, on the 9th of March,</p> <p>5 when you were asked what time you got home on the 13th of</p> <p>6 January, then you told him that you got home between 4:30</p> <p>7 and five o'clock?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. So you told Detective MacGillivary</p> <p>10 something very different than you just told the ladies</p> <p>11 and gentlemen of the jury; is that correct?</p> <p>12 A. Well, it has been a year since that date.</p> <p>13 Q. So, would you agree with me, Ms. Vinson, when</p> <p>14 you first talked to Detective MacGillivary on the 9th of</p> <p>15 March, that you were attempting to be as thorough as</p> <p>16 possible, and accurate as possible, in the information</p> <p>17 you were giving him?</p> <p>18 A. That's correct.</p> <p>19 Q. And would you agree with me that your</p> <p>20 recollection of events that you were asked about, which</p> <p>21 are alleged to have occurred on the 13th of January, were</p> <p>22 fresher in your mind back on the 9th of February than</p> <p>23 they are today?</p> <p>24 A. That's correct.</p> <p>25 Q. Okay. So if you got home between 4:30 and</p>
<p style="text-align: right;">Page 144</p> <p>1 5:30 and six o'clock; do you remember that?</p> <p>2 A. Yes.</p> <p>3 Q. Isn't that what you just said?</p> <p>4 A. Yes.</p> <p>5 Q. Now, back then, did you work at the group home?</p> <p>6 A. No, I did not.</p> <p>7 Q. You worked somewhere else; did you not?</p> <p>8 A. That's correct.</p> <p>9 Q. Okay. And today, you told us your recollection</p> <p>10 was that you got home between 5:30 and 6:00 p.m.; is that</p> <p>11 correct?</p> <p>12 A. That's correct.</p> <p>13 Q. Okay. And do you remember telling Detective</p> <p>14 MacGillivary that you got home from work that day? This</p> <p>15 is during your conversation with him concerning the same</p> <p>16 subject matter, that took place on the 9th of March, at</p> <p>17 601 East Fayette Street, Police Headquarters, that you</p> <p>18 got home between 4:30 and five o'clock?</p> <p>19 MS. MURPHY: Your Honor, I'm going to object to</p> <p>20 the form of the question. It's --</p> <p>21 THE COURT: Overruled.</p> <p>22 MS. MURPHY: -- very confusing.</p> <p>23 BY MS. GUTIERREZ:</p> <p>24 Q. Do you remember that, ma'am?</p> <p>25 A. That could be, yes.</p>	<p style="text-align: right;">Page 146</p> <p>1 5:00, do you remember telling Detective MacGillivary how</p> <p>2 long the two gentleman, the one you knew and the one who</p> <p>3 was never introduced to you, stayed in your house that</p> <p>4 day?</p> <p>5 A. I think between 30 and -- I might have said 45</p> <p>6 minutes.</p> <p>7 Q. So somewhere less than 45 minutes; is that</p> <p>8 correct?</p> <p>9 A. That's correct.</p> <p>10 Q. And do you remember telling Detective</p> <p>11 MacGillivary that the visitors arrived sometime between</p> <p>12 5:15 and six o'clock?</p> <p>13 A. I don't remember saying that.</p> <p>14 Q. Okay. Well, if Detective MacGillivary</p> <p>15 transcribed it as 5:15 and six o'clock, would you have</p> <p>16 any reason to disbelieve him?</p> <p>17 A. No.</p> <p>18 Q. You were attempting to tell Detective</p> <p>19 MacGillivary the truth; were you not?</p> <p>20 A. That's correct.</p> <p>21 Q. And you believed that Detective MacGillivary</p> <p>22 knew that he was taking notes and taping your statement;</p> <p>23 did you not?</p> <p>24 A. That's correct.</p> <p>25 Q. Yes. And so you would have no reason to</p>

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

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- 1 A. No, I would not any reason to distrust him.
- 2 Q. No. And you were aware that he was recording
- 3 it then; is that correct?
- 4 A. Yes, that's correct.
- 5 Q. The 13th of January, ma'am, didn't mean
- 6 anything special to you yourself related to you, did it?
- 7 A. Other than I had a conference, no.
- 8 Q. No. Other than you had a conference that you
- 9 said occurred earlier in the day?
- 10 A. That's correct.
- 11 Q. Is that correct? And this person that your
- 12 friend -- who you met through your friend, was not that
- 13 arrived with him, with Jay, was someone who was never
- 14 introduced to you; isn't that correct?
- 15 A. Correct, uh-huh.
- 16 Q. And you found that odd, did it not -- did you
- 17 not?
- 18 A. I found it odd that I was not introduced at the
- 19 time.
- 20 Q. It was your house; correct?
- 21 A. That's correct.
- 22 Q. And your friend was coming to visit you; was he
- 23 not?
- 24 A. That's correct.
- 25 Q. And you would have expected your friend to

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- 1 introduce his friend that he was bringing into your house
- 2 to you; would you not?
- 3 A. Yes.
- 4 Q. But he did not?
- 5 A. No.
- 6 Q. Correct? And nobody ever introduced him to
- 7 you, did they?
- 8 A. No.
- 9 Q. At some point later, you found out his name;
- 10 did you not?
- 11 A. That's correct.
- 12 Q. You didn't remember when and where and from
- 13 whom you found out his name, do you?
- 14 A. Yes, I do.
- 15 Q. Well, back on February -- on March the 9th,
- 16 when you spoke to MacGillivary, Detective MacGillivary,
- 17 you didn't know how you knew his name, did you?
- 18 A. That's possible.
- 19 Q. Okay. And if that's how Detective MacGillivary
- 20 recorded your conversation, again, you'd have no reason
- 21 to distrust his recordation of your conversation with
- 22 him?
- 23 A. That's correct.
- 24 Q. And you weren't trying to conceal information
- 25 from Detective MacGillivary, were you?

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- 1 A. No.
- 2 Q. You were just there to answer his questions;
- 3 correct?
- 4 A. Correct.
- 5 Q. About your friend Jay; correct?
- 6 A. Correct.
- 7 Q. And the man that you never met before, and
- 8 whose name then, the day that you met him, you didn't
- 9 know; correct?
- 10 A. Correct.
- 11 Q. And nobody gave you his name back then;
- 12 correct?
- 13 A. Not that day, no.
- 14 Q. Not on that day. Sometime later than that;
- 15 correct?
- 16 THE COURT: I'm sorry. Was there an answer,
- 17 ma'am?
- 18 THE WITNESS: Oh, I'm sorry. Yes, that's
- 19 correct.
- 20 BY MS. GUTIERREZ:
- 21 Q. Thank you. The person, were you ever shown a
- 22 picture of Mr. Syed?
- 23 A. No, I was not.
- 24 Q. You were asked to describe him, were you not?
- 25 A. Yes.

