

1 THE COURT: Opens the door to that himself.

2 MR. URICK: Yes.

3 THE COURT: Yes.

4 MR. URICK: So that's all I want to say on that
5 issue. The second thing is, we still will need to voir
6 dire Juror Number Four or Alternate Number Four on Mr.
7 Wilds.

8 THE COURT: I was going to suggest we do that
9 at the luncheon recess if that's all right. It's the
10 alternate. Is that witness going to testify this
11 morning?

12 MR. URICK: It's possible.

13 THE COURT: All right. Then we will take a
14 break before that witness testifies to make sure that we
15 voir dire the juror before that witness testifies.

16 MR. URICK: All right.

17 THE COURT: In other words, in terms of how far
18 we go this morning, if it's after lunch, we will have
19 already spoken to Alternate Number Four because we will
20 do it at the lunch break. If it's before lunch, we will
21 send them to stretch their legs while we talk to
22 Alternate Number Four.

23 Okay. Is that acceptable to the defense?

24 MS. GUTIERREZ: That's acceptable, Your Honor.

25 THE COURT: Okay.

1 MS. GUTIERREZ: I have one other matter I
2 brought to your clerk's attention, and I appreciate the
3 assistance your office gave in regard to a case that was
4 set this morning before Judge Ward.

5 THE COURT: Postponement court at 11:30.

6 MS. GUTIERREZ: That's the message I got, and I
7 frankly don't understand why I have to be there since
8 it's a misdemeanor case and it's already been postponed
9 and has a new date, but that was the message, the fax
10 message that I got from Judge Ward.

11 THE COURT: We'll break at 11:30 and allow you
12 to go down and see Judge Mitchell. A few minutes before,
13 I'll have my staff call down. Ms. [REDACTED] can you call
14 down to Judge Mitchell at about 11:15 and let him know
15 that I'm sending Ms. Gutierrez downstairs, and there will
16 be a request from this court that he try to handle
17 whatever that matter is so that she can return.
18 Actually, that might be a good time to voir dire Juror
19 Number Four after you get back.

20 In any event, I don't have any appointments at
21 lunch today, no bench conferences, no bench meetings, so
22 we should be able to move along today. I'm going to ask
23 if there are any other preliminary matters. If not, I'll
24 bring the jury out.

25 (No response.)

1 THE COURT: Very well. Thank you. Bring them
2 around.

3 (Brief pause.)

4 THE COURT: Who is the witness that you are
5 going to be calling once the jury is assembled?

6 MS. MURPHY: Ms. Inez [REDACTED]. She is right
7 outside. I can go and get her.

8 THE COURT: Yes, why don't you have her come in
9 and have a seat in the witness box until the jury
10 arrives.

11 MS. MURPHY: Okay.

12 MR. URICK: Could we get the court's laser
13 pointer at this time?

14 THE COURT: You may borrow the court's laser
15 pointer again.

16 MR. URICK: Thank you. We appreciate that,
17 Your Honor.

18 (Brief pause.)

19 (The jury returned to the courtroom.)

20 THE COURT: Please be seated as you reach your
21 respective seats. Good morning, ladies and gentlemen.

22 THE JURY: Good morning.

23 THE COURT: Once again, you are back in Part 9.
24 We are ready to resume this trial. The State is going to
25 be calling its next witness as soon as Ms. Murphy gets

1 her easel in place there.

2 (Brief pause.)

3 MS. MURPHY: Thank you, Your Honor. At this
4 time, the State would call Ms. [REDACTED].

5 THE COURT: Ms. [REDACTED] I need you to stand,
6 please, face Mr. [REDACTED], who will render the oath to you.
7 I need you to raise your right hand, Ms. [REDACTED].

8 INEZ [REDACTED]

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

12 THE CLERK: You may be seated. Please keep
13 your voice up. State your name and your address for the
14 record.

15 THE COURT: And your name is?

16 THE WITNESS: My name is Inez [REDACTED].

17 THE COURT: And your work address?

18 THE WITNESS: 1801 Woodlawn Drive, Woodlawn
19 High School.

20 THE COURT: Thank you very much. You may
21 proceed.

22 MS. MURPHY: Thank you, Your Honor.

23 DIRECT EXAMINATION

24 BY MS. MURPHY:

25 Q Ms. [REDACTED], what is your occupation

1 A I'm a teacher, and I'm also an athletic
2 trainer.

3 Q And how long have you been doing that?

4 A Ten years.

5 Q Have you been at Woodlawn High School all of
6 those ten years?

7 A At Woodlawn High School ten years. I have
8 taught in Baltimore County more than ten years, but at
9 Woodlawn High School for ten years.

10 Q What sort of classes do you teach?

11 A I teach SAT, which is scholastic aptitude
12 testing, preparation for the SAT test itself.

13 Q What do your duties involve as an athletic
14 trainer?

15 A My athletic duties include treatment of all
16 athletes' injuries, and treatment prevention for
17 athletes.

18 Q Do you know the victim in this case, Ms. Hae
19 Min Lee?

20 A Yes, I do. Yes, I did.

21 Q How long have you known her?

22 A Since her ninth grade year.

23 Q Can you please describe your relationship with
24 Ms. Lee?

25 A We were friends.

1 Q And how did you get to know her?

2 A I met her, her ninth grade year, when she came
3 to Woodlawn looking for the field hockey coach, Ms.
4 [REDACTED], which wasn't at the first practice on time.

5 Q And your relationship progressed from there?

6 A Yes.

7 Q Would you describe Ms. Lee as a scholar
8 athlete?

9 A Yes, I would.

10 Q What does that term mean?

11 A It means that you have played a sport for more
12 than a year and you have lettered in that sport and your
13 grade point average is, according to Baltimore County, at
14 a certain level which is at least a 3.0 or better.

15 Q When you say lettered in a sport, what do you
16 mean by that?

17 A When you letter in a sport, you play the sport
18 for a complete year. Then at the end of the season we
19 have what we call an athletic award banquet. We award
20 the student their letter. They actually get a letter --
21 it's a "W" for our school, it's a "W" for Woodlawn -- and
22 they get like a pin. Whatever sport you are playing, you
23 get a pin for that particular sport.

24 Q What sport of athletics did Ms. Lee participate
25 in?

1 A She played two sports. She played field hockey
2 and lacrosse, girls lacrosse.

3 Q And would you say that she excelled in those
4 sports?

5 A Yes, she excelled because she had made all-
6 county and all-metro.

7 Q At the time of her disappearance, had she
8 received any special recognition as a star athlete?

9 A Yes, she had. The Baltimore County School
10 Board had come out, the Athletic Department, had come out
11 to tape her for this particular award. Whenever the
12 student has excelled and met all the qualifications for
13 Baltimore County, then they do a taping session which is
14 aired on the Baltimore County Educational Network. And
15 they came out that particular day to tape her in her
16 uniform, and at a later point they get like a gold medal
17 and other certificates and awards from Baltimore County.

18 Q Do you also know the defendant, Adnan Syed?

19 A Yes, I do.

20 Q How long have you known him?

21 A At least since his tenth grade year.

22 Q Did at some point you become aware of a
23 relationship between Ms. Lee and Mr. Syed?

24 A Yes, I did.

25 Q Can you describe that?

1 A It was a real friendly relationship.

2 Q Did either of them confide in you about their
3 relationship?

4 A On numerous occasions.

5 Q Were there any problems you were aware of?

6 A Yes, there were.

7 Q Can you describe that?

8 A I knew because they had told me that their
9 families were unhappy with their relationship.

10 Q Did they elaborate as to why?

11 A They were not allowed to be together, and
12 basically what I was told was because of religious
13 reasons.

14 Q Did you also become aware at some point they
15 broke up --

16 A Yes.

17 Q -- for good?

18 A Supposedly.

19 Q Were you aware as to whether Ms. Lee was
20 involved in any other relationships at that time?

21 A Yes.

22 Q Do you recall approximately when that was?

23 A It was right after she got her job at Lens
24 Crafters at Owings Mills Mall.

25 Q Okay. Did the defendant ever talk to you about

1 his feelings for her after she began seeing this other
2 person?

3 A He just told me that it was over with, that
4 they were friends.

5 Q Did you recognize Ms. Lee's car?

6 A Would I recognize it?

7 Q Have you ever seen it?

8 A I have been in it.

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

11 THE COURT: Yes.

12 BY MS. MURPHY:

13 Q I show you what is in evidence as State's
14 Exhibit 12, and I will ask you to look at the two bottom
15 photographs.

16 A Okay.

17 Q Do you recognize that vehicle?

18 A Yes.

19 Q Whose vehicle is it?

20 A It's Hae's car.

21 Q And this is the car that you personally have
22 been in?

23 A Yes, I was.

24 Q Have you ever observed the defendant, Mr. Syed,
25 in her car?

1 A Yes, I have.

2 Q And to your knowledge, did he ever drive that
3 car?

4 A Yes.

5 Q So that wasn't an unusual occurrence?

6 A No.

7 Q To your knowledge, was Mr. Syed on the track
8 team at school?

9 A Yes, he was.

10 Q And did you have occasion to observe the
11 students who participated on the track team?

12 A Yes.

13 Q How is it that you saw them?

14 A I would see them when they came either to get
15 my keys to open up their team room because Mr. [REDACTED]
16 wouldn't allow the kids to take his keys, and I had keys
17 to all the team rooms. I would see him when he came to
18 practice because most of the time he would come by and
19 talk to me, or I would see him because we have a
20 concession stand in the gym lobby also and I would see
21 him when he would come and purchase things from the
22 concession stand.

23 Q What time would track practice generally occur?

24 A Track practice would start after study hall,
25 and study hall started from 2:15 to 3:00, and they had to

1 be at practice at least by 3:30.

2 Q Did you have any sense as to the defendant's
3 attendance at track practice?

4 MS. GUTIERREZ: Objection.

5 THE COURT: Sustained.

6 BY MS. MURPHY:

7 Q Are you aware, Ms. [REDACTED], if the defendant
8 consistently went to track practice?

9 MS. GUTIERREZ: Objection.

10 THE COURT: Overruled.

11 THE WITNESS: There were times that he didn't
12 come.

13 BY MS. MURPHY:

14 Q What would happen if he didn't go to track
15 practice?

16 A Unlike other sports --

17 MS. GUTIERREZ: Objection.

18 THE COURT: Sustained. Can you ask the witness
19 or determine a foundation basis of knowledge for this
20 information. She has not indicated any relationship to
21 the track team or training or practice or anything
22 related to that.

23 MS. MURPHY: Thank you, Your Honor.

24 BY MS. MURPHY:

25 Q Ms. [REDACTED], were you actively involved with the

1 track athletes?

2 A I was involved with all athletes at Woodlawn
3 High School in the capacity that I am the athletic
4 trainer for the entire Athletic Department.

5 Q And how would that relate specifically to the
6 track athletes? What would you do with them?

7 A I have athletes on the track team that have
8 shin splints, and I have to do regular treatments for
9 them. I have athletes that have pulled muscles. I
10 usually check by to see whether or not there is an
11 athlete that needs any type of treatment. We have
12 training tables on both sides. There is a training table
13 on the girls' side and there is a training table on the
14 boys' side. So anyone who wants treatment during that
15 day, I will check. Then I will check by all the team
16 rooms and make sure they are locked because we had a lot
17 of theft going on. So I will make sure, and I have to
18 lock the team rooms up every day and make sure the locker
19 rooms are clear.

20 Q So is it fair to say that you were involved one
21 on one with most all athletes including the track
22 athletes at Woodlawn High School?

23 A I think I can tell you every athlete that I
24 have seen because a lot of times kids come in and try to
25 get in the gym after school, and I would tell them you

1 are not an athlete, you need to leave.

2 Q Now, in some sports, is it true there were
3 ramifications if you missed practices?

4 A Some sports.

5 Q Is that true for track?

6 A No. If it was basketball and you missed a
7 practice, you didn't play or either you didn't start.

8 Q How many students participated on the track
9 team?

10 A Depending on the season, if it's cross-country,
11 you may have maybe twenty. Cross-country is the long
12 distance running, and a lot of kids don't get involved in
13 the long distance running. If it's indoor track, that's
14 a different sport. There are more activities involved in
15 indoor track and you have more events. So you would have
16 anywhere from forty-five to sixty kids. It's the same
17 thing with outdoor track but not cross-country.

18 MS. MURPHY: Your Honor, at this time I would
19 like to ask Ms. [REDACTED] to step down from the stand and
20 come around to the map. I would like her to identify the
21 location of Woodlawn High School.

22 THE COURT: Yes, she may do that.

23 MS. MURPHY: And, Ms. [REDACTED], if you could
24 stand to this side so the jurors may see.

25 THE WITNESS: (Indicating.)

1 BY MS. MURPHY:

2 Q I have got a sticker here with the letter "W"
3 standing for Woodlawn High School. If you could study
4 the map and then place that sticker at the location of
5 the high school.

6 A (Indicating.)

7 MS. MURPHY: Thank you. You may return to the
8 witness stand. Your Honor, if I may place a piece of
9 tape over that sticker --

10 THE COURT: Yes, you may.

11 MS. MURPHY: -- to permanently affix it.

12 (Indicating.) Thank you.

13 BY MS. MURPHY:

14 Q Ms. [REDACTED], do you recall the date of Ms. Lee's
15 disappearance?

16 A The date? It was the same day that she was
17 being taped for the Baltimore County Scholar Athlete
18 award.

19 Q Did you see her that day?

20 A Yes, I saw her that day because she came to my
21 classroom, and I was in the middle of teaching, and she
22 needed to get her uniform in order to be taped for the
23 show, which she was supposed to get the day before, and
24 she came to my classroom and I had to give her my school
25 keys to go unlock the room to get her uniform out.

1 Q Do you recall what Ms. Lee was wearing on that
2 day?

3 A A little short black skirt, light colored
4 blouse, and some real high black heels.

5 Q Okay. Did she have anything on her legs?

6 A She had some nylon stockings, but they weren't
7 colored stockings, they were just clear stockings.

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

10 THE COURT: Yes, you may.

11 BY MS. MURPHY:

12 Q Now, Ms. [REDACTED], I apologize for asking you to
13 do this, but I'm going to ask you to examine a State's
14 exhibit that is in evidence. Do you recognize the
15 articles of clothing?

16 A Yes.

17 Q Were those the same clothes that Ms. Lee was
18 wearing --

19 A Yes.

20 Q -- the day she disappeared?

21 A Yes.

22 THE COURT: Can we have the exhibit number of
23 the item that you showed?

24 MS. MURPHY: Yes, Your Honor. That's State's
25 Exhibit 12.

1 THE COURT: For identification purposes, or is
2 it in evidence?

3 MS. MURPHY: I'm sorry. State's Exhibit 11,
4 which is in evidence.

5 THE COURT: All right. Very well.

6 BY MS. MURPHY:

7 Q Did you see her later in that day?

8 A Yes.

9 Q Tell us what happened then?

10 A She was also a manager for the wrestling team,
11 and she had done that several years, and she was real
12 good at the scoring and she traveled with the wrestling
13 team. That particular day she came up real quickly to
14 the concession stand and got a few items and told me she
15 would pay for them later and said she had to get to her
16 cousin to pick up her cousin from, I think it was middle
17 school or elementary school, one of the two. But she
18 said it wasn't that far and that she would be back. And
19 I kept reminding her what time the bus was leaving
20 because the bus had to go to Chesapeake because it was a
21 tri-meet and they had to get there on time.

22 Q About what time of day was this?

23 A It was about 2:15, 2:20.

24 Q And where physically in the school did this
25 happen?

1 A In the gym lobby, and that's right in front of
2 the gym. It's inside the gym but it's right in front.

3 Q And this was a concession area?

4 A Concession stand.

5 Q Did Ms. Lee wait in line at the concession
6 stand before she spoke to you?

7 A No.

8 Q How do you know that?

9 A Because she went right back there and got it
10 like she usually does, and then she usually comes back
11 and pays you when she gets back. She was always in a
12 hurry.

13 Q What time would she have to be back to go to
14 the wrestling meet?

15 A The team was leaving that day at 5:00. They
16 had a 6:30 meet. And she said, I'll be back before 5:00.

17 Q And how is it that you are certain she didn't
18 come back?

19 A I know she didn't come back because I had to
20 end up going with the track team to Chesapeake to score
21 the game.