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- 1 Q. And you described him as like, Indian, mixed  
2 maybe?  
3 A. Right. I wasn't sure.  
4 Q. Did you not? You weren't sure what he was?  
5 A. Correct.  
6 Q. Correct? Meaning what his racial make-up was;  
7 correct?  
8 A. That's correct.  
9 Q. And by mixed, was it Indian mixed with  
10 something else?  
11 A. I'm not sure.  
12 Q. You didn't know what the mixed referred to;  
13 right?  
14 A. That's correct.  
15 Q. That the mixture was of; correct?  
16 MS. MURPHY: Objection.  
17 THE COURT: Sustained.  
18 BY MS. GUTIERREZ:  
19 Q. Now, you told us that they stayed, what's the  
20 outmost, 35 to 45 minutes? That was the longest they  
21 stayed; correct?  
22 A. Correct.  
23 Q. Your friend Jay; correct?  
24 A. Yes.  
25 Q. And his friend, whatever his name turned out to

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- 1 be; correct?  
2 A. Correct.  
3 Q. And during that time, no one else came in; did  
4 they?  
5 A. That's correct.  
6 Q. Okay. And no one who was there, excluding Jay,  
7 introduced the person with him to you; is that correct?  
8 A. I'm sorry. Can you -- can you clarify it for  
9 me?  
10 Q. You've told us that Jay never introduced his --  
11 A. That's correct.  
12 Q. -- friend to you; correct? Your boyfriend was  
13 there with you; was he not?  
14 A. That's correct.  
15 Q. Jeff; is that correct?  
16 A. Correct.  
17 Q. And Jeff knew Jay from before; correct?  
18 A. Right.  
19 Q. Jeff knew Jay to be your friend who had  
20 previously been at your house; correct?  
21 A. Correct.  
22 Q. Because your boyfriend was often at your house;  
23 correct?  
24 A. Sometimes, yes.  
25 Q. Okay. And your boyfriend Jeff knew Jen;

- 1 correct?  
2 A. Correct.  
3 Q. And Jay was really Jen's friend; was he not?  
4 A. Correct.  
5 Q. Correct. And Jeff never introduced you to the  
6 person that Jay brought with him, did he?  
7 A. That's correct.  
8 Q. And never indicated to you that he knew that  
9 person that Jay brought with him; is that correct?  
10 A. That's correct.  
11 Q. And you never spoke directly to this person,  
12 did you?  
13 A. Well, when I said -- when he asked, "How do I  
14 had get rid of a high," and I said, "I don't know. I  
15 guess I think you just need to wait," I spoke directly  
16 to him.  
17 Q. You were answering his question about how you  
18 get rid of a high; correct?  
19 A. Correct.  
20 Q. And you knew what he meant; did you not?  
21 A. Correct.  
22 Q. Or you understood him to mean; correct?  
23 A. Right.  
24 Q. Meaning to be high under the influence of some  
25 type of substance?

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1 way, I'm high on marijuana"?	1 A. Yeah, but his face was down. It wasn't like he
2 A. No.	2 was just --
3 Q. No. And was it by reason of your own	3 Q. That wasn't my question. Were the pillows that
4 experience with marijuana?	4 you described an appropriate place for someone who visits
5 A. Correct.	5 your house to position themselves?
6 Q. Okay. And so, you said you made the assumption	6 A. It could have been, yes.
7 that he meant high from marijuana by reason of your own	7 Q. Did you tell him to leave at any time?
8 experience of having been high --	8 A. No.
9 MS. MURPHY: Objection.	9 Q. And did you ever demand any explanation from
10 MS. GUTIERREZ: -- off of marijuana?	10 your friend Jay as to who it was he was bringing in your
11 THE COURT: Overruled.	11 house?
12 THE WITNESS: That's correct.	12 A. No.
13 BY MS. GUTIERREZ:	13 Q. On the other occasions when Jay would come, he
14 Q. That's correct. And what was it about what he	14 had brought others, had he not?
15 said that triggered that assumption, based on your	15 THE COURT: Please speak up. Your microphone's
16 experience?	16 not getting you.
17 A. That's a common word --	17 MS. GUTIERREZ: Thank you, Your Honor.
18 Q. High?	18 BY MS. GUTIERREZ:
19 A. -- that's associated with marijuana.	19 Q. On other occasions when they had visited you,
20 Q. High? Meaning with marijuana? But that was	20 he had also come with others, had he not?
21 your assumption when you answered him; correct?	21 MS. MURPHY: Objection.
22 A. Correct.	22 THE COURT: Sustained.
23 Q. Prior to him saying that, he had not spoken to	23 BY MS. GUTIERREZ:
24 you; correct?	24 Q. Was there anything about Jay's behavior that
25 A. That's correct.	25 led you to make a similar assumption about being high on
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1 Q. And though he was a visitor, having been	1 marijuana?
2 brought there by someone who already had your permission	2 A. No.
3 to come visit, he had not directed any conversation	3 Q. Jay was, however, someone with whom you had
4 towards you in the 35 to 45 minutes that he was there;	4 gotten high?
5 correct?	5 MS. MURPHY: Objection.
6 A. That's correct.	6 BY MS. GUTIERREZ:
7 Q. And you hadn't asked him to identify himself,	7 Q. Had you not?
8 had you?	8 THE COURT: Overruled.
9 A. No.	9 THE WITNESS: Occasionally, yes.
10 Q. You hadn't directed any conversation at him,	10 BY MS. GUTIERREZ:
11 had you?	11 Q. Occasionally. And some of those occasional
12 A. Nope.	12 times had been at your apartment; is that correct?
13 Q. And you hadn't observed anything that he had	13 A. That's correct.
14 done that gave you any information about him, had you?	14 Q. Okay. But none of those occasions had included
15 A. No.	15 the young man whose name you never got that night;
16 Q. No. He came in with a person you knew to be	16 correct?
17 your friend and sat down in a place where there were	17 A. That's correct.
18 pillows against which to sit; correct?	18 Q. Okay. After this young man, whose name you
19 A. He didn't sit, he slumped.	19 didn't know, left out of your house -- now, you live,
20 Q. He slumped? His body was positioned, however,	20 it's an apartment in a building; is it not?
21 against pillows that were --	21 A. That's correct.
22 (Pause.)	22 Q. And you're Apartment C, I believe?
23 BY MS. GUTIERREZ:	23 A. That's correct.
24 Q. -- that were at a appropriate place for one to	24 Q. How many apartments are there in the building,
25 sit, were they not?	25 Ms. Vinson?

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- 1 A. Four.  
 2 Q. Four. And are there other buildings nearby?  
 3 A. Yes.  
 4 Q. Is it an apartment complex?  
 5 A. Yes.  
 6 Q. In order to get to the front door of your  
 7 actual Apartment C, do you have to come inside of the  
 8 building, or is it like an open stairwell?  
 9 A. No, you go inside the building.  
 10 Q. Okay. So you have to actually enter into the  
 11 building to get to your front door; correct?  
 12 A. That's correct.  
 13 Q. But there are places from your apartment where  
 14 you can look through the windows and actually see the  
 15 outside of the apartment building; correct?  
 16 A. That's correct.  
 17 Q. Not just the stairwell that leads to your door;  
 18 correct?  
 19 A. Correct.  
 20 Q. And that's where you're talking about looking  
 21 out, is through one of your own interior windows; is that  
 22 correct?  
 23 A. That's correct.  
 24 Q. Now, if somebody leaves the front door by which  
 25 they enter, there is only one entrance to your apartment;

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- 1 isn't it?  
 2 A. There's a back door in the basement, but it's  
 3 locked.  
 4 Q. It's locked? And no one came in or out of that  
 5 door that night, did they?  
 6 A. No.  
 7 Q. Jay knocked on the door, didn't he?  
 8 A. I think he rang the bell, but yes.  
 9 Q. He rang the bell, and you went to the door; did  
 10 you not?  
 11 A. Correct.  
 12 Q. You looked through the peep hole, you saw  
 13 somebody you knew, and you let him in, didn't you?  
 14 A. Correct.  
 15 Q. Okay? And when he entered there, is he on a  
 16 common stairwell?  
 17 A. Shared by all four apartments? Is that what  
 18 you're asking?  
 19 Q. Well, shared by any other apartment?  
 20 A. Yes.  
 21 Q. Yes. And does that stairwell -- is that  
 22 actually in the interior of the building?  
 23 A. Yes, it is.  
 24 Q. So when one enters into that interior  
 25 stairwell, one no longer has a direct view outside;

- 1 correct?  
 2 A. That's correct.  
 3 Q. But once inside your apartment, one could  
 4 approach sets of windows on one side of your apartment  
 5 and view right outside; is that correct?  
 6 A. That's correct.  
 7 Q. Now, when Jay came up, you didn't know how he  
 8 had gotten to your apartment; correct?  
 9 A. What do you mean?  
 10 Q. You didn't know how he had arrived there?  
 11 A. No.  
 12 Q. He had come by bus?  
 13 A. No.  
 14 Q. Okay. If he had been dropped by somebody else?  
 15 A. No.  
 16 Q. If he had driven himself?  
 17 A. No.  
 18 Q. You knew him not to own a car, however, did you  
 19 not?  
 20 A. Right.  
 21 Q. But you knew him to have access to others'  
 22 cars, did you not?  
 23 A. No.  
 24 Q. And -- but you, from seeing him, couldn't  
 25 determine how he'd gotten there; correct?

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

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- 1 A. No.  
 2 Q. You weren't expecting him; right?  
 3 A. Correct.  
 4 Q. And you had no specific interest in determining  
 5 how he got there, or how he would leave; correct?  
 6 A. That's correct.  
 7 Q. But after the person whose name you didn't know  
 8 then, left out of your apartment, you went to the window  
 9 to see what you could see?  
 10 A. Correct.  
 11 Q. Correct? And you didn't see either him, or  
 12 subsequently Jay, outside on the sidewalk, did you?  
 13 A. That's correct.  
 14 Q. Or in the parking lot; correct?  
 15 A. That's correct.  
 16 Q. Okay. If they had been outside on their own,  
 17 meaning not in a car, not someplace else, you could have  
 18 seen them, could you have not?  
 19 A. That's correct.  
 20 Q. But you could not see anything, could you have?  
 21 A. That's correct.  
 22 Q. And you would agree with me that on January  
 23 13th, whether they were there from 5:15 to six o'clock,  
 24 as you remembered and told Detective MacGillivary, on  
 25 March 9th, or whether they were later there, during the

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- 1 A. That's correct.  
 2 Q. And you really couldn't determine who was  
 3 inside the car, could you?  
 4 A. That's correct.  
 5 Q. But you made the assumption that must be them;  
 6 correct?  
 7 A. That's correct.  
 8 Q. Okay. Now, while they were there, the only  
 9 person that called was Jen?  
 10 A. That's correct.  
 11 Q. Okay. And Jen, your friend, your sorority  
 12 sister, was also known by your boyfriend Jeff Johnson;  
 13 correct?  
 14 A. Correct.  
 15 Q. And at some point, he was talking to Jen, was  
 16 he not?  
 17 A. Correct.  
 18 Q. Although she called to speak to you; correct?  
 19 A. Correct.  
 20 Q. And you expressed to her, you thought that  
 21 there was something strange going on, didn't you?  
 22 A. That's correct.  
 23 Q. In fact, strange was the word that you used;  
 24 correct?  
 25 A. Uh-huh.

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- 1 time Judge Judy was on, as you now tell us, that whatever  
 2 time that was, that it was dark at that time; was it not?  
 3 A. That's correct.  
 4 Q. Back on January 13th. But there was sufficient  
 5 lighting that if you looked out of your windows, if they  
 6 were standing there, you could have seen them; correct?  
 7 A. That's correct.  
 8 Q. And what you saw was what appeared to you to be  
 9 someone inside a car; correct?  
 10 A. Two people inside of a car.  
 11 Q. Two people inside. Inside, in the front seat;  
 12 correct?  
 13 A. That's correct.  
 14 Q. You had not ever seen that car before; had you?  
 15 A. No, I had not.  
 16 Q. You didn't recognize it, did you?  
 17 A. No.  
 18 Q. Didn't have any sign identifying it as a car  
 19 belonging to Jay, did it?  
 20 A. No, it did not.  
 21 Q. Or to this person by any name, whom you had  
 22 never met; correct?  
 23 A. That's correct.  
 24 Q. You didn't know when it had gotten there;  
 25 correct?

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- 1 Q. And when you spoke to Jen, did you tell her  
 2 that you hadn't even bothered to ask the young man's  
 3 name?  
 4 A. Yes, I had.  
 5 Q. And did you tell her you did that because you  
 6 were afraid to do so?  
 7 A. Not that I remember.  
 8 Q. And did you express any particular fear?  
 9 A. Fear is not the right word, no.  
 10 Q. Jen is also someone with whom you had  
 11 experienced being high on marijuana, is she not?  
 12 A. That's correct.  
 13 Q. Together with your mutual friend, Jay; isn't  
 14 that correct?  
 15 A. Yes. That's correct.  
 16 Q. In fact, relatively often, one of you must  
 17 supply the marijuana so that you can all get high, must  
 18 you not?  
 19 A. I would not say often.  
 20 MS. MURPHY: Objection.  
 21 THE COURT: Overruled.  
 22 BY MS. GUTIERREZ:  
 23 Q. You have ever supplied the marijuana for your  
 24 friends to get high with?  
 25 A. Yes.

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- 1 Q. Yes. And has your boyfriend ever supplied the  
2 marijuana for you and your friends to get high with,  
3 your then boyfriend?  
4 A. I can't say for certain.  
5 Q. Okay. But you --  
6 A. I'm not sure.  
7 Q. -- think so?  
8 A. Possibly.  
9 Q. And Jen, your sorority sister, has she supplied  
10 the marijuana for you and your friends, including Jay, to  
11 get high with?  
12 A. Sometimes.  
13 Q. And has Jay, your friend that you met through  
14 your sorority sister, supplied the marijuana with which  
15 you and your friends got high with?  
16 A. Sometimes.  
17 Q. Sometimes. And oftentimes, or at least  
18 sometimes, that getting high would occur in your house?  
19 A. Uh-huh, yes.  
20 Q. Now, you say when Jen called, you answered in  
21 back; do you recall that?  
22 A. I answered -- I'm sorry, what?  
23 Q. I thought that you said you answered in back?  
24 A. Right, in my bedroom.  
25 Q. That meant the back of your apartment; correct?

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- 1 A. That's correct.  
2 Q. Not the open area where your friends and your  
3 boyfriend were sitting; correct?  
4 A. That's correct.  
5 Q. A separate room?  
6 A. Correct.  
7 Q. With a separate door; correct?  
8 A. Correct.  
9 Q. So you answered your phone not in front of your  
10 guests, but in a separate room, your bedroom?  
11 A. I could have answered it and then walked in the  
12 back room. I'm not sure.  
13 Q. In any event, your recollection today is that  
14 the bulk of that conversation took place while you were  
15 in what you described as being in back; correct?  
16 A. That's correct.  
17 Q. And that was away from your friend Jay;  
18 correct?  
19 A. Correct.  
20 Q. And his friend or acquaintance, whose name you  
21 didn't know; correct?  
22 A. Correct.  
23 Q. And your boyfriend; correct?  
24 A. Correct.  
25 Q. And you didn't indicate to your friend Jay that

- 1 your mutual friend with him, Jen Pusateri, was on the  
2 phone, did you?  
3 A. I can't be sure.  
4 Q. Okay. And prior to Jen calling, you didn't ask  
5 Jay back to the back of your apartment, so that you might  
6 express to him your concern that he had not introduced  
7 his friend?  
8 A. No.  
9 Q. Didn't you? And in fact, you never conveyed  
10 that to Jay, did you?  
11 A. Not at that time, no.  
12 Q. And, in fact, you did not invite your boyfriend  
13 to the back, did you?  
14 A. No.  
15 Q. Prior to Jen calling; correct?  
16 A. Correct.  
17 Q. But there came a time when -- there came a time  
18 when you gave the phone to your boyfriend; did you not?  
19 A. Yes.  
20 Q. And at the time that you gave the phone to your  
21 boyfriend, was that in the back?  
22 A. I believe so, yes.  
23 Q. And you did not want to convey to your  
24 boyfriend in front of Jay and this unknown man that it  
25 was Jen on the phone, did you?