22 Q Was that the track team or the wrestling team?

23 A I mean the wrestling team.

24 Q Did you speak to the defendant after Ms. Lee's
25 disappearance?

1 A Yes.

2 Q What, if anything, did he indicate to you about
3 their relationship around the time she disappeared?

4 A After she had already been found? I don't know
5 which time.

6 Q At any point.

7 MS. GUTIERREZ: Objection.

8 THE COURT: One moment. May I see counsel at
9 the bench.

10 (Counsel and the defendant approached the bench
11 and the following ensued:)

12 THE COURT: The basis of your objection.

13 MS. GUTIERREZ: The broadness of it, adding at
14 any time. You know, I don't know what this witness is
15 going to say or any particular time that it's related to.

16 THE COURT: And you all have me at a distinct
17 disadvantage because I don't know what the witness is
18 going to say. I don't know if this witness testified the
19 last time.

20 MS. MURPHY: She did.

21 THE COURT: You all might have an idea but I
22 have no idea what she is going to say.

23 MS. GUTIERREZ: Yes.

24 THE COURT: And are these statements general
25 statements that had been previously disclosed to the

1 defense through the previous testimony or --

2 MS. MURPHY: Yes.

3 THE COURT: Okay. Well, again, you see, I'm at
4 a disadvantage. I have no way of knowing what it is that
5 the --

6 MS. MURPHY: Yes. What the witness will --

7 THE COURT: You don't have to comment.

8 MS. MURPHY: Okay.

9 THE COURT: I'm just saying, as long as you
10 focus the witness so that we know what timeframe you are
11 asking.

12 MS. MURPHY: Okay.

13 THE COURT: If there are several statements,
14 that you focus the statement like before, right after,
15 you know, or before she disappeared.

16 MS. MURPHY: Okay. I'll ask her the timeframe.

17 THE COURT: Okay.

18 MS. MURPHY: I'll just ask her when she had a
19 conversation before I ask her what it actually entailed.

20 THE COURT: Why don't we ask her how many times
21 have you had a conversation, when was the first
22 conversation, and then she can tell you when was the
23 second conversation.

24 MS. MURPHY: Okay.

25 THE COURT: That way Ms. Gutierrez, should she

1 have objection, the timeframe, we will know which
2 timeframe you are referring to before the witness even
3 testifies. And, again, if you could direct her in that
4 way so that at least I have an idea of what timeframe,
5 and Ms. Gutierrez, if she has an objection, I can rule on
6 that objection at that time.

7 MS. MURPHY: Okay.

8 THE COURT: I would appreciate that.

9 MS. MURPHY: Okay.

10 THE COURT: Thank you.

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

13 THE COURT: All right. You can re-ask your
14 last question. I'm going to ask Ms. [REDACTED], if you will
15 listen closely to the question and answer the question
16 only.

17 MS. MURPHY: Thank you, Your Honor.

18 BY MS. MURPHY:

19 Q Did there come a point where you spoke with the
20 defendant about Ms. Lee after her disappearance?

21 A Yes.

22 Q On how many occasions did you speak with him?

23 A At least twice.

24 Q And when was the first time?

25 A The first time was when I asked him if he was

1 going to her memorial.

2 Q What did he tell you?

3 A No.

4 Q Did he explain that?

5 A Because of the different religion.

6 Q And the second time, do you recall when that
7 was?

8 A It was on a Friday. I had just come from
9 picking up my daughter, and it was right in front of the
10 loop of the school.

11 Q Do you recall the time period, what month?

12 A First of all, let me tell you what time. It
13 had to be after 3:00 because I pick my daughter up at
14 that time, at a quarter of 3:00, and usually to get back
15 from John Paul to Woodlawn, it takes me about ten
16 minutes. So it would have to have been like probably
17 around 3:00.

18 Q Okay. Do you recall, was this before or after
19 Ms. Lee's body had been discovered?

20 A After.

21 Q What did your conversation with the defendant
22 entail at that point?

23 A I pulled around the loop and, as usual, he
24 would come up to the car if he saw me, and he spoke to
25 me. And I probably did something I probably shouldn't

1 have done but I said, I just got through talking to the
2 detective and they really have feelings about you and
3 they think that you are guilty.

4 Q And what, if anything, did he say to you?

5 A He said, my last memories of her are bad.

6 Q Did he elaborate what he meant by that?

7 A He said, we had a fight.

8 Q Did he tell you what the fight was about?

9 A And I said -- can I tell you what I said?

10 MS. GUTIERREZ: Objection.

11 THE COURT: Overruled. All right. Ma'am, I
12 need you, as I said to you at the outset, to listen to
13 her question.

14 THE WITNESS: Okay.

15 THE COURT: All right. And answer her
16 question.

17 THE WITNESS: Okay.

18 THE COURT: She may ask you then to say what
19 you said.

20 THE WITNESS: Okay.

21 THE COURT: But she gets to ask the questions
22 in the order she chooses to.

23 THE WITNESS: Okay.

24 THE COURT: Okay?

25 THE WITNESS: Okay.

1 THE COURT: And Ms. Gutierrez will get to do
2 the same.

3 THE WITNESS: Okay.

4 THE COURT: All right. And I need you to
5 listen to her question. Her question was, what did he
6 say, correct?

7 MS. MURPHY: If I may rephrase.

8 THE COURT: Unless you want to take that
9 question back and ask her another question.

10 MS. MURPHY: Thank you, Your Honor.

11 BY MS. MURPHY:

12 Q What did you say? Since you initiated this
13 conversation, what did you say next?

14 A Can you start again, please? I'm sorry, I'm a
15 little bit --

16 THE COURT: You can start over again.

17 THE WITNESS: Okay.

18 THE COURT: You pulled up in the loop.

19 THE WITNESS: Right.

20 THE COURT: He came over to the car.

21 THE WITNESS: Right.

22 THE COURT: And you said something to him.

23 THE WITNESS: Right.

24 THE COURT: And he responded.

25 THE WITNESS: Right.

1 THE COURT: There was a fight.
2 THE WITNESS: Right.
3 THE COURT: What was the next thing you said?
4 THE WITNESS: Oh, no, sweetheart, not a fight.
5 BY MS. MURPHY:
6 Q And did he respond?
7 A Not a fight. That's what I was going to say,
8 not a fight, we had an argument. And I said, about what?
9 And he said, about being my date to the prom.
10 Q Was there anymore conversation after that?
11 A My daughter talked to him for awhile because
12 she knew him.
13 Q Is that the last discussion you had with Mr.
14 Syed --
15 A Yes.
16 Q -- regarding Ms. Lee?
17 A Yes.
18 MS. MURPHY: The court's indulgence, please.
19 (Brief pause.)
20 MS. MURPHY: Your Honor, at this point I would
21 just ask that the record reflect that the witness
22 identified in State's Exhibit 11 the clothing that was
23 worn by Ms. Lee at the time of the disinterment of the
24 body as being the clothing she was wearing on the day she
25 disappeared.

1 The State has no other questions at this time.

2 THE COURT: Very well. Let the record reflect
3 that that identification has been made. If you could
4 pass me that exhibit, I would appreciate it. That's
5 Exhibit Number 12, I believe.

6 MR. URICK: I believe it's 11.

7 MS. MURPHY: 11.

8 THE COURT: 11. May I have that? Thank you.
9 And for the record, counsel, can you tell me which
10 photograph? I'm assuming you showed the bottom right
11 photograph.

12 MS. MURPHY: That's correct, Your Honor.

13 THE COURT: There are four photographs and the
14 bottom right photograph was the one shown to the witness.
15 Very well. Thank you. You may proceed, Ms. Gutierrez.

16 CROSS-EXAMINATION

17 BY MS. GUTIERREZ:

18 Q Ms. [REDACTED], you have told us you knew Hae,
19 correct?

20 A Correct.

21 Q And you called her a friend?

22 A Yes.

23 Q Is that correct?

24 A That is correct.

25 Q She was a student in your school?

1 A That is correct.
2 Q And an athlete under your direction?
3 A That is correct.
4 Q And you referred to her as a friend of yours,
5 correct?
6 A Correct.
7 Q Did you ever socialize with her outside of
8 school?
9 A Yes.
10 Q And was that an appropriate measure of your
11 relationship, the fact that you socialized out of school?
12 A Yes.
13 Q Your daughter that you picked up from another
14 school, you did that everyday?
15 A Everyday.
16 Q And your daughter is how old?
17 A Ten.
18 Q All right. And your daughter knew the students
19 that you considered to be friends; did she not?
20 A Yes.
21 Q Hae Lee was not the only student that you would
22 classify as a friend, was she?
23 A That is correct.
24 Q And there were many students that you got close
25 to in the course of the myriad of your duties?

1 A Too many.

2 Q Is that correct?

3 A Correct.

4 Q And you took your job very seriously?

5 A Yes, I do.

6 Q And after school, once you got back from

7 picking up your daughter, you, on a daily basis, had an

8 awful lot of things to do --

9 A That is correct.

10 Q -- that concerned a large number of students?

11 A That is correct.

12 Q And concerned usually more than one sport at a

13 time?

14 A That is correct.

15 Q It was not unusual at Woodlawn for Woodlawn to

16 have several different sporting events both at the school

17 and elsewhere on the same day?

18 A That is correct.

19 Q And you had to be concerned with all of the

20 students participating in all of those events?

21 A That is correct.

22 Q And you had to sort of man and make sure that

23 things like the lockers were secure?

24 A That is correct.

25 Q And that anyone who didn't belong there,

1 student or adult, something was done about it?

2 A Yes. That's why I had a walkie-talkie.

3 Q Okay. And on that walkie-talkie, you
4 communicated with other adults?

5 A Right.

6 Q Members that worked for the school?

7 A That is correct.

8 Q And also shared with you the responsibility for
9 ensuring the safety of the athletes? .

10 A That is correct.

11 Q And ensuring that others didn't interfere with
12 them?

13 A That is correct.

14 Q And in addition to that, you had overall
15 fundamental responsibility for every single athlete in
16 every single sport --

17 A That is correct.

18 Q -- or competitive program?

19 A Okay.

20 Q That the school had in every sport or
21 competitive program?

22 A But what did -- can you ask that question
23 again?

24 Q No, I'll ask another.

25 A Okay.

1 THE COURT: Ms. Gutierrez, you may ask your
2 questions in whatever order. And it is all right, if you
3 do not understand a question, to ask that the question be
4 repeated --

5 THE WITNESS: Okay.

6 THE COURT: -- or to say I don't know --

7 THE WITNESS: Okay.

8 THE COURT: -- or in any way respond. All
9 right. So what you did was the right way to handle that.

10 THE WITNESS: Okay.

11 THE COURT: Very well. You may continue.

12 BY MS. GUTIERREZ:

13 Q You knew Adnan Syed as one of the athletes that
14 you were responsible for also; did you not?

15 A Yes, I did.

16 Q And that was back in January of 1999, his
17 senior year; was it not?

18 A Yes.

19 Q And you had known him then at least from the
20 time he was a sophomore?

21 A At least.

22 Q And he was also a scholar athlete; was he not?

23 A I have to say that I couldn't consider him,
24 according to Baltimore County, as a scholar athlete.

25 Q Well, were you aware, Ms. ████████, that his

1 average was always above 3.0?

2 A I was aware of that when you brought that to my
3 attention the last time, but I'm just saying according to
4 the criteria that Baltimore County gives us, a student
5 would not have been evaluated for scholar athlete until
6 the completion of the season.

7 Q So the completion would have been after he was
8 arrested?

9 A Yes.

10 Q And that didn't happen in 1999?

11 A No.

12 Q Correct?

13 A Yes.

14 Q You are aware that he lettered in football in
15 the fall of that same school year, in the fall of 1998?

16 A He received a varsity letter.

17 Q Okay. So the answer to my question is yes?

18 A Yes.

19 Q You were aware that he lettered --

20 A Uh-huh.

21 Q -- in football at Woodlawn that very same
22 school year?

23 A Yes.

24 Q Okay. And did you consider Adnan to be a
25 friend?

1 A Yes.

2 Q Did you socialize with him outside of school?

3 A Yes.

4 Q And you were aware of the relationship between
5 Hae Min Lee and Adnan Syed; were you not?

6 A Yes.

7 Q And you were aware that that relationship was
8 more than just friends at school?

9 A Yes.

10 Q You were aware that they were girlfriend and
11 boyfriend with each other; were you not?

12 A Yes.

13 Q And you became aware of that, when they became
14 girlfriend and boyfriend, the previous spring around the
15 time of the junior prom?

16 A Yes.

17 Q And you were aware of some of the ups and downs
18 of their relationship; were you not?

19 A Yes.

20 Q You were aware before they even began to talk
21 to you that there were difficulties, that neither family
22 really knew or approved of the relationship; were you
23 not?

24 A Well, no, not before they talked to me about
25 it.

1 Q And they talked to you because you were very
2 open with them as a teacher; were you not?

3 A Yes.

4 Q It's not unusual for students to come and bring
5 any issues or problems they had to you and ask for your
6 input; was it?

7 A No, it wasn't.

8 Q And there was nothing unusual about Hae and/or
9 Adnan doing that?

10 A No.

11 Q And they both actually came to you at different
12 times; did they not?

13 A Yes.

14 Q And everytime you spoke to them, they were
15 essentially, although they had different perspectives,
16 bringing the same information to your attention; were
17 they not?

18 A Basically, yes.

19 Q And what they said about their relationship and
20 their feelings about each other was consistent as between
21 one and the other; was it not?

22 A Can you re-ask that?

23 Q What Hae said was consistent with what Adnan
24 said; was it not?

25 A Yes.

1 Q And what Adnan said was consistent with what
2 Hae said; was it not?

3 A Yes.

4 Q These young people were agonized over their
5 families' reaction to the relationship; were they not?

6 A Yes.

7 Q And they were agonized that the religious
8 differences might tear them apart?

9 A Yes.

10 Q And there were times when they took breaks from
11 each other; was there not?

12 A (No response.)

13 Q From the relationship?

14 A Yes.

15 Q And you were aware that even throughout those
16 times, from the beginning of their relationship, that
17 they were friendly and loving to each other?

18 A Yes.

19 Q And you were aware from each of them by the
20 fall of 1998, that they were continuing in the
21 relationship?

22 A Yes.

23 Q Notwithstanding their parents' objections?

24 A Right.

25 Q And notwithstanding their religious

1 differences?

2 A Correct.

3 Q And that they continued to be very loving to
4 each other?

5 A Yes.

6 Q You were aware of the incident that occurred at
7 the homecoming dance; were you not?

8 A Yes.

9 Q And that dance occurred, I believe, in late
10 October --

11 A Yes.

12 Q -- of 1998?

13 A That is correct.

14 Q And that the incident involved the two of them
15 and Adnan Syed's parents?

16 A That is correct.

17 Q And you were aware that subsequent to
18 homecoming, that the two of them continued to see each
19 other?

20 A (No response.)

21 Q Are you not?

22 THE COURT: She's thinking.

23 THE WITNESS: I'm thinking. I'm trying to
24 think, because after the homecoming dance, I didn't
25 basically see them together.

1 BY MS. GUTIERREZ:

2 Q So you weren't aware of whether or not they
3 were still together after that time?

4 A No.

5 Q So as far as you were concerned, your two
6 friends could have split then and never been girlfriend
7 and boyfriend after that?

8 A Boyfriend and girlfriend, yes; but still
9 friends, yes, because they would tell me that they were
10 still talking to each other but they weren't allowed to
11 be seen together.

12 Q To be seen together --

13 A Right.

14 Q -- or to pursue the relationship that they both
15 appeared to you, from your conversations with each of
16 them, to be committed to?

17 A Right.

18 Q And so it could very well be possible that they
19 didn't consider themselves girlfriend and boyfriend as
20 far back as late October, 1998?

21 A No, not then.

22 Q Not then?

23 A Because they were still seeing each other then
24 because we had football games and I remember Hae actually
25 going to the football games and standing on the sideline

1 at the football games.

2 Q At the football games --

3 A Yes.

4 Q -- in which Adnan played?

5 A Adnan was on the team.

6 Q Adnan was on the Woodlawn team, right?

7 A Right.

8 Q And so he played as a football player?

9 A In some games.

10 Q In some games. And you were aware, when you
11 were aware that Hae was there, that she was there to
12 celebrate her boyfriend?

13 A Correct.

14 Q And you were made aware of that by both her
15 sayings and by her actions, correct?

16 A That's correct.

17 Q So to the best of your recollection,
18 notwithstanding the incident at homecoming, they remained
19 girlfriend and boyfriend after that event?

20 A Yes.

21 Q All right. And because of your teaching, you
22 would be in the school proper, not the gym, during the
23 day; would you not?

24 A I only teach one class.

25 Q All right. Would it be unusual for you to see

1 them in the rest of the school?

2 A No, it wouldn't.

3 Q And would you see them sometimes on a daily
4 basis?

5 A Yes, I would.

6 Q And did they always appear to be friendly and
7 caring about each other?

8 A Yes.

9 Q And was that true even during times when you
10 were aware from each of them that they were most pained
11 about their relationship?

12 A Yes.

13 Q And, Ms. [REDACTED], did you ever give them advice
14 about their relationship?

15 A Yes.

16 Q Did you ever tell them that perhaps they
17 shouldn't see each other and let it go?

18 A Yes.

19 Q And you told them that on more than one
20 occasion; did you not?

21 A A lot of times.

22 Q A lot of times?

23 A Right.

24 Q And they listened to you; did they not?

25 A No.

1 Q They didn't stop their relationship, right?

2 A No.

3 Q Even though it pained them?

4 A Yes.

5 Q And even though it seemed to pain the people

6 around them?

7 A That is correct.

8 Q Is that correct?

9 A Yes.

10 Q And was there ever a time when you ever heard

11 either of them trash each other verbally?

12 A No.

13 Q Blame the other for what was the source of

14 their pain?

15 A No.

16 Q From either of them --

17 A No.

18 Q -- toward the other?

19 A No.

20 Q Okay. And you were aware that others were

21 aware of their relationship; were you not?

22 A Yes, I was.

23 Q And that included teachers?

24 A Yes.

25 Q And that included teachers that knew both of

1 them?

2 A Yes.

3 Q And to whom they had also spoken with?

4 A Yes.

5 Q And sought advice?

6 A I don't know if they sought advice but I knew

7 that --

8 Q That they had brought at least their issues to

9 other adults in the school?

10 A Yes.

11 Q And you were also aware that others who

12 followed the track of this relationship were a number of

13 students?

14 A Yes.

15 Q And that number of students include other

16 scholars, other athletes, and other scholar athletes?

17 A And non-scholar athletes.

18 Q And non-scholar athletes.

19 A Okay.

20 Q Right?

21 A Yes.

22 Q Other students?

23 A Other students.

24 Q Is that correct?

25 A Yes.

1 Q And other students would speak openly about
2 their relationship; would they not?

3 A Yes.

4 Q Adnan, as far as you knew, was a popular young
5 man in his class; was he not?

6 A Yes, he was.

7 Q But that before he hooked up with Hae Min Lee,
8 that he had not dated, and that was known?

9 A Yes.

10 Q He was viewed as a very attractive young man
11 before then?

12 A Yes.

13 Q Was he not?

14 A Yes, he was.

15 Q And that there were many girls who were
16 interested in him who did not hook up with him as a
17 girlfriend because of his faith?

18 A Yes.

19 Q That his commitment to his Muslim religion was
20 known and respected by other students?

21 A Yes.

22 Q Was it not?

23 A Uh-huh, yes.

24 Q And that his hooking up with Hae Min Lee was
25 sort of a surprise to everybody; was it not?

1 A A big surprise.

2 Q Because he had been so adamant that dating was
3 something that he wouldn't do because his religion didn't
4 allow it; is that correct?

5 A Well, it was never told to me that that's why
6 he didn't do it, but I mean --

7 Q But you understood that?

8 A Yes.

9 Q Did you not?

10 A Yes.

11 Q Not just from him but from others, correct?

12 A Yes.

13 Q And on the basis of your knowledge of him, you
14 had never known him to date anyone before he went out
15 with Hae Min Lee, had you?

16 A That is correct.

17 Q And you were aware that he was a Muslim; were
18 you not?

19 A Yes.

20 Q And there were other Muslims at the school?

21 A Yes.

22 Q Were there not?

23 A Yes.

24 Q And you became aware that the Muslim religion,
25 the religion of Islam, forbade those students to do

1 certain things that other students did?

2 A That is correct.

3 Q You were aware that other Muslim students also,
4 like Adnan, violated their religious tenents and dated
5 others; were you not?

6 A No, I don't know of any other Muslims that
7 dated.

8 Q So your experience was that the Muslims at
9 school didn't date?

10 A I don't know that they don't date, but I'm
11 saying that I know that they hang with other kids at
12 school but there are certain kids that when I talk to
13 them, that are Muslims, that just point blank come up to
14 me and say I wish I could do this but I can't, you know.

15 Q Because of their religion?

16 A Right.

17 Q And you respected that; did you not?

18 A Yes.

19 Q And other students at the school seemed to
20 respect their Muslim colleagues and their decisions; did
21 they not?

22 A Yes.

23 Q And no other interfaith couple at that time
24 sought your confidence as a teacher and an adult about
25 their relationship; did they?

1 A No.

2 Q Okay. Now, you used the words that they both
3 confided in you. Do you recall that?

4 A They both talked to me.

5 Q Okay. But you chose the word confided; did you
6 not?

7 A I don't remember.

8 Q Okay. Well, they spoke freely to you; didn't
9 they?

10 A That I remember you saying, yes.

11 Q They spoke to you, each of them, about what was
12 in their heart for the other; did they not?

13 A Yes.

14 Q And they sought you out; did they not?

15 A Yes.

16 Q And each of them appeared to know that the
17 other also sought you out; did they not?

18 A They knew it.

19 Q They knew it, right?

20 A Uh-huh.

21 Q And they didn't appear to be hiding things from
22 you; did they?

23 A No.

24 Q And, in fact, you got the distinct sense that
25 they shared with you things that neither of them could

1 share with others?

2 A A lot of things.

3 Q And that they couldn't share those things with
4 their own families?

5 A That is correct.

6 Q And that they were pained by the secrecy?

7 A I don't know if they were pained by it, but I
8 know that they told me things that happened or supposedly
9 happened that nobody else should know.

10 Q Well, they were not happy that their families
11 were unhappy with them about this relationship; were
12 they?

13 A I think Adnan talked to me about his mother and
14 father not being happy about it. But Hae, on the other
15 hand, she was different, and if Hae --

16 Q Hae wasn't a Muslim, right?

17 A No. And if she wanted to do something, she did
18 it.

19 Q She did whatever she wanted to do?

20 A Yes.

21 Q She was a pretty determined young woman; was
22 she not?

23 A Yes.

24 Q She was not somebody that you would call shy or
25 laid back?

1 A No.

2 Q Hae spoke her mind?

3 A Yes.

4 Q Did she not?

5 A Yes.

6 Q To whomever?

7 A Yes.

8 Q If Hae felt something was going on, she would

9 go up to that person; would she not?

10 A I think so.

11 Q If she felt strongly about it?

12 A I think so.

13 Q And Hae felt very strongly about people's

14 conduct; did she not?

15 A I don't know if I can answer that about

16 conduct.

17 Q Was Hae a person you would describe as a

18 particularly popular girl?

19 A Very popular.

20 Q And was she well-liked?

21 A Very well-liked.

22 Q Was she resented by anyone?

23 A Not that I know of.

24 Q Was she thought to be stuck up at all?

25 A Not at all.

1 Q And was she aware of her popularity?

2 A Yes.

3 Q And did she take it seriously?

4 A I don't know how --

5 Q Did she appear to have any --

6 MS. MURPHY: Objection.

7 THE COURT: Objection to the previous question
8 or the next question?

9 MS. MURPHY: No. I believe that she was still
10 speaking when she --

11 MS. GUTIERREZ: She answered the question, I
12 don't know.

13 THE COURT: Were you finished with the
14 question?

15 (No response.)

16 THE COURT: Were you finished answering Ms.
17 Gutierrez's question?

18 THE WITNESS: I'm saying I didn't know. What I
19 was saying, I don't know that she objected to being
20 popular, and I was going to say because that just was her
21 and the way that she behaved, and she just did stuff for
22 people all the time. So I don't know if she objected to
23 it. I think she liked it.

24 THE COURT: Okay. When you are --

25 MS. GUTIERREZ: I will ask another question,

1 Judge.

2 THE COURT: One moment, please. When you are
3 asked to respond to a question, what we need you to do is
4 respond to the best of your knowledge and belief. If
5 it's something you are guessing at --

6 THE WITNESS: I said that I didn't know.

7 THE COURT: And that's all that we need you to
8 say, is I don't know.

9 THE WITNESS: Okay.

10 THE COURT: That's a fine response.

11 THE WITNESS: Okay.

12 THE COURT: If you know the answer, then you
13 indicate the answer.

14 THE WITNESS: Uh-huh.

15 THE COURT: If you can't answer the question,
16 you can say I can't answer the question.

17 THE WITNESS: Okay.

18 THE COURT: Now, with regard to your objection,
19 it's overruled. The answer was, I don't know.

20 MS. GUTIERREZ: Thank you, Your Honor.

21 THE COURT: Your next question, Ms. Gutierrez.

22 BY MS.GUTIERREZ:

23 Q Ms. [REDACTED], you just said that Hae dissed other
24 people; did you not?

25 A I didn't say she dissed them.

1 Q Well, then I misheard. What is it you said?

2 What did she do to other people?

3 A (No response.)

4 Q Oh, did stuff with other people.

5 A Yes.

6 Q Okay. Then was she fairly interactive with
7 other students?

8 A Yes.

9 Q And other students appeared to freely interact
10 with her?

11 A Yes.

12 Q Were you aware of a Woodlawn student by the
13 name of Jay Wilds?

14 A Yes.

15 Q And did you know him from his matriculation at
16 school?

17 A As far as him graduating from Woodlawn High
18 School and going to Woodlawn High School, yes.

19 Q Okay. And was he a scholar to your knowledge?

20 A No, he was not a scholar athlete.

21 Q Was he an athlete?

22 A Yes, he was.

23 Q In what sports did he play?

24 A He played boys lacrosse and soccer.

25 Q Okay. And was he someone you considered to be

1 a friend?

2 A No.

3 Q Did you socialize with him outside the school?

4 A No.

5 Q And was Jay Wilds ever in your observance

6 appearing to be a close friend of Hae Min Lee?

7 A I have never seen them together.

8 Q And have you seen him up at school since the

9 time that he graduated?

10 A Yes.

11 Q Often?

12 A No.

13 Q Did you ever inquire as to what his purpose was

14 for being up there?

15 A Well, I didn't have to ask him because --

16 Q You knew.

17 A I knew.

18 Q And that was because his girlfriend was up

19 there?

20 A That is correct.

21 Q And that is Stephanie?

22 A Yes.

23 Q And was Stephanie a scholar?

24 A Yes, she was.

25 Q And was she an athlete?

1 A Yes, she was.

2 Q And when you would see Jay Wilds up there,
3 where would he be?

4 A Well, if he came to the building before 2:15, I
5 didn't let him in.

6 Q Because he wouldn't have been allowed?

7 A No.

8 Q Because he was not a student?

9 A No.

10 Q And he had no legitimate purpose --

11 A No.

12 Q -- for being in or on the grounds, correct?

13 A That is correct.

14 Q But after school closed, sometimes he would be
15 around?

16 A That is correct.

17 Q Did you know him to drive Stephanie's car?

18 A Yes.

19 Q And did you know him to borrow other students'
20 cars?

21 A The only person's car I have seen him drive is
22 Stephanie's car --

23 Q Did you --

24 A -- and his.

25 Q Did you see him interact with other students?

1 A Yes.

2 Q And did you ever see him interact with Hae Min

3 Lee?

4 A No.

5 Q And how long were you aware that Stephanie and

6 Jay were girlfriend and boyfriend?

7 A For a long time.

8 Q And were you aware that that relationship began

9 before either of them attended Woodlawn?

10 A No.

11 Q And were you aware that there was also parental

12 disapproval of that relationship by Stephanie's parents?

13 MS. MURPHY: Objection. I think we are way

14 beyond the scope, Your Honor.

15 THE COURT: Sustained.

16 BY MS. GUTIERREZ:

17 Q You answered the prosecutor's question about

18 did you become aware when they broke up for good, and you

19 used the term supposedly. Do you recall that?

20 A Yes.

21 Q And that was because you had seen them break up

22 before, correct?

23 A Not break up. I have seen them after they told

24 me that they weren't supposed to see each other anymore.

25 Q But they still continued to see each other,

1 right?

2 A Yes.

3 Q And they still continued to be girlfriend and
4 boyfriend?

5 A They told me they were friends.

6 Q Okay. So there had become a time when, as far
7 as what you knew, they were not girlfriend and boyfriend
8 but they were still friends?

9 A Correct.

10 Q And they both verbally articulated a commitment
11 to that?

12 A Can you restate that again, please?

13 Q Did both of them verbally, did they both state
14 that, that they were committed to being friends with each
15 other?

16 A That they were friends.

17 Q And from your observations, did they appear to
18 be friends --

19 A Yes.

20 Q -- after that time period?

21 A Yes.

22 Q And Adnan participated as a member of the track
23 team; did he not?

24 A Yes, he did.

25 Q And the track team, that was the indoor track

1 team; was it not?

2 A That is correct.

3 Q And that did not include cross-country, did it?

4 A No.

5 Q And the indoor track team, was the next period
6 of meets, including practices and meets, in the middle of
7 January, 1999?

8 A Yes.

9 Q And at the same time track was going on,
10 wrestling was going on, correct?

11 A That is correct.

12 Q That's the athletic team that Hae Lee managed;
13 is that correct?

14 A That is correct.

15 Q And in addition to track and wrestling,
16 basketball was going on; was it not?

17 A Yes, it was.

18 Q Basketball for girls?

19 A Yes.

20 Q And basketball for boys?

21 A Yes.

22 Q Teams that traveled and played other schools,
23 correct?

24 A Yes.

25 Q And basketball programs that pitted students

1 against each other?

2 A I don't understand that question.

3 Q I'll ask another question. And in addition to
4 track and wrestling and girl's and boy's basketball, were
5 there other athletic teams that were in season?

6 A Yes.

7 Q And what were those?

8 A Bowling, that's it.

9 Q And how many athlete students would you
10 estimate were involved in the middle of January, on
11 January 13th, in all of those various programs?

12 A Bowling, I think probably around twenty-six,
13 but they wouldn't have been involved in any part of the
14 building because bowling goes to a bowling lane on
15 Security Boulevard to bowl. So they wouldn't even be
16 involved.

17 Q Okay. But I didn't ask you that. I just need
18 to know the numbers.

19 A I'm just trying to say numbers. Then the next
20 sport would have been boy's basketball, fifteen, and
21 that's varsity. Boys JV basketball, twenty-two. Girls
22 varsity basketball, about twenty. Girls JV basketball,
23 about fifteen.

24 Q Okay. And, in fact, on that particular day,
25 January 13th, was also a girl's varsity meet; was there

1 not?

2 A Basketball.

3 Q Basketball?

4 A Yes.

5 Q And that meet took place somewhere else; did it

6 not?

7 A That is correct.

8 Q But when there is a meet elsewhere, the team

9 goes as a group; does it not?

10 A That is correct.

11 Q And they leave the school as a group, correct?

12 A That is correct, most times.

13 Q Most times.

14 A Unless there is permission to travel from their

15 parents --

16 Q Separately.

17 A -- separately.

18 Q Okay. But at most meets, the team travels

19 together; do they not?

20 A That is correct.

21 Q And that means that the team has to meet at the

22 school, congregate together, and then they get on a bus?

23 A That is correct.

24 Q And you, of course, are in charge of

25 supervising all of that; are you not?

1 A Basically, I usually go on the bus before the
2 team leaves. We do a head count to see if everybody is
3 there that should be on the bus, and then, you know, wish
4 them good luck.

5 Q That's part of your supervision, isn't it?

6 A Yes.

7 Q And that meet, that varsity girl's meet, took
8 place where, if you recall?

9 A It wasn't a meet. That's a basketball game.

10 Q Oh, I'm sorry.

11 A A meet is a track meet.

12 Q Okay. A game.

13 A Yes.

14 Q A meet is for track and a game is for
15 basketball?

16 A Uh-huh.

17 Q Okay. And where did that take place?

18 A I don't remember.

19 Q Okay. But you are aware and you do remember
20 that there was one, right?

21 A I don't remember.

22 Q Okay. Now, the wrestling meet you said was
23 elsewhere and, therefore, the team would have gotten
24 together and organized to leave. Is it a wrestling team?