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1 A. I don't remember.	1 but --
2 Q. Did you ever tell Jay that it was Jen on the	2 Q. The only bodies that were there were you and
3 phone?	3 your boyfriend; correct?
4 A. I don't remember.	4 A. That's correct.
5 Q. And were you asked that question on March the	5 Q. And you didn't inquire of anything about
6 9th when Detective MacGillivary asked you the same field	6 anything of the person that Jay brought with him, did
7 of inquiry?	7 you?
8 A. I don't remember.	8 A. No, I did not.
9 Q. Okay. And if you did not tell him that, would	9 Q. And you didn't inquire of your friend Jay, the
10 that be a surprise to you?	10 person you knew who had been to your home, a person with
11 A. If I did not tell him?	11 whom you had gotten high, as to what was going on then
12 Q. That you announced to Jay that it was your	12 while he was in your house, did you?
13 mutual friend Jen on the phone?	13 A. No.
14 A. I'm sorry. I'm really nervous, and I'm not	14 Q. And your boyfriend didn't inquire as to the
15 understanding your question.	15 person that Jay brought with him as to what was going on,
16 THE COURT: I don't think many of us got that	16 did he?
17 last question. Would you try again, Ms. Gutierrez?	17 A. That's correct.
18 MS. GUTIERREZ: Thank you, Judge.	18 Q. And he didn't inquire of Jay, a person he
19 BY MS. GUTIERREZ:	19 already knew?
20 Q. Ms. Vinson, you did not announce to Jay at any	20 A. Correct.
21 time when your friend Jen was on the phone something to	21 Q. What was it about them that made you pick the
22 the effect of, "Oh, Jay, it's Jen," did you?	22 word "shady"?
23 A. I don't remember.	23 A. We were sitting there in silence for a half an
24 Q. You don't remember? And do you think that's	24 hour.
25 something you would have told Detective MacGillivary if	25 Q. Well, that didn't bother you, did it, Ms.
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1 it had occurred back on the 9th of March?	1 Vinson?
2 THE COURT: Sustained.	2 A. Yes, it bothered me.
3 BY MS. GUTIERREZ:	3 Q. Well, your favorite show was on; was it not?
4 Q. Ms. Vinson, do you recall speaking about the	4 A. Yes, but it's very uncomfortable when -- I
5 very same subject matter to Detective MacGillivary?	5 mean, after they had sat down, after I had asked Jay, you
6 MS. MURPHY: Objection.	6 know, "Where you guys coming from," or "What are you guys
7 BY MS. GUTIERREZ:	7 doing," and he gives all these slew of answers, and then
8 Q. And did you tell Detective MacGillivary that	8 we're all just completely silent. I mean, that's -- it
9 you told Jay that Jen is on the phone while she called?	9 wasn't like silence, like, "Oh, we're watching the show."
10 A. I don't remember.	10 It was silence, "Oh, nobody's talking" silence.
11 Q. You don't remember. Okay. One of the things	11 Q. You were watching the show, weren't you?
12 that you told Detective MacGillivary back on the 9th of	12 THE COURT: Yes, I think we've established
13 March to describe Jay and the man he brought with him,	13 that. Can we --
14 was you used the word "shady" to describe them; is that	14 BY MS. GUTIERREZ:
15 correct?	15 Q. Ms. Vinson, --
16 A. That's correct.	16 THE COURT: In an effort to finish this
17 Q. Is that a word, the meaning of which you	17 millennium, Ms. Gutierrez, can we get back to the points
18 understood when you used it back then?	18 at issue in the case?
19 A. Yes, it is.	19 MS. GUTIERREZ: I'd object to the Court's
20 Q. And what did you mean when you said that word?	20 remarks, Your Honor.
21 A. They were acting funny, hiding something.	21 THE COURT: That objection is overruled.
22 Q. Hiding something?	22 BY MS. GUTIERREZ:
23 A. From me.	23 Q. Ms. Vinson, you told us that then that you
24 Q. From you?	24 didn't ask questions of Jay, did you not?
25 A. I mean, not particularly me. I mean anybody,	25 A. When they first came in, yes.

1 Q. And Jay answered you, did he not?  
 2 THE COURT: Yes, that is asked and answered.  
 3 That is sustained.  
 4 BY MS. GUTIERREZ:  
 5 Q. You didn't understand his answers, though, did  
 6 you?  
 7 A. No, I didn't understand.  
 8 Q. Did you tell Jay that you didn't understand a  
 9 word he was saying?  
 10 A. No, I did not say, no. I didn't say it like,  
 11 "I have no idea what you're talking about." I continued  
 12 to ask questions to maybe clarify what he was saying, but  
 13 the point where it was just like, oh, forget it, I don't  
 14 --  
 15 Q. Every time you asked him a question, however,  
 16 he answered, did he not?  
 17 A. He said something, yes.  
 18 Q. He said something?  
 19 A. He did not answer my questions, though.  
 20 Q. But what he said never became clear to you;  
 21 correct?  
 22 A. Correct.  
 23 Q. Okay. And how long of that initial time did  
 24 you take up asking questions that in your mind he never  
 25 answered?

1 A. Not very long.  
 2 Q. Okay. Five minutes? Ten minutes?  
 3 A. No. Probably less than five minutes, to maybe  
 4 five minutes.  
 5 Q. Two to five minutes?  
 6 A. Two to five minutes.  
 7 Q. Okay. So for two to five minutes, you asked  
 8 him questions, the answers of which you did not  
 9 understand, and thereafter, for whatever balance of time  
 10 he was there, 35 to 45 minutes, there was absolute  
 11 silence?  
 12 A. Him and Jeff may have talked a little bit, but  
 13 I don't quite remember what the conversation was. Small  
 14 talk. It wasn't anything big, if I remember correctly.  
 15 Q. And you wanted something big to be the subject  
 16 of the conversation?  
 17 A. No, I didn't.  
 18 Q. Okay. And so, there was some normal  
 19 interaction going on; was there not?  
 20 A. No. I would say there was no normal  
 21 interaction going on.  
 22 Q. Were you high then, Ms. Vinson?  
 23 A. I don't remember.  
 24 Q. Okay. And so --  
 25 A. It could possibly -- I could possibly. Maybe.

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

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

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1 MS. MURPHY: Objection.  
 2 THE COURT: Sustained.  
 3 BY MS. GUTIERREZ:  
 4 Q. Did you ever get angry with Jay when he  
 5 returned?  
 6 A. Not when he returned, no.  
 7 Q. Did you tell him you were angry?  
 8 A. I asked him what was going on, but I wasn't  
 9 angry. I didn't tell them that I was angry, no.  
 10 Q. Okay. When you asked them what was going on,  
 11 what was going on then was when Jen and Jay returned, and  
 12 they were acting strange, was it not?  
 13 A. Yes.  
 14 Q. Thank you.  
 15 MS. GUTIERREZ: I have nothing further.  
 16 THE COURT: Any redirect?  
 17 MS. MURPHY: I'll be brief, Your Honor.  
 18 REDIRECT EXAMINATION  
 19 BY MS. MURPHY:  
 20 Q. To clarify, Ms. Vinson, the only person who  
 21 called you, meaning your apartment, was Jennifer  
 22 Pusateri?  
 23 A. That's correct.  
 24 Q. Do you know who called the defendant?  
 25 A. No.