25 A A wrestling team.

1 Q Okay. Would have gotten together and
2 congregated before leaving together at about 5:00?

3 A That is correct.

4 Q Because the meet was scheduled to be at 6:30?

5 A Because the match would have been scheduled for
6 7:30.

7 Q The match. Okay. And that's because of where
8 the Chesapeake location was --

9 A That is correct.

10 Q -- and the distance from Woodlawn to there?

11 A Forty-five minutes.

12 Q And it was not unusual to have athletic events
13 scheduled that late, was it?

14 A No.

15 Q Okay. And part of Hae Min Lee's
16 responsibilities would have been to accompany the
17 wrestling team to their --

18 A Match.

19 Q -- match; is that correct?

20 A That is correct.

21 Q And she ordinarily did that; did she not?

22 A That is correct.

23 Q But on that day, you have told us she never got
24 back in time, correct?

25 A That is correct.

1 Q And that it was a surprise to you?

2 A Yes.

3 Q And that you had to alter your plans to
4 accompany the wrestling team to their match forty-five
5 minutes away?

6 A That is correct.

7 Q There were times when Hae Min Lee didn't
8 accompany the wrestling team; were there not?

9 A Not that I am aware of because I never had to
10 travel before.

11 Q Okay. So it was unusual that she didn't come
12 back?

13 A That is correct.

14 Q Hae Min Lee, in your knowledge, was a young
15 girl to her word; was she not?

16 A That is correct.

17 Q If she said she was going to be there, she was
18 going to be there?

19 A That is correct.

20 Q And you expected that from her?

21 A I expected it.

22 Q Now, you became aware shortly after that match
23 or the next day that she had also not shown up at places
24 her family expected her to show up?

25 A That is correct.

1 Q And you became aware that there was a missing
2 person's report filed in this case; did you not?

3 A Not shortly after, not directly right after
4 that.

5 Q But at some point you became aware; did you
6 not?

7 A At some point, yes.

8 Q And you knew that the Baltimore County police
9 were looking for Hae Min Lee; were they not?

10 A Yes, I was.

11 Q And you were aware that everyone at Woodlawn
12 knew that Hae Min Lee was missing?

13 A Yes.

14 Q And that it was the subject of talk from every
15 corner; was it not?

16 A Yes.

17 Q Teachers?

18 A Yes.

19 Q Students?

20 A Yes.

21 Q Employees of the school?

22 A I don't know about that.

23 Q Well, you were aware that everybody was trying
24 to remember the last they knew of Hae?

25 A I was aware of her teachers knowing and being

1 aware that she was missing, and student friends of her's
2 were aware that she was missing.

3 Q And you became aware that Adnan was one of
4 those students who became aware --

5 A Yes.

6 Q -- that she was missing?

7 A Yes.

8 Q And during the course of time after her
9 disappearance, you were spoken to by the police; were you
10 not?

11 A Yes, I was.

12 Q You were spoken to by them on the phone?

13 A No.

14 Q In person?

15 A In person.

16 Q And you were spoken to by them in person by
17 Detective O'Shea who was in charge of the investigation?

18 A He was one of the detectives.

19 Q And do you recall speaking to Detective O'Shea
20 on February the 1st?

21 A I don't remember the date.

22 Q Do you recall Detective O'Shea coming to your
23 home?

24 A To my home?

25 Q Yes.

1 A I don't remember him coming to my house.
2 Q He came to the school?
3 A Oh, he came to the school.
4 Q And you were aware that he was coming; were you
5 not?
6 A I was told after he got there that he wanted to
7 see me.
8 Q Okay. Because you had information about Hae
9 Lee's activities on the last day that she had been seen,
10 correct?
11 A That is correct.
12 Q And Detective O'Shea took notes of his
13 conversation with you; did he not?
14 A Yes.
15 Q You didn't object to that, did you?
16 A No, I didn't.
17 Q You knew that he was seeking the most accurate
18 information that he could gain from persons who may have
19 been the last to see Hae Min Lee, correct?
20 A Yes.
21 Q And would it be fair to say, Ms. [REDACTED], that
22 your memory of the events of January 13th were far
23 clearer and better back on February 1st, 1999 than they
24 are today?
25 A Probably.

1 Q And there is nothing unusual about that; is
2 there?

3 A I don't think so.

4 Q Back then, would you agree that it would be
5 fair to say that you had thought about that day, the
6 13th, before Detective O'Shea spoke with you on February
7 the 1st?

8 A I don't understand that question.

9 Q Well, when you first heard Hae was missing, did
10 you not try to recall the events of the 13th?

11 A No. When I heard she was missing, I think, and
12 I even said to the detectives, I wonder where this child
13 is now.

14 Q Okay. And so you did think about it; did you
15 not?

16 A I guess.

17 Q And you thought about it on more than one
18 occasion; did you not?

19 A Yes.

20 Q You became aware of others, particularly
21 teachers, who were also concerned with her because they
22 spoke about it in that interim period; did they not?

23 A Yes.

24 Q Now, on February 1st, 1999, do you recall
25 telling Detective O'Shea about your last conversation

1 with Hae Min Lee?

2 A I probably told him about her coming and
3 getting my keys and going to get her uniform.

4 Q So the answer to my question is yes?

5 A I think so, yes.

6 Q You told him?

7 A Yes.

8 Q And that would have been normal; would it have
9 not?

10 A Yes.

11 Q If he had asked you questions about Hae Min Lee
12 and that day, you would have readily answered him; would
13 you have not?

14 A Yes.

15 Q You weren't hiding anything from him, were you?

16 A No.

17 Q There was nothing that happened that you didn't
18 want him to know?

19 A No.

20 Q You wanted to help in any way with information
21 that might lead them to discover where she was?

22 A Yes.

23 Q The thought that you said crossed your mind was
24 I wonder where that child is; isn't that correct?

25 A Yes.

1 Q And do you recall that what you told Detective
2 O'Shea, that on the 13th of January, 1999, that Hae was
3 upset?

4 A Yes.

5 A And do you recall telling Detective O'Shea that
6 Hae told you that she, meaning Hae, was having problems
7 at home?

8 A Yes.

9 Q And do you recall telling Detective O'Shea that
10 Hae also said she wanted to contact her father in
11 California?

12 A Yes, in San Diego.

13 Q Is that correct?

14 A Uh-huh.

15 Q And Hae was upset that day; was she not?

16 A I don't know if it was that day, but I said the
17 last thing I remember, I mean conversation-wise with her,
18 was that she was upset and she talked about getting in
19 touch with her father in San Diego if he was in the
20 country.

21 Q And this was on February 1st that you told
22 Detective O'Shea these things?

23 A I don't know what day it was I talked to him.

24 Q Well, whatever day, did you talk to him more
25 than once?

1 A Yes.
2 Q At the school?
3 A Yes.
4 Q On one day that you spoke to him at the school,
5 you did tell him those things?
6 A Yes.
7 Q That Hae was upset?
8 A Yes.
9 Q That she was having problems at home?
10 A Yes.
11 Q And that she wanted to contact her father in
12 California?
13 A That is correct.
14 Q And would you be surprised if Detective O'Shea
15 wrote down that that conversation occurred on February
16 the 1st?
17 A Whatever day, I wouldn't remember.
18 Q Okay. And you would expect Detective O'Shea,
19 based on your interaction with him, to have accurately
20 recorded his conversation with you; would you have not?
21 A Yes.
22 Q He appeared genuinely interested in obtaining
23 any information that might help him locate Hae Min Lee?
24 A Yes.
25 Q And you, of course, have already told us your

1 interest was in being as forthcoming as you could?

2 A Yes.

3 Q And would you be surprised if Detective O'Shea
4 wrote down that those things -- her being upset, her
5 having problems at home, and her wanting to contact her
6 father -- took place in the conversation that you had
7 with her on 1/13/99?

8 A I don't remember.

9 Q You don't?

10 A No.

11 Q Okay.

12 A But I know at some point I did tell him that.

13 Q Okay. And you would have expected Detective
14 O'Shea to have accurately recorded his notes of that
15 conversation; would you not?

16 A I don't know. I guess he would, yes.

17 Q I mean, you wouldn't have expected Detective
18 O'Shea to change the dates about what you said?

19 A No.

20 MS. MURPHY: Objection.

21 THE COURT: Overruled.

22 BY MS. GUTIERREZ:

23 Q And/or to mess up and say you said something
24 happened on some other date?

25 A All I remember is that I told him that these

1 events had happened, and I don't know exactly what date
2 because I talked to him a lot of times and I don't
3 remember exactly when I told him.

4 Q Okay. And Hae did tell you those things,
5 correct?

6 A That is correct.

7 Q And you observed her to be upset at the time of
8 telling?

9 A She didn't appear upset. She just told me that
10 she was going to do these things.

11 Q Well, do you recall telling Detective O'Shea
12 that Hae was upset?

13 A She said there are things that are upsetting
14 me, I need to get in touch with my father, and I'm having
15 problems.

16 Q And the problems were at home?

17 A Yes.

18 Q And you believed her when she told you she was
19 upset, didn't you?

20 A Yes, I believed her.

21 Q You didn't disbelieve her and think she was
22 making it up?

23 A No.

24 Q And it wasn't a surprise to hear that she was
25 having problems at home, was it?

1 A No.

2 Q It was a period of time where she was having
3 problems at home; was it not?

4 A Yes.

5 Q All right. Now, you also told Detective O'Shea
6 all about Hae Lee's athletic endeavors; did you not?

7 A Yes, I think I did.

8 Q And that included telling him that Hae was a
9 manager for the wrestling team; did it not?

10 A Yes.

11 Q And you, of course, told him about the
12 wrestling match that was scheduled for later that evening
13 that she didn't show up to?

14 A I don't know if I told him or not.

15 Q Well, her failure to appear for a scheduled
16 wrestling match you have told us was an unusual event?

17 A What I'm saying is, I don't remember exactly
18 the conversation I had with him totally detail-wise. I
19 know that at some points I told him about her not showing
20 up. I do remember that.

21 Q My question was, you have already told us -- is
22 it still true -- that her failure to show up for a
23 wrestling match as the manager was an unusual event?

24 A That was unusual.

25 Q And it caused you to alter your plans?

1 A Yes.

2 MS. MURPHY: Objection.

3 THE COURT: Overruled.

4 BY MS. GUTIERREZ:

5 Q And the fact that it was unusual and that it
6 caused you to alter your plans is one of the things that
7 would have committed that fact to your memory; was it
8 not?

9 A Yes.

10 Q Do you recall telling Detective O'Shea that Hae
11 told you on that day, the 13th, 1999, that she would not
12 be at the match?

13 A No.

14 Q And would you be surprised to know that
15 Detective O'Shea, who interviewed you and took notes
16 during that interview, on more than one occasion wrote in
17 his report that on that day, February 1st, that you said
18 to him that Hae told you that she would not be at the
19 match on the 13th?

20 A I don't know.

21 Q You didn't lie to Detective O'Shea, did you?

22 A No, I did not.

23 Q And you didn't attempt to conceal anything to
24 protect anybody, did you?

25 A No.

1 Q Woodlawn High School is situated and faces
2 Woodlawn Drive; does it not?

3 A Yes, it does.

4 Q At one end of the school from its situation,
5 Woodlawn Drive crosses Security Boulevard; does it not?

6 A Woodlawn Drive does.

7 Q And at the other end, going the other
8 direction, Woodlawn Drive crosses a road by the name of
9 Dogwood Road; does it not?

10 A That is correct.

11 Q And Dogwood Road is a sort of meandering just
12 two lane road; is it not?

13 A Yes.

14 Q And Dogwood Road continues -- let me get my
15 directions right -- continues eastward; does it not?

16 A Yes.

17 Q And it continues until the time it enters
18 Baltimore City; does it not?

19 A Dogwood Road?

20 Q Yes.

21 A I don't know if it goes -- I'm trying to think.
22 I think it changes into something else.

23 Q It changes into Franklintown Road; does it not?

24 A Okay.

25 MS. MURPHY: Objection.

1 THE COURT: Overruled. Do you know what the
2 name of the street is?

3 THE WITNESS: No, I don't know. I know it
4 changes.

5 THE COURT: Okay. Then what you have to say is
6 I don't know. Okay?

7 THE WITNESS: Okay.

8 THE COURT: So the objection is sustained. As
9 the witness has indicated, she does not know what the
10 street turn into.

11 BY MS. GUTIERREZ:

12 Q Are you familiar with a road named Franklintown
13 Road?

14 A No.

15 Q And are you familiar with a section of Dogwood
16 Road that contains several bars, one of which is the Mill
17 Rays Tavern?

18 A No.

19 Q Are you aware of the bars that are on Dogwood
20 Road directly below Woodlawn Drive?

21 A No. I know there are probably some over there
22 but I mean I don't usually go that way.

23 THE COURT: Ms. Gutierrez, I'm going to ask
24 that we pause here. I note that it's 11:30. I know my
25 clock is about five minutes fast, which may be a good

1 thing, at least in light of that I think there is another
2 court where you must go.

3 MS. GUTIERREZ: Yes.

4 THE COURT: So we are just going to take a
5 break. It will be a good time to allow the jurors to
6 stretch their legs a little bit. I'm going to ask the
7 deputy sheriff if she will kindly walk the jurors around
8 to the jury room and see that they are secured in that
9 location. I believe the door may be locked. Mr. [redacted]
10 has a key.

11 Ladies and gentlemen, if you will go with the
12 sheriff at this time. Please leave your notepads face
13 down on your chairs. We are going to take a break for
14 about fifteen minutes and allow counsel to handle some
15 other matters, and then we will have you come back. We
16 will go again until 12:30 when we will take our luncheon
17 recess. As you go out, be reminded not to discuss the
18 testimony, either what you have heard today or anything
19 else.

20 Alternate Number Four, if you will just remain
21 for a moment. The rest of you may go with the sheriff.
22 Thank you.

23 (The jury was excused from the courtroom.)

24 THE COURT: Okay. You can come around. There
25 is a microphone down there. I just need you to get to a

1 micophone, that's all.

2 ALTERNATE NUMBER FOUR: Okay.

3 THE COURT: You may go to lunch as well. I
4 must advise you that you are a witness sequestered. You
5 may not discuss your testimony with anyone. You can
6 stretch your legs for about fifteen minutes, and then
7 I'll ask that you have a seat on the bench outside and we
8 will let you know when we are going to resume.

9 THE WITNESS: Okay.

10 (The witness was excused from the courtroom.)

11 MR. URICK: Excuse me. Are you asking her to
12 come back before we break for lunch?

13 THE COURT: Yes. She is going to sit outside
14 for a few minutes.

15 MR. URICK: Okay.

16 THE COURT: Alternate Number Four, I just
17 wanted to just touch base with you. You gave us a letter
18 that said, "Yesterday I asked myself if the surname of
19 the potential witness was common or not. I know
20 superficially but socially a T [REDACTED]. I know of no
21 relation to Jay Wilds, but it occurred to me that the
22 name might not be common."

23 My question to you is, if there was a
24 relationship between T [REDACTED] and Jay Wilds, would that
25 in any way interfere with your ability to be fair and

1 impartial when it came down to assessing this testimony
2 of Jay Wilds?

3 ALTERNATE JUROR NUMBER FOUR: I believe I can
4 listen accurately, but it's possible I might feel
5 uncomfortable.

6 THE COURT: When you say that you might feel
7 uncomfortable, I mean is there something about your
8 knowledge of --

9 ALTERNATE JUROR NUMBER FOUR: Well, I mean
10 there is like -- well, I know a T [REDACTED]. So there are
11 two scenarios. So like if I happen to see a T [REDACTED]
12 outside, you know, that would -- you know, I might make
13 this connection.

14 THE COURT: The association.

15 ALTERNATE JUROR NUMBER FOUR: The association.

16 THE COURT: Assuming you made the association
17 that T [REDACTED], in your view, is related to Jay Wilds,
18 you wouldn't know what that relationship is. Is that
19 what you are telling me?

20 ALTERNATE JUROR NUMBER FOUR: I might --

21 THE COURT: You wouldn't know if that is his
22 brother or his son or --

23 ALTERNATE JUROR NUMBER FOUR: I might infer
24 there is some relationship without knowing what it is.

25 THE COURT: Okay.

1 ALTERNATE JUROR NUMBER FOUR: I do not remember
2 having -- I am not familiar with the name Jay Wilds. I
3 do not remember meeting a Jay Wilds. I do know
4 superficially, socially, a T [REDACTED].

5 THE COURT: Okay. Again, I would ask, the fact
6 that you know this T [REDACTED] -- let's say he does show
7 up and he is sitting in the audience, and so then now you
8 can make the association that Jay Wilds has some
9 relationship to T [REDACTED] -- would that in any way
10 interfere with your ability to be fair and impartial,
11 weighing the credibility of Jay Wilds, listening to the
12 testimony, weighing it with all other testimony, and the
13 law as I instruct you, which I will instruct you later on
14 as to the credibility of witnesses, how to assess them?

15 ALTERNATE JUROR NUMBER FOUR: I believe I can
16 listen closely and make a fair judgment. However, while
17 I'm saying that, you know, I'm also saying that I may
18 feel uncomfortable. You know, I can't really -- you know
19 what I'm saying.

20 THE COURT: Okay. Why don't you come --

21 ALTERNATE JUROR NUMBER FOUR: I'm making that
22 distinction but --

23 THE COURT: I don't know why you are saying
24 that. I need you to come up to the bench because perhaps
25 there is something that we need to talk to you about that

1 is not within the hearing of the general public because I
2 would like to know what your uncomfortability is. You
3 are using the word, I'm uncomfortable, and I need to know
4 what you mean by that. So if you will step up.

5 Counsel, you are welcome to step up.

6 (Counsel, the defendant, and Alternate Juror
7 Number Four, approached the bench and the following
8 ensued:)

9 THE COURT: The microphones are here
10 (indicating). I have to make a judgment.

11 ALTERNATE JUROR NUMBER FOUR: Right.

12 THE COURT: I cannot get in your mind unless
13 you tell me what you mean when you say I feel
14 uncomfortable. What is it that you mean?

15 ALTERNATE JUROR NUMBER FOUR: Well, I'm saying
16 I may feel uncomfortable.

17 THE COURT: You may feel uncomfortable.

18 ALTERNATE JUROR NUMBER FOUR: Okay. I guess
19 what I mean is that if I perceive a possible
20 relationship, then I will be aware of that, and I would
21 be aware of being in a situation and making some judgment
22 in a serious matter about someone possibly connected to
23 someone I know.

24 THE COURT: Okay. And does that mean that the
25 person that you know -- I can't -- I don't know what your

1 relationship with T [REDACTED] is.

2 ALTERNATE JUROR NUMBER FOUR: Right.

3 THE COURT: But let me give you a for example.

4 ALTERNATE JUROR NUMBER FOUR: Okay.

5 THE COURT: Let's say -- I have the name Keyes,
6 and it's a very unusual spelling. It's K-E-Y-E-S. If
7 you were to meet another Keyes in Baltimore City, there
8 is a very likelihood that she is or he is related to me
9 because of the way it's spelled. If I saw a juror out
10 here and I recognized the spelling was K-E-Y-E-S, even
11 though I did not know that person, I personally did not
12 recognize that person, I would inquire whether or not
13 that person's mother or relative or husband was someone
14 who was, in fact, related to me.

15 ALTERNATE JUROR NUMBER FOUR: Right.

16 THE COURT: Then my next question would be, the
17 fact that it was there, does it affect me in any way at
18 all, the fact that I'm a judge and my maiden name is K-E-
19 Y-E-S, and this juror has the same spelling. I can't get
20 into your head to know whether or not your knowledge of
21 T [REDACTED] --

22 ALTERNATE JUROR NUMBER FOUR: Right.

23 THE COURT: -- through a possible relationship
24 with a witness who is going to testify, is one that would
25 interfere? It's okay if you know the person. That's not

1 the problem.

2 ALTERNATE JUROR NUMBER FOUR: Uh-huh.

3 THE COURT: The knowledge of a person isn't the
4 problem.

5 ALTERNATE JUROR NUMBER FOUR: Right.

6 THE COURT: It's whether or not the fact of
7 that knowledge would interfere with your ability to be
8 fair and impartial to the state and the defense. The
9 knowledge. It could be your next door neighbor's sister.
10 But if you know that relationship but it doesn't affect
11 you, it does not affect your ability to be fair and
12 impartial, then that's okay. There are people who know
13 Ms. Gutierrez and who know Mr. Urick who come up and say
14 I know them both but it doesn't interfere with my ability
15 to be fair and impartial. Judge, I know you, but it
16 doesn't interfere with my ability to be fair and
17 impartial and to listen to the -- it isn't that you must
18 know no one --

19 ALTERNATE JUROR NUMBER FOUR: Right.

20 THE COURT: -- that you must have no contact,
21 you must be sort of in the blind. The issue is not that.
22 It's whether or not, if there is a relationship, does it
23 interfere with your ability to be fair and impartial. I
24 can't get in your head --

25 ALTERNATE JUROR NUMBER FOUR: Right.

1 THE COURT: -- to know what that relationship
2 is.

3 ALTERNATE JUROR NUMBER FOUR: Right.

4 THE COURT: Because as we are speaking, we are
5 not able to tell you whether T [REDACTED] is related to Jay
6 Wilds.

7 ALTERNATE JUROR NUMBER FOUR: Right.

8 THE COURT: If they are related -- the worst
9 case scenario is that they are related. If they are not
10 related, it's irrelevant.

11 ALTERNATE JUROR NUMBER FOUR: Right.

12 THE COURT: But if they are related, would that
13 interfere with your ability to be fair and impartial in
14 this case?

15 ALTERNATE JUROR NUMBER FOUR: I would say that
16 -- can I make a qualified answer?

17 THE COURT: Yes, yes, please do.

18 ALTERNATE JUROR NUMBER FOUR: Since I take
19 seriously the duty of a juror to be fair and impartial --

20 THE COURT: Yes.

21 ALTERNATE JUROR NUMBER FOUR: -- I believe I
22 could listen accurately and be fair and impartial.

23 THE COURT: Okay. Because you would not let
24 whatever that relationship might be --

25 ALTERNATE JUROR NUMBER FOUR: Right.

1 THE COURT: -- influence your weighing of the
2 credibility of the witness?

3 ALTERNATE JUROR NUMBER FOUR: Because I have
4 internalized the importance of that duty.

5 THE COURT: Very well. I appreciate your being
6 honest with me, and I appreciate your response. I want
7 you to know, I'm not angry with you. I know I raise my
8 voice and I wave my hands a lot, but that just happens to
9 be my way.

10 ALTERNATE JUROR NUMBER FOUR: Right.

11 THE COURT: It's very important to me that we
12 make sure that this question was asked of you.

13 ALTERNATE JUROR NUMBER FOUR: Right.

14 THE COURT: And then I try to figure out the
15 best I can.

16 ALTERNATE JUROR NUMBER FOUR: Right.

17 THE COURT: Okay. Ms. Gutierrez may have a few
18 followup questions based on my questions.

19 MS. GUTIERREZ: Yes, only because I think it
20 might answer if we know a little bit more about T [REDACTED]

21 [REDACTED].

22 THE COURT: Sure.

23 MS. GUTIERREZ: What race he is, where he
24 lives, if he knows, because we may be able to just cut
25 through --

1 ALTERNATE JUROR NUMBER FOUR: T [REDACTED] lives
2 in Mount Vernon. He is of caucasion background.
3 THE COURT: Okay.
4 MR. URICK: No followup questions.
5 THE COURT: All right.
6 MS. GUTIERREZ: No followup.
7 THE COURT: All right. Thank you very much.
8 MR. URICK: Thank you.
9 MS. GUTIERREZ: Thank you.
10 THE COURT: All right. I think we can answer
11 your question. Is T [REDACTED] --
12 MS. GUTIERREZ: No, Jay Wilds.
13 THE COURT: Is Jay Wilds, the witness, African-
14 American?
15 MS. GUTIERREZ: African-American.
16 ALTERNATE JUROR NUMBER FOUR: Okay.
17 THE COURT: Well, not necessarily.
18 ALTERNATE JUROR NUMBER FOUR: Yes.
19 THE COURT: Not necessarily, you know, because
20 in this day and age --
21 ALTERNATE JUROR NUMBER FOUR: Right.
22 THE COURT: -- they could be related, they
23 could be foster brothers, they could be anything.
24 ALTERNATE JUROR NUMBER FOUR: True.
25 THE COURT: But in any event, now we have

1 answered your question to some degree. Any followup, Mr.
2 Urick?

3 MR. URICK: No followup.

4 MS. GUTIERREZ: No.

5 THE COURT: Okay. Any other questions you have
6 of the court?

7 ALTERNATE JUROR NUMBER FOUR: No.

8 THE COURT: Very well. In a few minutes, we
9 will bring you --

10 ALTERNATE JUROR NUMBER FOUR: Can I go?

11 THE COURT: Yes, you may. You can't leave for
12 good but you can go back with the other jurors.

13 ALTERNATE JUROR NUMBER FOUR: Yes.

14 THE COURT: Thank you.

15 (Alternate Juror Number Four was excused from
16 the courtroom.)

17 THE COURT: And they are expecting you
18 downstairs.

19 MS. GUTIERREZ: Okay. I will go right now.

20 THE COURT: All right. Very well.

21 MS. GUTIERREZ: Thank you.

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

24 MR. URICK: Would the court anticipate getting
25 to another witness before lunch?

1 THE COURT: Oh, yes. I don't think Ms.
2 Gutierrez is going to find that she is down there very
3 long. I think she is going to go downstairs and find
4 that she is just there for a few moments and she will be
5 permitted to return.

6 MS. MURPHY: We haven't finished with Ms.
7 [REDACTED] at this point.

8 THE COURT: I know.

9 MS. MURPHY: Okay.

10 THE COURT: I said, I don't believe Ms.
11 Gutierrez is going to find that she is downstairs very
12 long. I think she is going to find that she is going to
13 be permitted to come back.

14 MS. MURPHY: Should we have an additional
15 witness beyond Ms. [REDACTED]?

16 THE COURT: No, I wouldn't think so.

17 MS. MURPHY: Okay.

18 THE COURT: I would think that probably by the
19 time Ms. Gutierrez returns, we will have enough time to
20 perhaps finish with Ms. [REDACTED] and then take a luncheon
21 recess.

22 MS. MURPHY: Okay.

23 THE COURT: Okay.

24 MS. MURPHY: Thank you, Your Honor.

25 THE COURT: Okay. If Officer [REDACTED] will

1 leave the defendant here, because I don't expect us to be
2 very long, and we will resume as soon as Ms. Gutierrez
3 returns. This court stands in recess.

4 THE CLERK: All rise. This court now stands in
5 recess.

6 (Brief recess.)

7 -00o-

8 (Jury not present upon reconvening.)

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

12 THE COURT: Please be seated. I'm going to ask
13 that the witness come back in, and if the sheriff
14 wouldn't mind going around and getting our jurors, I
15 would appreciate it. Thank you. Just ask Ms. [REDACTED] to
16 come back in.

17 (Brief pause.)

18 (The jury returned to the courtroom.)

19 THE COURT: Ladies and gentlemen, we have moved
20 the chairs away from the radiator. We understand it is
21 extremely hot for those that are sitting on the back row.
22 We would also ask, if there is any room, if you can move
23 your chairs down a little bit, that would be appreciated.
24 If you can move your chairs down just a little bit to
25 allow us to move Juror Number Two's chair away from the

1 radiator.

2 (Brief pause.)

3 THE COURT: Thank you very much. We know we
4 are squeezing you in there, but it's been uncomfortable
5 for that juror. Okay. Hopefully, that will be a little
6 more comfortable for you. Now, my next question is going
7 to be, can you see? Can you see Ms. [REDACTED]?

8 THE JURY: Yes.

9 THE COURT: All right. Thank you very much.
10 Okay. We hope that will be a little better for you. At
11 this point, we are going to resume the testimony of Ms.
12 [REDACTED]. I'm going to remind you, Ms. [REDACTED], you are
13 still under oath.

14 INEZ [REDACTED]
15 the witness on the stand at the time of the recess,
16 resumed the stand and, having been reminded she was still
17 under oath, was examined and testified further as
18 follows:

19 THE COURT: Ms. Gutierrez, witness with you.

20 MS. GUTIERREZ: Thank you, Your Honor. Ms.

21 [REDACTED], I do have a couple more questions.

22 CROSS-EXAMINATION (Continuing)

23 BY MS. GUTIERREZ:

24 Q You described the clothing that you recall that
25 Hae Min Lee had on, on the 13th, the last time that you

1 saw her, correct?

2 A Correct.

3 Q And she had on what you described as very high
4 high-heels?

5 A Yes.

6 Q And she had on stockings that you used the word
7 to describe, they were colorless, they were not colored?

8 A Right, they were clear.

9 Q They were clear stockings?

10 A Yes.

11 Q Okay. No color to the stockings themselves?

12 A Right.

13 Q No color that would alter the color of the
14 appearance of her legs?

15 A Correct.

16 Q You would not have described those stockings as
17 being the color of toast; would you have?

18 A Toast, no.

19 Q No.

20 A They blended in with her skin tone.

21 Q With her skin tone?

22 A Yes.

23 Q And that was readily apparent to you; was it
24 not?

25 A Uh-huh.

1 Q All right. Now, you also said that you
2 recalled speaking to Adnan on at least two occasions
3 after her disappearance, correct?

4 A Correct.

5 Q And one of the occasions was where you had a
6 conversation with him about what you termed to be the
7 memorial?

8 A Correct.

9 Q You were aware that, in fact, there was a
10 funeral for Hae Lee after her body was discovered,
11 correct?

12 A No, I didn't understand what was going on
13 because we had bought like cards and things to send, and
14 we knew that because her parents didn't speak English, I
15 didn't know how to send them and who to send them to. So
16 we didn't know what type of ceremony. The only way that
17 we found out was that a couple of the students who were
18 her closest friends were able to go to her house and find
19 out what was going on.

20 Q And that included what would be called a
21 funeral, correct?

22 A I guess that's what it was.

23 Q Okay. And you became aware of that later on,
24 correct?

25 A After I was told.

1 Q In addition to the funeral, there was a
2 memorial service at the school; was there not?

3 A Yes, there was.

4 Q And that memorial took place after her body was
5 discovered, correct?

6 A Correct.

7 Q In fact, it took place in March; did it not?

8 A Yes.

9 Q After Adnan Syed was arrested for this? .

10 A That is correct.

11 Q Isn't that correct?

12 A That is correct.

13 Q So he could not have attended the memorial
14 given to her, correct?

15 A That is correct.

16 Q All right. Now, do you recall when Hae Lee's
17 body was identified?

18 A Today?

19 Q No, no, just do you recall when her body was
20 identified?

21 A I'm saying I didn't understand the question.
22 I'm saying that --

23 Q Do you --

24 MS. MURPHY: Objection.

25 THE COURT: That's all right.

1 THE WITNESS: I'm saying --

2 THE COURT: Excuse me.

3 THE WITNESS: I'm sorry.

4 THE COURT: Ms. [REDACTED], just relax.

5 THE WITNESS: Okay.

6 THE COURT: If you don't understand the
7 question, then that's your answer.

8 THE WITNESS: Okay.

9 THE COURT: I do not understand the question.

10 THE WITNESS: Okay.

11 MS. GUTIERREZ: I'll ask another one.

12 BY MS. GUTIERREZ:

13 Q You recall that Hae Min Lee disappeared on the
14 13th, correct?

15 A That is correct.

16 Q And that nobody knew her whereabouts until the
17 time when her body was discovered, correct?

18 A That is correct.

19 Q And that there came a point when that body was
20 identified to be Hae Min Lee's?

21 A That is correct.

22 Q Correct?

23 A That is correct.

24 Q And you recall that on that day or right after
25 that day, that the fact that the body was Hae Min Lee's

1 was the big event at Woodlawn?

2 A Yes.

3 Q And do you recall that among others that there
4 were many of Hae Min Lee's friends, including Adnan, who
5 disputed at first that, oh, no, they had to be wrong,
6 that couldn't have been Hae Min Lee's body?

7 A I don't --

8 Q Do you recall that, yes or no?

9 A Yes.

10 Q Okay. Now, Ms. [REDACTED], you described yourself
11 as friends with Adnan; did you not?

12 A Yes.

13 Q And the friendship was developed during the
14 course of while he was a student from his sophomore year,
15 correct?