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1 thing was kind of unsavory. I didn't appreciate it. I  
 2 found it very disrespectful.  
 3 Q. When you found out that Homicide detectives  
 4 wanted to talk to you, what was the first thing you  
 5 thought?  
 6 MS. GUTIERREZ: Objection.  
 7 THE COURT: Sustained.  
 8 BY MS. MURPHY:  
 9 Q. Why did you think homicide detectives wanted to  
 10 talk to you?  
 11 MS. GUTIERREZ: Objection.  
 12 THE COURT: Sustained.  
 13 MS. MURPHY: I have nothing further, Your  
 14 Honor.  
 15 THE COURT: Recross?  
 16 MS. GUTIERREZ: No, Your Honor.  
 17 THE COURT: Praise God.  
 18 You are excused.  
 19 THE WITNESS: Thank you.  
 20 (The witness was excused.)  
 21 THE COURT: Call your next witness.  
 22 (Pause.)  
 23 THE COURT: Ladies and gentlemen, we are going  
 24 to take our afternoon recess now, and we'll be out until  
 25 4:00 p.m. You may return to the jury room.

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

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1 (Pause.)  
 2 THE COURT: Counsel, be in place at 4:00.  
 3 (Brief recess.)  
 4 (The jury was not present upon reconvening.)  
 5 THE COURT: Counsel, may we bring the jury  
 6 down?  
 7 MS. GUTIERREZ: Just one minute, Judge.  
 8 (Pause.)  
 9 THE COURT: Ms. Gutierrez, ready?  
 10 MS. GUTIERREZ: Yes, Your Honor. We're ready.  
 11 MS. MURPHY: Yes, Your Honor.  
 12 THE COURT: Thank you.  
 13 (Pause.)  
 14 (The jury returned to the courtroom.)  
 15 THE COURT: State, call your next witness.  
 16 State call your next witness.  
 17 MR. URICK: The State would call Jay Wilds at  
 18 this time.  
 19 THE CLERK: Sir, will you please raise your  
 20 right hand?  
 21 Whereupon,  
 22 JAY WILDS,  
 23 a witness produced on call of the State, having first  
 24 been duly sworn, was examined and testified as follows:  
 25 THE CLERK: Sir, you may lower your hand. You

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1 may be seated. Would you please state your name, address  
2 for the record and please spell your last name?

3 THE WITNESS: Jay W. Wilds.

4 THE CLERK: You need to speak directly into the  
5 microphone.

6 THE WITNESS: My name is Jay W. Wilds. I  
7 reside at 4 [REDACTED]  
8 Maryland.

9 THE COURT: How do you spell your first name?

10 THE WITNESS: Jay, J-A-Y.

11 THE COURT: Okay.

12 THE WITNESS: My last name is W-I-L-D-S.

13 THE COURT: State?

14 MR. URICK: Thank you, Your Honor. At this  
15 time, if I may approach the witness and show him what's  
16 been marked for identification as State's Exhibit 35.

17 There's a typo on my --

18 THE COURT: Yes.

19 MR. URICK: -- sheet. The sheet said two  
20 "34's." This is the second one. I'd ask the Court to  
21 change it to 35.

22 THE COURT: Yes. Very good.

23 DIRECT EXAMINATION

24 BY MR. URICK:

25 Q. Mr. Wilds, would you take a few seconds and

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1 look that through, if you would, please?

2 (Pause.)

3 THE COURT: Are you familiar with that  
4 document, Mr. Wilds?

5 THE WITNESS: Yes, sir.

6 THE COURT: What is it?

7 THE WITNESS: It's the agreement that I have  
8 with the State's Attorney's office.

9 THE COURT: Okay. Thank you.

10 MR. URICK: I would offer State's Exhibit  
11 Number 35, the plea agreement of Jay Wilds in this case.

12 THE COURT: Without objection, State's 35 is  
13 admitted.

14 (State's Exhibit No. 35,  
15 previously marked for  
16 identification, was  
17 received in evidence.)

18 MR. URICK: If I may approach the witness?

19 THE COURT: Yes.

20 MR. URICK: Give this to the Clerk, and enter  
21 it into evidence.

22 BY MR. URICK:

23 Q. Mr. Wilds, if you would, tell the ladies and  
24 gentlemen of the jury in your own words what the plea  
25 agreement was?

1 A. The plea agreement was just that basically a  
2 sentence cap that I can only be sentenced to the maximum  
3 sentencing for my part as long as I told the truth and  
4 nothing but the truth.

5 THE COURT: Keep you voice up and please talk  
6 directly into the microphone, sir.

7 THE WITNESS: Yes. I'm sorry.

8 BY MR. URICK:

9 Q. And you've entered a plea to being an accessory  
10 after the fact to murder in this case, have you not?

11 A. Yes, sir.

12 Q. Now, do you know the defendant in this case?

13 A. Yes, I do.

14 Q. How do you know him?

15 A. Acquaintances, friends.

16 Q. Now, how old are you today?

17 A. I am 19 today.

18 Q. And where did you go to high school?

19 A. Woodlawn.

20 Q. What curriculum did you take at Woodlawn High  
21 School?

22 A. I was basic curriculum, specialized in tech.

23 Q. And when did you graduate from Woodlawn High  
24 School?

25 A. '98.

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

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- 1 Q. Whose number is that?  
 2 A. That's my phone number.  
 3 Q. And what -- read it out for the jury, if you  
 4 would, please?  
 5 A. Pardon me?  
 6 Q. Please read it aloud, the number?  
 7 A. Oh. 410- [REDACTED]  
 8 Q. Now, if you will, look at the top of the page,  
 9 the very top. Do you see where it says "call date"?  
 10 A. Yes.  
 11 Q. And it says January 13th, 1999?  
 12 A. Pardon me?  
 13 Q. It says January 13th, 1999?  
 14 A. Yeah.  
 15 Q. Now, if you go back down to that line you just  
 16 looked at, 32 --  
 17 A. Yes.  
 18 Q. -- in the fourth column it says the time that  
 19 that call was made. Do you see that time?  
 20 A. Yes.  
 21 Q. What was that time?  
 22 A. 10:45.  
 23 Q. And what is the length of the call?  
 24 A. 28 seconds.  
 25 Q. What, if anything, did the defendant say to you

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- 1 at that time?  
 2 A. That he would be at my house in an hour to pick  
 3 me up.  
 4 Q. And what happened next?  
 5 A. I showered. I dressed and then he was at my  
 6 house in about an hour to pick me up.  
 7 Q. And what was he driving, if you remember?  
 8 A. His Accord. I don't remember what year. It's  
 9 a tan car, a tan Honda Accord.  
 10 Q. And what, if anything, did he say when he saw  
 11 you?  
 12 A. Nothing. He asked me was I ready and we left.  
 13 I got in his car. We drove to the mall.  
 14 Q. And what, if anything, occurred there?  
 15 A. We shopped, myself and girlfriend.  
 16 Q. And were you talking with the defendant during  
 17 this time?  
 18 A. Yes.  
 19 Q. What, if anything, did he -- you say to him or  
 20 did he say to you?  
 21 A. We discussed the --  
 22 MS. GUTIERREZ: Objection.  
 23 THE COURT: Basis.  
 24 MS. GUTIERREZ: Relevancy, about what.  
 25 THE COURT: Okay. Overruled.

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

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1 parked out in back of the school and walked up the steps,  
 2 went back to school.  
 3 I left there. I was going to Westview Mall,  
 4 but I decided to stop and get my friend Mark Pusateri. I  
 5 was at Mark Pusateri's house.  
 6 Q. Now, let's refer back to the paper. If you'd  
 7 look at Line 31?  
 8 A. Yes.  
 9 Q. Do you recognize that number?  
 10 A. Yes.  
 11 Q. Whose number is that?  
 12 A. That's Mark Pusateri's number on there.  
 13 Q. And Mark Pusateri, does he have any family  
 14 members?  
 15 A. Yes, Jen Pusateri. He's Jen Pusateri's  
 16 brother.  
 17 Q. Okay. Now, do you recall that -- that  
 18 telephone call? Do you know who made that?  
 19 A. I do not recall that phone call. That may have  
 20 been me checking to see if Mark was home.  
 21 Q. And if you look at both that Line 30, that's  
 22 the same number?  
 23 A. Pardon me? Line 30? Yes, it is.  
 24 Q. The one below it said 12:07, the one above it  
 25 said 12:41?