16 A Yes.

17 Q And you would describe your relationship with
18 him, how you interacted, as one that was friendly?

19 A Yes.

20 Q And Adnan discussed things with you that had
21 nothing to do with Hae Min Lee; did he not?

22 A Yes.

23 Q And he discussed his own athletic involvement,
24 didn't he?

25 A Yes.

1 Q And his family?
2 A Yes.
3 Q And his religion?
4 A Yes.
5 Q And his other friends?
6 A Yes.
7 Q And other activities in his life?
8 A Yes.
9 Q You were aware, were you not, that he also had
10 his own car?
11 A Yes.
12 Q And that he drove to school every day?
13 A Yes.
14 Q And that students who drove to school parked in
15 a designated parking place; did they not?
16 A Most of the time.
17 Q And that students such as seniors often times
18 have free periods during the day; do they not?
19 A That is correct.
20 Q And that often times during those free periods,
21 seniors would go to their cars on the parking lot?
22 A Yes.
23 Q And that there was nothing unusual about that,
24 was there?
25 A No.

1 Q And that after they finished whatever it was
2 they did in their cars, they would return for whatever
3 was the next class?

4 A Yes.

5 Q You were aware, were you not, that during the
6 school year of 1998/1999, both in the fall semester and
7 after the school resumed after the Christmas holidays,
8 that Hae Min Lee and Adnan shared several classes a day?

9 A I wasn't aware of that.

10 Q All right. And when you spoke to Hae Min Lee
11 on the 13th at the concession stand, Hae Min Lee was
12 alone; isn't that correct?

13 A That is correct.

14 Q And as we have already discussed, what
15 Detective O'Shea wrote down was that she was upset about
16 her family problems; was she not?

17 A Yes.

18 Q And that that's what she described to you,
19 correct?

20 A Yes.

21 Q Adnan wasn't with her then, was he?

22 A No.

23 Q And he wasn't around the concession stand, was
24 he?

25 A No.

1 Q And you said you became aware of his attendance
2 at track practice because you were always concerned about
3 everybody who participated in the athletic programs,
4 correct?

5 A That is correct.

6 Q You were aware that the coach of the indoor
7 track team is a man by the name of Sye; is it not?

8 A Yes.

9 Q And you were aware that Coach Sye did not keep
10 a roster that the track athletes have to sign in every
11 day?

12 A That is correct.

13 Q And that he didn't keep track of himself who
14 attended on any given day?

15 A That is correct.

16 Q And you were aware, were you not, track
17 practice didn't begin on the 13th, did it?

18 A I don't know exactly when it began.

19 Q Well, it began before that day, didn't it?

20 A Yes.

21 Q The 13th wasn't the first day of track
22 practice, was it?

23 A No, it wasn't.

24 Q In fact, the track team had already had several
25 meets by the middle of January; had they not?

1 A They had.

2 Q And they continued to have meets after January
3 13th; did they not?

4 A Yes, they did.

5 Q And you were aware that Adnan won and medaled
6 in his events at several meets; were you not?

7 A I wasn't aware. I knew he had received ribbons
8 but I wasn't aware that he had received a medal.

9 Q Okay. And would it surprise you to know that
10 he, in fact, did medal?

11 A No.

12 Q He was a serious athlete; was he not?

13 A I don't know.

14 Q Well, in your experience as in charge of all
15 this, Ms. [REDACTED], would you agree that athletes who
16 perform well are generally not only those with talent but
17 the discipline to practice?

18 A That is correct.

19 Q And in every sport, there are consequences for
20 athletes, although they may differ as to whether or not
21 they get to participate in meets if they don't practice;
22 are there not?

23 A In some sports.

24 Q And you were not aware of any consequence for
25 track athletes?

1 A No.

2 Q All right. Now, would it be fair to say, Ms.
3 ███████████, that the track athletes who participate and win
4 their events, whether they get ribbons or medals, are
5 more likely to be the athletes who participate by being
6 disciplined and practice their athletic ability?

7 A I don't understand that.

8 Q Well, athletes perform better when they
9 practice; do they not?

10 A Yes. I understand that, yes.

11 Q There are consequences for missing practices,
12 because common experience as the Athletic Director shows
13 you that practice matters to performance; does it not?

14 A Well, it wouldn't be the Athletic Director that
15 would show me.

16 Q You know that in your own experience; do you
17 not?

18 MS. MURPHY: Objection.

19 THE COURT: Sustained.

20 BY MS. GUTIERREZ:

21 Q Does the athletic program at Woodlawn require
22 athletes who perform for any team in the school to
23 practice?

24 A Yes.

25 Q And as a matter of course, are athletes allowed

1 to routinely miss practices without some consequence,
2 whether or not you know what it is?

3 THE COURT: Ms. Gutierrez, I think we have been
4 over this several times.

5 MS. GUTIERREZ: Okay. I'll move on, Judge.

6 THE COURT: Thank you.

7 BY MS. GUTIERREZ:

8 Q Ms. [REDACTED], Hae Lee didn't mention Adnan on the
9 13th when you saw her?

10 A No.

11 Q Did she?

12 A No.

13 Q She didn't mention any fight with him?

14 A No.

15 Q She didn't mention any plans to meet him?

16 A No.

17 Q Or that he was going to hook up with her in her
18 car?

19 A No.

20 Q What she told you was that -- today you
21 remembered -- that she was going to pick up someone and
22 that she would be back, correct?

23 A Correct.

24 Q But what you told Detective O'Shea that he
25 wrote down was that she had no plans to come back,

1 correct?

2 A I don't remember.

3 MS. GUTIERREZ: Thank you. Nothing further.

4 THE COURT: Any redirect of Ms. [REDACTED]?

5 MS. MURPHY: Just briefly, Your Honor.

6 REDIRECT EXAMINATION

7 BY MS. MURPHY:

8 Q Ms. [REDACTED], would you use the word disciplined
9 with reference to the defendant's participation in track?

10 A Not that I am aware of.

11 Q Do you recall a conversation you had with the
12 defendant after Ms. Lee's disappearance regarding his
13 participation in track?

14 A Yes.

15 Q What were the details of that conversation?

16 A I only asked why I hadn't seen him at practice.
17 I said, I haven't seen you in a while, where have you
18 been, and he said he had been upset.

19 Q Now, when you saw Ms. Lee the morning of the
20 13th, is it fair to say she was fairly excited about
21 being taped as a scholar athlete?

22 A Very excited.

23 Q Was she happy about this?

24 A Yes, very happy.

25 Q Did she seem upset at that point?

1 A No.

2 Q And when you saw her at the concession stand at
3 2:15, how did she appear to you then?

4 A Still happy.

5 MS. MURPHY: I have no other questions, Your
6 Honor.

7 THE COURT: Very well. Any other questions,
8 Ms. Gutierrez?

9 MS. GUTIERREZ: Yes.

10 RECROSS-EXAMINATION

11 BY MS. GUTIERREZ:

12 Q In regard to when you said after her
13 disappearance, when he told you that he had been upset,
14 it didn't appear unusual to you that the friend of Hae
15 Min Lee, that you also knew to be her friend from her,
16 was upset at her disappearance?

17 MS. MURPHY: Objection.

18 MS. GUTIERREZ: Did it?

19 THE COURT: Can you repeat that question,
20 please, for the court?

21 BY MS. GUTIERREZ:

22 Q You were asked and you answered a question,
23 regarding your conversation with Adnan after the
24 disappearance of Hae Min Lee, regarding why he had not
25 been at track practice. Do you recall that?

1 MS. MURPHY: Objection.

2 THE COURT: Sustained, technically.

3 BY MS. GUTIERREZ:

4 Q Did you have a conversation with Adnan
5 subsequent to Hae Min Lee's disappearance regarding his
6 participation in track practice, as you just testified,
7 yes or no?

8 A Yes.

9 Q And in that conversation, what you just told us
10 was that he told you out of his own mouth that he had
11 been upset?

12 A Yes.

13 Q That wasn't a surprise to you, was it?

14 A No.

15 Q Everyone who was close to Hae Min Lee was upset
16 about her disappearance; were they not?

17 A Yes.

18 Q And as far as you knew on the 13th, based on
19 what you had been told by both Hae and Adnan, that they
20 were still very close friends?

21 A Yes.

22 Q And that they were committed to being close
23 friends?

24 A Yes.

25 MS. GUTIERREZ: Thank you.

1 THE COURT: Anything further from the State?

2 MS. MURPHY: No, Your Honor.

3 THE COURT: Anything further from Ms.

4 Gutierrez?

5 MS. GUTIERREZ: Yes, Judge, I did forget one
6 question.

7 THE COURT: Certainly.

8 BY MS. GUTIERREZ:

9 Q I have asked you before, you were aware that he
10 is a Muslim, correct?

11 A Yes.

12 MS. MURPHY: Objection.

13 THE COURT: Sustained.

14 MS. GUTIERREZ: I think I can tie it up, Judge.

15 THE COURT: All right. Very well.

16 BY MS. GUTIERREZ:

17 Q And you were aware that that period of time
18 after her disappearance was during the month of Ramadan,
19 a holy month for Muslims; were you not?

20 A I don't know. I don't remember. I don't
21 recall that.

22 Q Well, you are aware of Ramadan; are you not?

23 A Yes, I am.

24 MS. MURPHY: Objection.

25 THE COURT: Overruled.

1 BY MS. GUTIERREZ:

2 Q And you are aware --

3 THE COURT: Well, wait a minute, Ms. Gutierrez.

4 She has indicated that she doesn't know. So I am going
5 to sustain any further questioning on that particular
6 point.

7 MS. GUTIERREZ: Okay.

8 BY MS. GUTIERREZ:

9 Q You are aware, are you not, that the Athletic
10 Department of Woodlawn concerning all sports excludes the
11 responsibility to attend practices for all sports for
12 Muslim students who are fasting during Ramadan; are you
13 not?

14 A No, I'm not.

15 A Okay. Are you aware that the coach of the
16 track team excused his athletes if they were fasting
17 because of the tremendous physical exertion that track
18 practice requires?

19 A No, I wasn't aware of that.

20 MS. GUTIERREZ: Thank you.

21 THE COURT: Very well. Anything further from
22 the State at this juncture?

23 MS. MURPHY: No, Your Honor.

24 THE COURT: And Ms. Gutierrez?

25 MS. GUTIERREZ: No, Your Honor.

1 THE COURT: May we release this witness from
2 the summonses or subpoena? Ms. Gutierrez?

3 MS. GUTIERREZ: Yes, Your Honor, she is
4 released.

5 THE COURT: Ms. Murphy?

6 MS. MURPHY: Nothing further from the State,
7 Your Honor.

8 THE COURT: You are now released from your
9 summonses, but I must advise you of two things. First,
10 you are still a sequestered witness. When I say
11 sequestered, that is you cannot discuss your testimony
12 with any other witness that may yet be called to testify
13 in this case. So it would be in your best interests not
14 to discuss your testimony with anyone.

15 However, because you are released from the
16 summonses, if you would like, you may remain in the
17 courtroom because your testimony will no longer be needed
18 and you will not be called back.

19 Do you understand?

20 THE WITNESS: Uh-huh.

21 THE COURT: Then at this point, you are free to
22 go.

23 THE WITNESS: Thank you.

24 THE COURT: Very well. We are going to take a
25 recess for lunch at this time. I note that it is 12:30.

1 I will expect that we will start this case back at about
2 1:45, so I am going to give the jurors until 1:45. I ask
3 counsel to be back by 1:45, so that perhaps we can
4 actually get started by 2:00.

5 Ladies and gentlemen, I'm going to ask that you
6 leave your notepads face down on your chair. Mr. [REDACTED]
7 will secure them. Do not discuss the testimony that you
8 have heard today amongst yourselves or with anyone else.
9 You are free to go to lunch. If you would like, you can
10 sit in the jury room.

11 Okay. You are free to go at this time and I
12 will see you back at 1:45 and we will resume court at
13 2:00.

14 (The jury was excused from the courtroom.)

15 THE COURT: Counsel, before you leave, this is
16 a schedule I want you to view.

17 MR. URICK: Okay.

18 MS. GUTIERREZ: Thank you.

19 THE COURT: Thank you. The court stands in
20 recess.

21 THE CLERK: All rise. This court will now take
22 it's luncheon recess.

23 (Whereupon, at 12:31 p.m., a luncheon recess
24 was taken.)

25 -00o-

1

AFTERNOON SESSION

2

(2:10 p.m.)

3

(Jury not present upon reconvening.)

4

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

7

THE COURT: You may be seated. I understand
that we are going to wait for a few moments to have the
jury come around and Ms. Gutierrez to return. The next
witness that you are going to be calling is --

11

MR. URICK: Is Jay Wilds.

12

THE COURT: Jay Wilds.

13

MR. URICK: Should I have him come in and sit
on the stand?

15

THE COURT: Yes, that would be good. That way
he will already be here.

17

(Brief pause.)

18

THE COURT: Mr. Wilds, just have a seat there.
When the jury comes out, we will have you stand and be
sworn. Okay?

21

MR. WILDS: Yes.

22

THE COURT: Thank you.

23

(Brief pause.)

24

THE COURT: Also, with regard to the schedule
that I handed out, do counsel have any objection if I

1 make copies of that for the jury.

2 MR. URICK: No.

3 MS. GUTIERREZ: No, Judge, I think that would
4 be helpful to the jury.

5 THE COURT: All right.

6 MS. GUTIERREZ: I would like, before the jurors
7 get in, in regard to this witness, I would ask that the
8 court advise the witness -- the mistrial occurred during
9 this witness' testimony -- that any reference to anything
10 prior should be at a prior occasion, that there be no
11 reference to --

12 THE COURT: Right. Ms. [REDACTED] kind of bordered
13 on that a little bit.

14 MS. GUTIERREZ: Right.

15 THE COURT: But I don't think it was clear from
16 anything she said.

17 MS. GUTIERREZ: That's why I did not -- I
18 thought it would make it worse if I did.

19 THE COURT: That's a good idea.

20 MS. GUTIERREZ: But this witness I am concerned
21 about.

22 THE COURT: Mr. Wilds, would you step up to the
23 bench, please.

24 (Whereupon, Mr. Jay Wilds approached the bench
25 and the following ensued:)

1 THE COURT: Mr. Wilds, you cannot make any
2 mention at anytime during the trial that there was
3 another trial.

4 MR. WILDS: Okay.

5 THE COURT: Do you understand what I'm saying?

6 MR. WILDS: Yes.

7 THE COURT: Pretend this is the first trial.

8 MR. WILDS: Yes, ma'am.

9 THE COURT: Okay. They can't know there was
10 another one.

11 MR. WILDS: Okay.

12 THE COURT: Thank you.

13 (Whereupon, Mr. Jay Wilds returned to the
14 witness chair and the following ensued:)

15 (Brief pause.)

16 (The jury returned to the courtroom.)

17 THE COURT: Just have a seat for just one
18 moment, Mr. Wilds. Can I see counsel at the bench for
19 one second.

20 (Counsel and the defendant approached the bench
21 and the following ensued:)

22 THE COURT: Okay. First things first. I was
23 just informed by my sheriff that the defendant made a
24 comment to the witness as the witness approached the
25 stand indicating that he was pathetic. I want to advise

1 Mr. Syed in your presence that up until now he has been
2 perfect. He has conducted himself in a gentlemanly
3 manner. I am going to advise you now, don't spoil it
4 now. Whatever self-control you need to exhibit, continue
5 to do it to the end of this trial. You are presenting
6 yourself in a manner that is appropriate in this
7 courtroom, and you don't want me to have to say anything
8 to you.

9 Do you understand?

10 THE DEFENDANT: Yes.

11 THE COURT: Very well. I am not saying your
12 client did or did not do it.

13 MS. GUTIERREZ: I understand.

14 THE COURT: But I am advising you, and I know
15 you don't want your client to do anything inappropriate
16 in front of the jury.

17 MS. GUTIERREZ: No.

18 THE COURT: And I am letting the State know
19 because I want to make sure that the witness understands
20 that his safety is not in any way in jeopardy when he
21 testifies in this courtroom because I don't allow that to
22 happen. Whether that be for a defense witness or for a
23 State witness, we will not have that here. We all know
24 this. We have been through this before. The sheriff
25 doesn't know, but Deputy Church was aware, and so he

1 handled it accordingly. So now this sheriff knows, and
2 I'm sure she will make sure she sits in a way that she is
3 alert to what may occur.

4 I just want everybody to know. Okay. We will
5 continue as we have been going.

6 MR. URICK: I believe at this point I would be
7 entitled to question the witness about any statements the
8 defendant made to him today in the courtroom.