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1 A. Yes. Yes, I see that.  
 2 Q. Did you eventually go over to the Pusateri's?  
 3 A. Yes.  
 4 Q. What did you do there?  
 5 A. We played video games for about a half an hour.  
 6 After that we left, went to the mall. We weren't there  
 7 very long. They didn't have anything I needed. We  
 8 returned back. Then I received a phone call on the cell  
 9 phone he had left me.  
 10 Q. Who was that phone call from?  
 11 A. Mr. Syed.  
 12 Q. What, if anything, did he say?  
 13 A. Just asked had I been away or if the cell had  
 14 been turned off.  
 15 Q. And what, if anything, happened next?  
 16 A. Me and Mark went back downstairs. We played  
 17 video games for like almost another hour. His sister  
 18 came in and I got another phone call from him.  
 19 Q. What did he say at that time?  
 20 A. He said he was leaving school and wanted me --  
 21 he wanted me to pick him up in about a half an hour.  
 22 Q. And what did you do?  
 23 A. I waited a half an hour and he didn't call, so  
 24 I left.  
 25 Q. And what, if anything, happened next?

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1 A. I proceeded to check Jamai's house. I can't  
 2 remember the exact address. He lives off of Crockett  
 3 Road. I went to his residence and knocked on his door.  
 4 He wasn't in.  
 5 I began to leave to go home, and I received  
 6 another phone call from Mr. Syed.  
 7 Q. Let me back you up. Before you dropped --  
 8 before the defendant drove himself back up to the school,  
 9 did you have occasion to go into the city with him?  
 10 A. Not as of yet.  
 11 Q. Now, -- okay. You knock on that one door and  
 12 the person's not home. What, if anything, happens next?  
 13 A. I received a phone call. It's Mr. Syed. He's  
 14 at Best Buy. He tells me to come pick him up, that he'd  
 15 be on the left-hand side of the building next to the pay  
 16 phone.  
 17 Q. And what did you do?  
 18 A. I went to Best Buy to pick him up.  
 19 Q. And what, if anything, happened there?  
 20 A. He was standing there. He had on a kind of -it  
 21 was kind of strange. He had on a pair of red wool gloves  
 22 without their palms and he motioned for me to follow him  
 23 to the right of the building next to the Beltway.  
 24 Q. And what, if anything, happened next?  
 25 A. I followed him. He pointed for me to park next

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1 to a gray car. I parked next to the vehicle. He went  
 2 around. He took the keys out of the ignition. I exited  
 3 the vehicle and lit a cigarette.  
 4 He -- he asked me was I ready for this several  
 5 times. And then he opened the trunk and Iae was already  
 6 in there.  
 7 Q. Did you know her?  
 8 A. I wouldn't call us friends. We were  
 9 acquaintances. I had a biology class with her.  
 10 Q. And were you able to recognize the person in  
 11 the trunk?  
 12 A. I knew it was her. I mean I didn't see her  
 13 face. She was laying face down, but I -- pretty much  
 14 knew it was her.  
 15 Q. What, if anything, did you see at that point?  
 16 A. Her shoes were off. I mean -- I mean that's  
 17 about it. It was just -- her -- she was just laying  
 18 there. She looked kind of blue and her shoes were off.  
 19 Q. What, if anything, did the defendant say at  
 20 that point?  
 21 A. He didn't say anything. He just instructed me  
 22 to follow him, closed the trunk, got back in the -- in  
 23 her car. I got back in his vehicle and he just told me  
 24 to follow him. He drove to the end of the 70 Park and  
 25 Ride.

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- 1 Q. And what, if anything, happened there?  
 2 A. He exited the vehicle, went around to the back,  
 3 grabbed some articles out of the backseat and trunk,  
 4 closed her trunk. He came to his trunk, placed some  
 5 articles in his trunk and he got into the driver's seat  
 6 of his car.  
 7 Q. And what, if anything, happened then?  
 8 A. We then went to Patrick Furlew's house.  
 9 Q. Now, if you will, look at the exhibit that I  
 10 gave you. Do you see -- look at Line 23.  
 11 A. Yes.  
 12 Q. Do you recognize -- do you recognize that  
 13 number?  
 14 A. Yes.  
 15 Q. Whose number is that?  
 16 A. Mr. Furlew.  
 17 MS. GUTIERREZ: I'm sorry. Whose?  
 18 THE WITNESS: Mr. Furlew.  
 19 BY MR. URICK:  
 20 Q. And that's -- read the number, if you would,  
 21 please?  
 22 A. [REDACTED]  
 23 Q. And the last name is spelled F-U-R-L-E-W?  
 24 A. I believe. I'm not sure of that.  
 25 Q. Now, if you would for a second, look at the

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- 1 Line 26 which is down a few?  
 2 A. Yes.  
 3 Q. Do you recognize that number?  
 4 A. Yes.  
 5 Q. Whose number is that?  
 6 A. Miss Pusateri.  
 7 Q. Do you remember that call which is listed as  
 8 3:21?  
 9 A. Yes.  
 10 Q. What was that call about? Who made that call?  
 11 A. I did. I was placing a call to see if she knew  
 12 where Mr. Furlew was. He wasn't home.  
 13 Q. And now, Mr. Furlew is who?  
 14 A. Patrick.  
 15 Q. And what, if any, were you going to see him  
 16 for?  
 17 A. Buy marijuana.  
 18 Q. Why were you going to do that?  
 19 A. I was shaken. I wanted to smoke.  
 20 Q. And who was with you at that time?  
 21 A. Mr. Syed.  
 22 Q. And 9:23 is Mr. Patrick Furlew's number?  
 23 A. Yes.  
 24 Q. Did anyone answer?  
 25 A. No.

- 1 Q. What did you do at that point?  
 2 A. We left and we went to West Forest Park.  
 3 Q. And look above that, Line 22?  
 4 A. Yes.  
 5 Q. Do you recognize that number?  
 6 A. Yes.  
 7 Q. What number is that?  
 8 A. That's Miss Pusateri's number.  
 9 Q. Do you remember that call?  
 10 A. No, I do not.  
 11 Q. Now, you say you went to West Forest Park?  
 12 A. Yes.  
 13 Q. What did you do there?  
 14 A. We purchased marijuana.  
 15 Q. What you say "we," who do you mean?  
 16 A. Me and Mr. Syed.  
 17 Q. Where did the money come for to do that -- from  
 18 to do that?  
 19 A. I believe I had five bucks. Mr. Syed had 15.  
 20 Q. And what did -- if anything, did you do at that  
 21 point?  
 22 A. I got out of the car. We purchased marijuana.  
 23 I got back in the vehicle. We rode to the gas station, I  
 24 believe to get blunt. And we rode around and we smoked.  
 25 Q. And was he saying anything during this time?

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

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1 talk louder.  
 2 THE WITNESS: Okay. He decided that it was  
 3 time for him to go to track practice so then I drove him  
 4 to the front of the school. He left the telephone in the  
 5 car, exited the car, and walked into Woodlawn High  
 6 School.

7 BY MR. URICK:

8 Q. What did you do at that point?  
 9 A. I left and went to my friend Christine's house.  
 10 Q. And what, if anything, happened next?  
 11 A. I sat there. I smoked, they didn't. They  
 12 watched television. I was debating with myself what to  
 13 do. He called, asked me to come get him from school.  
 14 Q. What you say "he," who did you mean?  
 15 A. Adnan.  
 16 Q. And what, if anything, happened next?  
 17 A. Picked him up from school. We went back to  
 18 Miss -- Christine's house.  
 19 Q. What you say Christine, do you know her last  
 20 name?  
 21 A. No, I do not.  
 22 Q. How did you know her?  
 23 A. She was a friend of Miss Pusateri's.  
 24 Q. And how long would you have known Christine at  
 25 that point?

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

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

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

<p style="text-align: right;">Page 203</p> <p>1 like a whole pull-off where you could park your car.      2 Q. Do you know where you were at that point?      3 A. I believe in Leakin Park.      4 Q. Please continue?      5 A. I followed him back in the woods a little more      6 than 50 yards. He said, "That's good enough," started      7 digging.      8 Q. Did you help him dig?      9 A. Yes.      10 Q. Now, if you would, look at Line 12.      11 A. Yeah.      12 Q. Do you recognize that number?      13 MS. GUTIERREZ: What number are you asking      14 about?      15 MR. URICK: Line 12.      16 THE WITNESS: Yes.      17 BY MR. URICK:      18 Q. Whose number is that?      19 A. That's -- it used to be Jen Pager.      20 Q. And, please -- was that her pager on that date?      21 A. Yes.      22 Q. Please read it aloud?      23 A. 390-0384.      24 Q. Do you remember placing -- do you know who      25 placed that page?</p>	<p style="text-align: right;">Page 205</p> <p>1 of the road. We went back up to the top of the hill      2 where Hae's car was parked.      3 At that time he asked me if I would help him      4 because he said she was heavy and he didn't think he'd be      5 able to get her out of the car. I told me I wasn't      6 touching her or any of her possessions. He went back      7 down the hill. He was gone for a long time by himself,      8 drove her car back down. I waited for him.      9 Q. What, if anything, happened next?      10 A. He returned, parked her vehicle in the same      11 spot, got back into his car, instructed me to drive back      12 down to the spot.      13 Q. What did you do?      14 A. We both exited the vehicle. Once again he      15 handed me a shovel and we walked back to where he had      16 placed Hae's body in the -- in the shallow grave.      17 She was lying face down, and he started      18 throwing dirt on her.      19 Q. Now, I'm going to show you what's in evidence      20 as State's Exhibit 9 and ask you to look at this for a      21 few moments?      22 (Pause.)      23 BY MR. URICK:      24 Q. Have you had a chance to examine the exhibit?      25 A. Yes.</p>
<p style="text-align: right;">Page 204</p> <p>1 A. That was me. I did that while we were -- I was      2 sitting in the car waiting for him. I was supposed to      3 meet somebody at someplace at seven o'clock, so I paged      4 him and told him I was probably going to be late.      5 Q. Was this a numeric or a voice-mail pager?      6 A. I believe it was voice mail.      7 Q. About how long did it take to dig?      8 A. Not very long at all. We received a phone call      9 in the middle of digging. The phone call was for me. He      10 just answered the phone and told them that I was busy at      11 the time, hung the phone up.      12 Q. When you say "he," who do you mean?      13 A. Adnan.      14 Q. Where were the two of you at that time?      15 A. We were digging.      16 Q. What, if anything, did you -- did you hear the      17 phone ring?      18 A. Yeah. That's -- that's it. He just answered,      19 said "He's busy," and hung up the phone.      20 Q. Did he say anything to you after that?      21 A. A couple minutes later he said that was Jen.      22 Q. What, if anything, happened next?      23 A. We both went back to his vehicle. I was      24 driving. He went to get in the passenger side. He threw      25 up, got in the vehicle. We left the turnoff at the side</p>	<p style="text-align: right;">Page 206</p> <p>1 Q. Can you identify that?      2 A. To the best of my knowledge, this is the place      3 where Hae was buried.      4 Q. And that shows the little turn-off?      5 A. Yes.      6 Q. Thank you. About how long did it take to cover      7 the body with dirt?      8 A. I don't -- I don't know. Not very long. I'm      9 guessing 10, 20 minutes.      10 Q. Who covered the body with dirt?      11 A. I had started, but I couldn't throw dirt on her      12 head, and I couldn't just -- I don't know.      13 THE COURT: Try to keep your voice up, please.      14 THE WITNESS: I'm sorry. I couldn't -- I      15 couldn't -- I couldn't -- I couldn't -- I'd started. I --      16 I couldn't. I sat down on a log. I smoked a cigarette.      17 BY MR. URICK:      18 Q. Who finished covering the body with dirt?      19 A. Mr. Syed.      20 Q. What, if anything, happened next?      21 A. We both left, got back in his car.      22 Q. Excuse me. Back up.      23 A. Oh, I'm sorry.      24 Q. While he was covering the body with dirt, where      25 were you?</p>

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

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

1 A. That's Miss Pusateri's pager number once more.  
 2 MS. GUTIERREZ: What number is that you're  
 3 marking?  
 4 MR. URICK: 8 and 9.  
 5 BY MR. URICK:  
 6 Q. Just to focus you, did there come a time that  
 7 -- sometime that day when he called a woman in Silver  
 8 Spring?  
 9 A. Yes. He asked me did I want to speak with her.  
 10 I didn't know her.  
 11 Q. Did you hear him talking?  
 12 A. Pardon me?  
 13 Q. Did you hear him talking on the phone?  
 14 A. Yes.  
 15 Q. What was he saying?  
 16 A. Just small talk, just, "Hey, how you doing,  
 17 what's up, what's going on?"  
 18 Q. Did there come a time he turned to you?  
 19 A. Yes.  
 20 Q. What did he say?  
 21 A. He just asked me would I like to speak with  
 22 her.  
 23 Q. What did you do?  
 24 A. I may have said, "Hello," but I didn't have a  
 25 conversation with her.

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

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

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

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

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

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- 1 A. Yes.
- 2 Q. Why was -- why the difference between the two  
3 statements?
- 4 A. Really there was no reason. I just felt more  
5 comfortable if the cops had returned me to a place I feel  
6 comfortable in.
- 7 Q. Now, the second thing, you said at the time  
8 that the call came -- in the first statement, you said at  
9 the time the call came from the police officer, you and  
10 the defendant were at a McDonald's?
- 11 A. Right.
- 12 Q. In the second statement you said you and the  
13 defendant were at Christina Vinson's.
- 14 A. Yes.
- 15 Q. Why the difference between the two statements?
- 16 A. Her father is a police officer and I didn't  
17 want to get her in trouble.
- 18 Q. Third thing, in your first statement, you made  
19 no mention of meeting up with Jen or saying anything to  
20 her afterwards. In your second statement, you did. Why  
21 did you not mention Jennifer in the first statement?
- 22 A. I didn't her to have to be questioned by the  
23 police.
- 24 Q. Are you a drug dealer?
- 25 A. No. I am presently not -- have any involvement
- 1 for no reason. A week before that, I was accosted out of  
2 my house and I had to lay on the ground for positive ID  
3 or whatever. I just didn't think the cops would be  
4 kindly with me coming in and telling them something like  
5 that.
- 6 MR. URICK: May I have the Court's indulgence?
- 7 (Pause.)
- 8 BY MR. URICK:
- 9 Q. On the 13th, when did the defendant give you  
10 the phone?
- 11 A. I believe I received the phone when I -- we  
12 returned to his high school.
- 13 Q. When did you give it back to him?
- 14 A. I believe after I picked him up, but I placed  
15 two calls on it afterwards, after I picked him up from  
16 school.
- 17 Q. Did you have occasion to ask him for it back so  
18 you could use it?
- 19 A. Yes.
- 20 Q. And did you, in fact, use it?
- 21 A. Yes.
- 22 Q. And did you return it to him after using it?
- 23 A. Yes.
- 24 Q. Did you see him use it in your presence?
- 25 A. One time when I was driving behind him, I seen