9 THE COURT: I will not allow you to use any
10 statements that he may have made today in the courtroom.
11 I will not allow it. We are not going to have last
12 minute additions. We will not have that. If it was a
13 statement that was made or uttered to that witness, I
14 will not allow that witness to testify as to what was
15 said. That witness, as a defendant, is represented by
16 counsel and I am not going to allow it. I'm not going to
17 allow it.

18 Now, you can take your exception for the
19 record, but I am not going to allow that.

20 MR. URICK: I would for this reason, that this
21 witness is not a State agent. It was a voluntary
22 statement to a non-State witness.

23 THE COURT: I understand.

24 MR. URICK: Or non-State agent.

25 THE COURT: I understand. The sheriff also

1 heard it, and for the record, if the sheriff heard the
2 remark, then the sheriff could be called as a witness.
3 But at this juncture, the court is not going to allow the
4 sheriff to do anything other than to let me know, as I
5 have indicated to you, what was said to the witness.

6 Okay. I just would like you to go ahead and
7 try your case. You have got a case, try your case.

8 MR. URICK: Just to make the record, the second
9 point would be the relevance because it would relate to a
10 threat that he made to the witness while he was trying to
11 testify.

12 THE COURT: Well, that might be something that
13 you might bring up if the door is opened by the defense.
14 That's a wholly different issue. But as the case stands
15 right now, we don't have that.

16 MR. URICK: Thank you.

17 THE COURT: Unless you would like me to inquire
18 of the witness outside the presence of the jury as to
19 whether or not any statement that he may or may not have
20 heard -- I don't even know if the witness heard what was
21 said. For all I know, the witness didn't hear anything.
22 I don't know, I haven't inquired of him. The only thing
23 I do know is the sheriff heard it.

24 So if you would like me to inquire of the
25 witness as to whether the witness heard anything, I will

1 be happy to do that.

2 MR. URICK: No, Your Honor.

3 THE COURT: But the point I'm trying to make
4 is, we are trying to try a case based on your case and
5 based on the defense. As long as this is a small
6 courtroom, we are going to have situations where we are
7 in close quarters. So we are going to provide safety and
8 security for everyone.

9 Okay. Let's proceed. Thank you.

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

12 THE COURT: Mr. Urick, if you will call the
13 name of your witness, please, for the record.

14 MR. URICK: Thank you, Your Honor. The State
15 calls Jay Wilds at this time.

16 JAY W. WILDS

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

20 THE CLERK: You may be seated. Please keep
21 your voice up and state your name and your address for
22 the record.

23 THE WITNESS: Jay W. Wilds. I live at [REDACTED]

24 [REDACTED]
25 I'm sorry.

1 THE COURT: One moment, Mr. Wilds. We are
2 distributing something to the jury. Once that's done,
3 Mr. Urick will have some questions for you.

4 THE WITNESS: Yes, ma'am.

5 DIRECT EXAMINATION

6 BY MR. URICK:

7 Q Good afternoon, Mr. Wilds. How old are you?

8 A Twenty.

9 Q And where did you attend high school?

10 A Woodlawn High.

11 Q And what years did you attend there?

12 A '94 through '98.

13 Q How many years?

14 A Four years.

15 Q And when did you graduate?

16 A '98.

17 Q And what sort of school is Woodlawn?

18 A It's a high school, but it's also a guidance
19 school.

20 Q And which program were you in?

21 A I was enrolled in the regular program at
22 Woodlawn.

23 Q Who do you currently live with?

24 A My mother.

25 Q Any other family members?

1 A No, sir.
2 Q How long has it been like that?
3 A About six years.
4 Q And how are you supported right now?
5 A I'm employed. I'm a concrete construction
6 worker.
7 Q And how long would you have been supporting
8 yourself?
9 A Completely?
10 Q Yes.
11 A Since eighteen.
12 Q Did you know Hae Min Lee?
13 A Yes, I had a Biology class with her.
14 Q And when was that?
15 A I believe my junior year.
16 Q And do you know the defendant in this case?
17 A Yes.
18 Q And when did you first meet the defendant?
19 A We were introduced to each other in middle
20 school through mutual friends but I didn't formally meet
21 her until high school.
22 Q About what time?
23 A My senior year.
24 Q And what class was he in, in relation to yours?
25 A He was in none of my classes.

1 Q I mean what year was he in, in relation to
2 yours?

3 A Oh, he was a year beneath me, the class of '99.

4 Q And when in the school year, senior year, would
5 you have met him?

6 A Towards the end.

7 Q And how did you come to meet him?

8 A He was a friend of my girlfriend. She told me
9 we should hang out.

10 Q And did you come to start doing things with the
11 defendant?

12 A I believe me and him went to one dance, me, him
13 and Stephanie. I took him to buy marijuana once. That
14 was about it.

15 Q When was that?

16 A I would have to say about a week after we were
17 introduced I took him.

18 Q Your senior year?

19 A Yes, I'm sorry.

20 Q Okay. Once your senior year ended, did you
21 have any further contact with him?

22 A No. Up until their senior year, no.

23 Q And how did you start having contact with him
24 again?

25 A Again, through Stephanie.

1 Q And was this after the school year started?

2 A Yes.

3 Q And when would this have been?

4 A It was the beginning of winter, so December,
5 November, December.

6 Q And what sort of contact were you having with
7 him at that time?

8 A The same, casual. He would give me a lift
9 somewhere or me and him and Stephanie would go somewhere
10 together.

11 Q And did you do any other things together?

12 A Again, I went and purchased marijuana for him.

13 Q About how many times have you purchased
14 marijuana for the defendant?

15 A Twice.

16 Q Now, what is your involvement with marijuana?

17 A I used to smoke regularly. I get tested at my
18 job now. Other than that, I sold some. I haven't grown
19 it. That's about it.

20 Q When you say you sold some, what do you mean by
21 that?

22 A Friends, people who asked me could I get it for
23 them. I purchased it for them or purchased a large
24 amount and then disbursed it to them.

25 Q And when did you first start doing this?

1 A Probably the tenth grade, I needed lacrosse
2 equipment.

3 Q And about how often would you buy marijuana for
4 other people?

5 A Two to three times a week.

6 Q Now, drawing your attention to -- well, before
7 I get to that, did you consider the defendant a friend?

8 A An acquaintance.

9 Q Now, drawing your attention to January 12th of
10 1999, what if any significance in your life does the date
11 January 12th have?

12 A It's my birthday.

13 Q Did you have occasion that day to hear from the
14 defendant?

15 A Yes, in the evening. I returned in I believe
16 it was about ten something. I received a phone call and
17 he just asked me what I had been doing. I told him I was
18 out partying earlier and I was kind of tired. He asked
19 me what I was doing tomorrow and I told him nothing.

20 Q What if anything else did he say?

21 A That was it.

22 (State's Exhibit No. 31(a)

23 was marked for purposes
24 of identification.)

25 (Brief pause.)

1 MS. GUTIERREZ: This is entered as a separate
2 page.

3 MR. URICK: I xeroxed the original.

4 MS. GUTIERREZ: Okay.

5 BY MR. URICK:

6 Q I am now going to show you what has been marked
7 for identification as State's Exhibit 31(a). This is a
8 xerox of a page out of Exhibit 31 that's already in
9 evidence. At this time, I would like you to look at the
10 bottom of the page. You will see that there is blocks of
11 information there, and the last one has the information
12 call date, 1/12/1999, and then there is a block of ten
13 lines of numbers below there.

14 Look at line number ten.

15 A Yes.

16 Q Can you read that line?

17 A [REDACTED].

18 Q And do you recognize that number?

19 A Yes.

20 Q Whose number is that?

21 A That was my former home number.

22 Q At this time I'm going to ask the witness to
23 use this highlight pen to highlight that line.

24 A (Indicating.)

25 MR. URICK: We will offer as State's Exhibit

1 31(a) the xerox exhibit from 31.

2 THE COURT: Any objection?

3 MS. GUTIERREZ: No objection.

4 THE COURT: Let it be admitted.

5 (State's Exhibit No. 31(a),

6 previously marked for

7 identification, was

8 received in evidence.)

9 (Brief pause.)

10 (State's Exhibit No. 34

11 was marked for purposes

12 of identification.)

13 MR. URICK: May I approach the witness again?

14 THE COURT: Yes, you may.

15 BY MR. URICK:

16 Q At this time I'm handing the witness a copy of
17 what has been marked for identification purposes as
18 State's Exhibit 34. Now I would like to draw your
19 attention to January the 13th of 1999. What if any
20 significance does the date January 13th have in your
21 life?

22 A It's my girlfriend's birthday.

23 Q When you say your girlfriend, who are you
24 referring to?

25 A Stephanie [REDACTED].

1 Q Now, where were you in the morning?

2 A I was home.

3 Q Did there come a time when you heard from the
4 defendant?

5 A Yes.

6 Q About when was that, if you can recall?

7 A I believe it was about 10:30.

8 Q Now, I would like you to look at the exhibit I
9 put before you. If you would, look three lines up from
10 the bottom, the line that is marked line thirty-two.

11 A Yes.

12 Q Do you recognize that number?

13 A Yes, that's my home phone number again.

14 Q And will you read it for the record, please?

15 A [REDACTED]

16 Q And for the record, if you will go across,
17 would you please read the next two lines which are the
18 call time and the duration of the call?

19 A 10:45 a.m., and twenty-eight seconds.

20 MR. URICK: At this time, with the court's
21 permission, I'm going to write "Wilds residence" on line
22 thirty-two in the blank space.

23 THE COURT: Any objection?

24 MS. GUTIERREZ: No, Your Honor.

25 THE COURT: You may do that as well.

1 MR. URICK: (Indicating.)

2 BY MR. URICK:

3 Q What did that conversation consist of?

4 A Again, what were my plans for the day, what was
5 I doing, and that he would be there in an hour to pick me
6 up.

7 Q To pick you up. What if any plans did you
8 make?

9 A I had told him that I had to go to the mall to
10 go shopping to pick up Stephanie a present for her
11 birthday.

12 Q And what if anything did he say when you told
13 him that?

14 A I'll give you a lift.

15 Q And did there come a time when you saw him?

16 A Yes.

17 Q And about what time was that?

18 A It was about an hour later.

19 Q And how did he meet up with you?

20 A He knocked at my door. I believe I had just
21 been showering and getting dressed. It wasn't very long
22 after that he showed up. We both got in his car and left
23 for Security Mall.

24 Q When you say "his car", what are you referring
25 to?

1 A An Accord. I don't remember what year it was.

2 Q Had you seen him driving that car before?

3 A Yes. It was a tan Accord.

4 Q He arrives at your door. What occurs next?

5 A Nothing. We both exit my house and get into
6 his vehicle and proceed up Roland Road to the Security
7 Square Mall.

8 Q And what if anything happens there?

9 A At the mall?

10 Q Yes.

11 A Just shopping for my girlfriend's present and
12 some stuff like that.

13 Q About how long were you at the mall?

14 A Probably about an hour and fifteen minutes.

15 THE COURT: One moment, please. If you have a
16 cellphone, a pager, a beeper or anything of the like in
17 this courtroom, please turn it off immediately. Thank
18 you. My apologies.

19 MS. GUTIERREZ: I'm sorry, I didn't hear the
20 witness' answer, if he answered.

21 BY MR. URICK:

22 Q About how long were you shopping?

23 A About an hour and fifteen minutes.

24 Q When you finished shopping, what if anything
25 occurred?

1 A We left the school. No, I'm sorry, we left for
2 school. He said he had to get back, that his lunch was
3 ending. I took him back. On the way back to the school,
4 he was like I need you to do me a favor. If you need my
5 car, can you pick me up, and I said sure. I wasn't
6 finished shopping. I dropped him off at the back of the
7 school. He walked up the steps and went back to class.

8 Q What if anything did he tell you?

9 A Earlier on the way to the mall we were
10 discussing relationships. I was telling him how I felt
11 about Stephanie and how our relationship was going, and
12 he was telling me how he felt about Hae and how his
13 relationship was going.

14 Q What did he tell you?

15 A He just said that it wasn't going good, how
16 could she treat him like that, someone who supposedly
17 loved him. He seemed pretty hurt about it. I didn't
18 sense any anger.

19 Q What if anything else did he tell you at that
20 time?

21 A How she made him mad, and he was like, well,
22 I'm going to kill that bitch, but it wasn't like in terms
23 of or in the context, the situation, and I didn't take it
24 as a --

25 Q You didn't finish your answer.

1 A I'm sorry. In the context of the conversation
2 we were having, he said I was going to kill that bitch,
3 and I didn't ask him who, I figured he was referring to
4 Hae, and that was what he said and then he went on more
5 about, you know, people and interactions and love and
6 things of that sort.

7 Q And about how long did this conversation last?

8 A It lasted from Route 40 and Roland Road to the
9 stoplight at Johnnycake and Roland Road. So I would say
10 probably about a five minute drive.

11 Q And what if anything occurred next?

12 A After I dropped him off at the school?

13 Q You drop him off at the school and then what
14 happens?

15 A I leave there and go to my -- actually --

16 Q When you drop him off --

17 A I'm sorry.

18 Q -- and you start to leave, what if any property
19 of his do you have at this time?

20 A He leaves his cellphone with me because he says
21 he is going to give me a call when he needs me to come
22 get him.

23 Q Okay. Now, I would like you to look at line
24 thirty-one.

25 A Yes.

1 Q And thirty above it.
2 A Yes.
3 Q Examine those two lines if you will.
4 A Yes.
5 Q Do you recognize those numbers?
6 A Yes.
7 Q Whose numbers are those?
8 A Jenn [REDACTED].
9 Q And what type of number were these?
10 A Pardon me.
11 Q What type of number were they?
12 A Oh, that's her telephone number, [REDACTED].
13 Q It's what number?
14 A I'm sorry, it's her telephone number.
15 Q That's her home residence?
16 A Yes, her residence.
17 Q Will you read the entire number for the record?
18 A [REDACTED].
19 Q And that's on both lines thirty-one and thirty;
20 is that correct?
21 A Yes. . .
22 MR. URICK: With the court's permission, at
23 this time I'm going to write "[REDACTED] residence" on both
24 of those lines.
25 THE COURT: Any objection?

1 MS. GUTIERREZ: No.

2 THE COURT: You may do that.

3 MR. URICK: (Indicating.)

4 BY MR. URICK:

5 Q Who is Jenn [REDACTED]?

6 A She is a friend of mine.

7 Q How long have you known her?

8 A Probably about six years now.

9 Q And what sort of friend is she?

10 A She's a very close friend of mine.

11 Q Now, if you will look across that line, line
12 thirty-one, do you see the time of the call?

13 A Yes.

14 Q And what time is that?

15 A 12:07.

16 Q Do you remember making this call?

17 A Yes, I do. I believe on my way, as I left the
18 school, I was going to their house, and I used the phone
19 to call to see if they were home on the way there.

20 Q And what if any response did you get?

21 A I believe that Jenn's brother Mark had picked
22 up the phone and told me that she wasn't home but I could
23 come over there anyway.

24 Q Now, line thirty, if you look across there, do
25 you see the time there?

1 A Yes.

2 Q And what time is that?

3 A 12:41.

4 Q Do you remember making that call?

5 A I do not recall making that call but me and
6 Mark did leave out, so we may have called back to the
7 house to see if Jenn was home.

8 Q Okay. Now, did there come a time when you went
9 over to the house?

10 A Yes.

11 Q And what if anything did you do there?

12 A We entered, me and Mark, and we both went down
13 to the basement. We started playing Play Station
14 probably for about a half an hour. I asked him if he
15 would like to come to the mall with me, I hadn't finished
16 shopping yet, and he said sure. Right before we left, I
17 received a phone call on the cellphone. It was Adnan and
18 he was asking me where I was. I told him I was at Jenn's
19 playing video games. I asked him if he was ready yet and
20 he said no. We left and we went to the mall. I did the
21 rest of my shopping. We came back to Jenn's house and
22 went back down to the basement. I believe Jenn called on
23 the telephone when we returned home, and soon after I got
24 another call on the cellphone. This time he was asking
25 me like had I had it turned off or something like that or

1 something, was it on, and I told him yes, it had been on.
2 I sat at Jenn's and I played video games.

3 Q And did there come a time when Jenn came home?

4 A Yes.

5 Q And did there come a time when you left?

6 A Yes.

7 Q And where did you go when you left?

8 A Well, in his last phone call, he was like I
9 need you to come get me at like 3:45 or something like
10 that he told me, and I was like all right, cool. I
11 waited until then and there was no phone call, so I was
12 going to my friend Jeff's house.