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- 1 with anything like that.
- 2 Q. Did you ever have any involvement of any sort  
3 with cocaine?
- 4 A. No.
- 5 Q. Heroin?
- 6 A. No.
- 7 Q. Marijuana?
- 8 A. Yes.
- 9 Q. Have you procured marijuana for your friends?
- 10 A. Yes.
- 11 Q. Did you ever procure marijuana for the  
12 defendant?
- 13 A. Yes.
- 14 Q. Why do you think the defendant asked you to  
15 help him?
- 16 MS. GUTIERREZ: Objection.
- 17 THE COURT: Sustained.
- 18 BY MR. URICK:
- 19 Q. Why did you do what you did on that day?
- 20 A. My personal reasons?
- 21 Q. Yes.
- 22 A. In the beginning, I was confused and then I was  
23 just scared.
- 24 Q. Why were you scared?
- 25 A. Well, two months before, I had been arrested
- 1 him placing a phone call.
- 2 Q. Did the defendant say why he wanted to go to  
3 the track practice?
- 4 A. So people would see him.
- 5 Q. What do you believe he meant by that?
- 6 A. An alibi, I guess.
- 7 Q. When you were at Christina's, how was the  
8 defendant acting?
- 9 A. When he first got there, he instantaneously  
10 laid down and went to sleep and he woke up and he wasn't  
11 watching TV. Everyone else was watching television. He  
12 was just sitting in the corner rubbing his head.
- 13 And then he received phone calls and that was  
14 -- that was it.
- 15 Q. Did you ever get into Hae Lee's car that night?
- 16 A. No, I did not.
- 17 Q. Did you have occasion that night to stop by  
18 your girlfriend Stephanie's house?
- 19 A. Yes, I did.
- 20 Q. When was that?
- 21 A. I believe around 8:00 in the evening. I had to  
22 drop her presents off there. Her birthday -- it was her  
23 birthday, the 13th.
- 24 Q. How soon would it have been after you met up  
25 with Jen Pusateri?

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<p>1 A. Probably immediately because she's not allowed 2 to come to the door and have visitors too late. It was a 3 school night, I believe.</p> <p>4 MR. URICK: May I have the Court's indulgence? 5 (Pause.)</p> <p>6 MR. URICK: No further questions.</p> <p>7 THE COURT: Are you done with the chart?</p> <p>8 MR. URICK: Yes.</p> <p>9 THE COURT: Are you going to be using the 10 chart, Ms. Gutierrez?</p> <p>11 MS. GUTIERREZ: No, Your Honor.</p> <p>12 THE COURT: Cross?</p> <p>13 MS. GUTIERREZ: Judge, we would ask for an 14 overnight recess. Notwithstanding our request for the 15 last five months, we only received 120 pages of the prior 16 statements and the tapes.</p> <p>17 During lunch I was able to listen to portions 18 of one of the tapes. I have not reviewed fully either of 19 the statements. I can certainly start, but I would ask 20 for a recess overnight to fully prepare.</p> <p>21 THE COURT: Okay. Counsel, please approach. 22 (Counsel and the defendant approached the 23 bench, and the following ensued:)</p> <p>24 THE COURT: Do you have another witness 25 tonight?</p>	<p>1 THE JURY: What time in the morning? 2 THE COURT: Oh. If you'll be here tomorrow 3 morning between 9:00 and 9:15 for the pay, please be 4 your seats at 9:00 -- in your room upstairs at 9:30. 5 Thank you.</p> <p>6 (The jury was excused from the courtroom.)</p> <p>7 THE COURT: Counsel, we've managed to waste an 8 hour and a half today.</p> <p>9 Now, in the future, you will have the entire 10 day planned. If you knew, because you dumped the 11 discovery on her late today, she was going to ask, 12 reasonably anticipated ask for a recess, which is 13 appropriately, you should have had another witness.</p> <p>14 I'm trying to get this case concluded within my 15 vacation time and the jurors' vacation time and other 16 scheduling.</p> <p>17 But you can't just take -- can't arrogate to 18 yourselves my trial day.</p> <p>19 MR. URICK: My apologies to the Court. 20 Your Honor, can we --</p> <p>21 THE COURT: Be in place tomorrow at 9:30. 22 Yes?</p> <p>23 MR. URICK: If I may ask the Court. We 24 anticipate that we could probably finish in the morning. 25 We have one witness, Dr. Rodriguez, who's an Army</p>
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<p>1 MR. URICK: No. We anticipated either 2 cross-examination or this witness' direct taking up to 3 about 5:30. Even though we gave the statements this 4 morning before Court started, not at lunchtime, we 5 anticipated the defense would ask for a continuance, so 6 we did not ask any of the witnesses to show up.</p> <p>7 THE COURT: Would you let me in on it the next 8 time you all plan on scheduling my day?</p> <p>9 MR. URICK: I apologize to the Court. I -- I 10 thought -- my initial statement at the beginning that 11 I --</p> <p>12 THE COURT: Step back.</p> <p>13 MR. URICK: -- try to do this as --</p> <p>14 THE COURT: Step back.</p> <p>15 (Counsel and the defendant returned to the 16 trial tables, and the following ensued:)</p> <p>17 THE COURT: Ladies and gentlemen, if you would 18 return to your jury assembly room, when you are 19 discharged for the day, as always, go home, have good 20 evenings with your families.</p> <p>21 Please do not discuss the trial with anyone, 22 either among yourselves or anyone else. Avoid all crime 23 stories and don't do any investigation on your own.</p> <p>24 Good night, ladies and gentlemen. Please 25 return to your jury room.</p>	<p>1 forensic pathologist. He's agreed to do a local -- he's 2 going to help the Medical Examiner's Office on a matter. 3 He had planned to do it in the morning and come 4 here at 2:00 o'clock. He could come in the morning and 5 reschedule that. I don't know if we would fill up the 6 morning with the other witnesses. Should I have him come 7 in and we'll bring him on after Mr. Wilds so we could 8 probably finish in the morning?</p> <p>9 THE COURT: Yes, yes. Now, after Mr. Wilds and 10 after the doctor, who do you have left?</p> <p>11 MR. URICK: We have two other witnesses.</p> <p>12 THE COURT: How long are they?</p> <p>13 MR. URICK: I anticipate potentially an hour on 14 each of them.</p> <p>15 THE COURT: What are they?</p> <p>16 MR. URICK: We have Jennifer Pusateri.</p> <p>17 THE COURT: Okay.</p> <p>18 MR. URICK: And we have a representative of the 19 AT&amp;T Wireless Company.</p> <p>20 THE COURT: Why do we need that?</p> <p>21 MR. URICK: He prepared the map.</p> <p>22 THE COURT: There's no way of getting -- is 23 there no way that we can get around an hour of testimony 24 of some guy who prepared the map?</p> <p>25 MS. GUTIERREZ: I'd sure like to, Judge, but</p>

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

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

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

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REPORTER'S CERTIFICATE

I, Charles F. Madden, an Official Court  
 Reporter of the Circuit Court for Baltimore City, do  
 hereby certify that the proceedings in the matter of  
 State of Maryland versus Adnan Massud Syed, Indictment  
 Numbers 199103042-46 in the Circuit Court for Baltimore  
 City, on December 14, 1999, before the Honorable William  
 D. Quarles, Associate Judge, and a jury were recorded by  
 videotape.  
 I further certify that the page numbers 1  
 through 225 constitute the official transcript of the  
 proceedings as transcribed by me from said videotape to  
 the within typewritten matter to the best of my ability.  
 In Witness Whereof, I have affixed my signature  
 this 11th day of February, 2001.  
 Charles F. Madden  
 Official Court Reporter

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