13 Q And on the way there, what if anything
14 happened?

15 A Jeff wasn't home. As I was leaving his street,
16 I received a phone call. It was Adnan. He asked me to
17 come and get him from Best Buy.

18 Q Where were you at that time?

19 A I was turning. I was going to make a right
20 onto, I believe it was Craigmont, but instead I made a
21 left.

22 Q And where did you go?

23 A To Best Buy.

24 Q And what if anything -- which Best Buy was
25 that?

1 A The one at Security Boulevard and Woodlawn.

2 Q Now, when you got there, what if anything did
3 you see?

4 A I saw Mr. Syed standing by the payphone. He
5 had on a pair of red gloves. He just kind of looked at
6 me and instructed me to drive over to the side of the
7 building. I drove over to the side of the building. He
8 was walking and told me to park the car next to a gray
9 Sentra. I got out of the car. I walked towards him and
10 I lit a cigarette. He kept asking me, was I ready for
11 this, was I ready for this. Honestly, I thought he was
12 going to open the trunk and have some pounds in there.
13 He opened the trunk and Hae Min Lee was dead in the
14 trunk.

15 Q Had you ever seen that car before?

16 A Once.

17 Q Did you know whose car it was?

18 A Vaguely, not.

19 Q Where had you seen the car?

20 A At school.

21 Q When he pops the trunk open, what if anything
22 do you do?

23 A I took a step back, I dropped my cigarette, and
24 just kind of stared for a second. He didn't keep the
25 trunk open, he closed it. It was five or ten seconds.

1 It wasn't very long at all he had the trunk open.

2 Q What if anything did he say?

3 A He told me to follow him. He got in Hae's car

4 Q What if anything did you tell him when he said

5 that?

6 A Nothing. I just got in his car and followed

7 him.

8 Q Why did you follow him?

9 A I don't know. I was dismayed, confused. I

10 don't know why I followed him. I'm sorry. At that time

11 it was confusion, shock.

12 Q What car were you driving?

13 A His car.

14 Q What car was he driving?

15 A Hae Min Lee's car.

16 Q And did you start driving?

17 A Yes.

18 Q Where did you go?

19 A I followed him to the 70 Park and Ride.

20 Q When you say the I70 Park and Ride, what do you

21 mean?

22 A It's at the end of Security Boulevard and Cooks

23 Lane. It's where 70 ends.

24 Q And what if anything did you do there at the

25 I70 Park and Ride?

1 A I parked and I waited for him. He went in her
2 trunk. He took something out. It was a black bag. He
3 moved some stuff around from the back seat to the trunk.
4 Then I got out of his car and got in the passenger side
5 and he began driving his car then.

6 Q I would like to take you back for a moment to
7 the Best Buy parking lot. When he popped the trunk open,
8 did you recognize the person in the trunk?

9 A Not at first, no. They were like laying face
10 down.

11 Q How do you know who it was?

12 A I could see her hair and the complexion of the
13 skin. I could tell it was a girl. It was Hae's build,
14 you know what I mean, and clothes I had seen Hae in
15 before. It was her car. That's how I determined it was
16 her.

17 Q Did there appear to be any movement about the
18 body?

19 A Not at all.

20 Q Was there any complexion to the face or to the
21 skin?

22 A The skin was blue. I couldn't quite see her
23 face but her skin was blue. Like the side of her neck
24 was blue. I could see like that part of her face.

25 Q Now, going to the I70 parking lot, what if

1 anything did the defendant do with the car, Hae Min Lee's
2 car?

3 A He just parked it. Like I said, he rummaged
4 through the back a little bit and got a couple articles.
5 I believe one was his gym bag. He brought them back and
6 put them in his trunk. He got in his car and he started
7 driving.

8 Q And when you say started driving, did he say
9 anything at that time?

10 A At that time?

11 Q Yes.

12 A Oh, I had -- no, he didn't say nothing at that
13 time. He had asked me, just like picking up in a lost
14 conversation, oh, you want to go buy some weed, and I was
15 like whatever, you know, fine. We went down Cooks Lane.
16 We were on our way to Mr. [REDACTED]'s house.

17 Q Who is Mr. [REDACTED]?

18 A He was a guy I bought marijuana from a whole
19 lot, a friend of mine I worked with at UPS and stuff like
20 that.

21 Q Okay. Hold on for a second, if you would,
22 please. Look at line twenty-six on the exhibit again.
23 Do you recognize that number?

24 A Line twenty-six?

25 Q Yes.

1 A Yes, that's Jenn [REDACTED]'s number again.
2 Q And do you see the time of that call?
3 A Yes.
4 Q Please read it. Well, please read her number
5 for the record first.
6 A [REDACTED].
7 Q And do you notice the time of the call?
8 A Yes.
9 Q What is the time?
10 A 3:21.
11 Q And the length of the call?
12 A Forty-two seconds.
13 Q Do you remember making that call?
14 A I believe so, to ask her if he was on or if he
15 was home, one of the two, meaning if he had marijuana.
16 Q Whose number was line twenty-six again?
17 A That's Jenn [REDACTED]'s.
18 Q Oh.
19 A I was calling her, hey is "P" on, do you know
20 if "P" is on again, do you know if he is home?
21 Q Okay.
22 A And she said I don't know.
23 Q This was after you had dropped off the car at
24 the Park and Ride?
25 A Yes.

1 MR. URICK: At this time, with the court's
2 permission, I'm going to write "██████████ residence" on
3 line twenty-six.

4 THE COURT: Any objection?

5 MS. GUTIERREZ: No.

6 THE COURT: You may do so.

7 MR. URICK: (Indicating.)

8 BY MR. URICK:

9 Q Now, if you look up a line, please look at that
10 line?

11 A Yes.

12 Q Do you recognize that number?

13 A No, I do not.

14 Q Do you remember the defendant making any phone
15 calls?

16 A Yes.

17 Q What if any phone call did he make?

18 A To a young lady, I believe somewhere in Silver
19 Spring.

20 Q And what did you hear him say?

21 A Small chat. He actually asked me did I want to
22 talk to her. I may have said hello but nothing more.

23 Q Did you get on the phone?

24 A Yes, that's what I say, for a brief instance,
25 hello, my name is Jay, and gave him the phone back. I

1 didn't really feel like talking.

2 Q Do you remember where you were at that time?

3 A Forest Park Avenue.

4 Q And where were you going at that time?

5 A To buy marijuana. [REDACTED] was not home.

6 Q Okay. Now, if you look up a line to line
7 twenty-four, do you recognize that number?

8 A No, I do not. Oh, yes, I do, I'm sorry. Yes,
9 this is Phil [REDACTED]'s phone number.

10 Q And who is Phil [REDACTED]?

11 A He is a friend of mine. For a long time I have
12 known him.

13 Q And please read that for the record?

14 A [REDACTED].

15 Q And what type of number is that?

16 A Long distance. It's Frederick County.

17 Q Is it a residence?

18 A Yes.

19 Q And do you see the time of the call?

20 A Yes.

21 Q And please read that?

22 A 3:32 p.m.

23 Q I believe you have dropped down a line.

24 A I'm sorry.

25 Q Follow across line twenty-four.

1 A 3:48 p.m. I'm sorry.

2 Q And the length of the call?

3 A A minute and twenty-five seconds.

4 Q How does he spell his last name?

5 A I'm not sure.

6 Q Pronounce it again.

7 A [REDACTED]

8 MR. URICK: With the court's permission, at
9 this time I'll write "[REDACTED] residence" in the blank line
10 for line twenty-four.

11 THE COURT: Line twenty-four. Any objection?

12 MS. GUTIERREZ: No, Your Honor.

13 THE COURT: Very well. You may do so.

14 MR. URICK: (Indicating.)

15 BY MR. URICK:

16 Q Do you remember that call?

17 A Honestly, sir, I do not.

18 Q And please look up at line twenty-three.

19 A Yes.

20 Q Do you recognize that number?

21 A Yes.

22 Q Whose number is that?

23 A I believe that is Mr. [REDACTED]'s old phone number
24 at his residence.

25 Q Will you read that for the record, please?

1 A [REDACTED].
2 Q And please read the time of the call?
3 A 3:59 p.m.
4 Q And the length of the call?
5 A Twenty-five seconds.
6 Q And his last name was [REDACTED]?
7 A Yes.
8 MR. URICK: With the court's permission, I'm
9 going to write "[REDACTED] residence" on that line at this
10 time.
11 THE COURT: Any objection?
12 MS. GUTIERREZ: No, Your Honor.
13 THE COURT: You may do so. That's line twenty-
14 three; is that correct?
15 MR. URICK: Line twenty-three. (Indicating.)
16 BY MR. URICK:
17 Q What was the purpose of that call?
18 A To see if Patrick was home.
19 Q For what reason?
20 A To buy marijuana.
21 Q Was he home?
22 A No, he was not.
23 Q What if anything did you do at that point?
24 A That's when we drove up to Forest Park Avenue.
25 Q And what did you do there?

1 A We purchased marijuana.
2 Q When you say we, who do you mean?
3 A Me and Mr. Syed.
4 Q And where did the money come from to purchase
5 that?
6 A I believe I had five bucks and Mr. Syed had
7 fifteen.

8 Q Now, during the time that you are riding around
9 looking for marijuana, what if any conversation did you
10 have with the defendant?

11 A He didn't say much else except it's done, not
12 at that time.

13 Q What if anything did you say to him?

14 A Yeah. Nothing really, just yeah.

15 Q Why not?

16 A I didn't know what to say to him right then. I
17 didn't know how he was going to react to me.

18 Q Now, if you will, look at line twenty-two. Do
19 you recognize that number?

20 A Yes.

21 Q Whose number is that?

22 A Ms. [REDACTED].

23 Q And what is the time of the call?

24 A 4:12 p.m.

25 Q And the length of the call?

1 A Twenty-eight seconds.

2 MR. URICK: With the court's permission, I'm
3 going to write "██████████ residence" in the blank on line
4 twenty-two.

5 THE COURT: Any objection?

6 MS. GUTIERREZ: No, Your Honor.

7 THE COURT: You may do so.

8 MR. URICK: (Indicating.)

9 BY MR. URICK:

10 Q Do you remember that telephone call?

11 A Vaguely.

12 Q What was it about?

13 A I think it was asking if Ms. █████ was home.

14 MS. GUTIERREZ: I'm sorry, I didn't hear the
15 witness.

16 THE WITNESS: I believe it was asking if Ms.
17 █████ was home.

18 BY MR. URICK:

19 Q Who is Ms. █████?

20 A C████████. She is a mutual friend of me and
21 Jenn's.

22 Q Do you remember where you were when that call
23 was made?

24 A No, I do not.

25 Q After you purchased the marijuana, and you

1 purchased it where again?

2 A In Forest Park.

3 Q Where did you go after that?

4 A We turned and I believe at this time he wanted
5 to get back to track practice because he said he needed
6 to be seen. This is when we started to talk a little
7 bit. I don't know, he said to me it kind of hurt him but
8 not really, and when someone treats him like that, they
9 deserve to die. How can you treat somebody like that,
10 that you are supposed to love? And then, all knowing is
11 Allah.

12 Q Did he explain what he meant by that?

13 A No. And then his last statement was mother-
14 fuckers think they are hard, I killed somebody with my
15 bare hands. That's what he said to me. Then he got out
16 of the car.

17 Q Did he describe the act at all?

18 A Yes. He said that he thought she was trying to
19 say something to him like apologize or say she was sorry,
20 and that she had kicked off the turn signal in the car,
21 and he was worried about her scratching him on the face
22 or something like that he was saying. But other than
23 that, that was all of the actual act.

24 Q Did he say why he might be worried if he got
25 scratched on the face?

1 A Forensics.

2 Q Do you know what sort of jobs the defendant
3 had?

4 A He was a medic, an EMT, Emergency Medical
5 Technician.

6 Q Now, when you were having this conversation,
7 where were you?

8 A We were traveling towards Woodlawn High School
9 from Forest Park.

10 Q And what if anything happened next?

11 A I believe we stopped somewhere to buy a blunt.

12 Q What is a blunt?

13 A I'm sorry. It's a cigar that you empty and use
14 for smoking marijuana.

15 Q And what did you do at that point?

16 A He didn't want to smoke with me, so he got out
17 of the car and I left and went to Ms. [REDACTED]'s house.
18 But before he left the car, he received a phone call or
19 placed a phone call. It was in Arabic. I don't know who
20 he was talking to. I don't know what it entailed. I
21 believe it was his mother, I'm not sure.

22 Q And when you say he got out of the car, where
23 were you at that time?

24 A I was in the passenger seat in front of
25 Woodlawn High.

1 Q And what if anything did he say he was going to
2 do?

3 A Go to practice and give me a call when he was
4 through.

5 Q And what did you do at that point?

6 A I left and I went to Ms. [REDACTED]'s house.

7 Q And what if anything did you do after that?

8 A I smoked marijuana and I just sat there
9 debating what I should do basically.

10 Q And what if anything happened next?

11 A It was real short, maybe like half an hour, I
12 received a phone call from him saying he was at school.
13 I went there, I retrieved him, and then I came right back
14 to Ms. [REDACTED]'s house.

15 Q And who if anyone was with you?

16 A Pardon me.

17 Q Who if anyone was with you?

18 A At Ms. [REDACTED]'s house?

19 Q Yes.

20 A Ms. [REDACTED] and her boyfriend at the time,
21 Jeff.

22 Q And where was the defendant?

23 A He was with me but he laid down and like went
24 to sleep on the floor as soon as we got there.

25 Q And what if anything happened?

1 A We smoked a little more. He received a phone
2 call from Hae's parents asking if he knew where she was.
3 He told them he didn't know where she was.

4 Q Did you hear his conversation?

5 A Yes.

6 Q What did he say?

7 A He just told them no, I haven't seen Hae, I
8 don't know where she is, try her new boyfriend. Then
9 Hae's cousin or someone had called back but it was the
10 wrong number. They thought it was the new boyfriend's
11 number and it was his cellphone number or something like
12 that.

13 Q Did any other calls come in?

14 A Uh-huh. He received a phone call from a police
15 officer who was asking about Hae. He was like I don't
16 know where Hae is. Towards the end of the conversation
17 with the cop, he was walking out though, so I didn't
18 catch the end of the conversation with him.

19 Q When you say walking out, you mean walking out
20 of what?

21 A The apartment, down the steps.

22 Q Where does Ms. [REDACTED] live?

23 A [REDACTED], off of [REDACTED] Avenue or, I'm
24 sorry, in between [REDACTED] Avenue and [REDACTED]

25 Q And describe when you got inside the apartment,

1 where did everyone sit down?

2 A In the living room.

3 Q Describe the living room.

4 A It's a very small living room, a television in
5 the center, a table off to the right. We rarely sit at
6 the dinner table. There are two chairs that sit on the
7 wall. There is one that sits off to the right and a bed
8 that sits off to the left.

9 Q And where was everybody seated, if you recall?

10 A Like around the television in a circle.

11 Q And where was the defendant?

12 A Back to my left laying down.

13 Q By this time, had he smoked marijuana with you?

14 A I think a small amount.

15 Q And about how long did you stay at Ms.

16 [REDACTED] s?

17 A Twenty, twenty-five minutes.

18 Q Now, when you say he had the conversation with
19 the officer and he was on his way out, how did he come to
20 leave?

21 A Pardon me.

22 Q You said you didn't hear the last of the
23 conversation --

24 A Right.

25 Q -- because he went out the door. How did he

1 come to leave?

2 A He was talking to the police officer and he was
3 motioning I'm leaving.

4 Q What happened outside the apartment?

5 A He got outside the apartment and took his
6 gloves off and threw them in the -- well, actually they
7 were still in his pocket -- he threw them in the dumpster
8 and told me we have to go, we have to go.

9 Q What if anything did you say?

10 A I didn't say anything. I got in the car.

11 Q Why?

12 A Fear at this point, the police were involved.

13 Q After you got in the car, what if anything did
14 the two of you do?

15 A He started driving me home actually. We got to
16 my house, we reached my porch, and then he stopped me and
17 he was like you have got to help me get rid of Hae, and I
18 looked at him like he was crazy. And he told me that he
19 knew what I did, he knew how I did it, and --

20 Q What did he mean by that?

21 A I took it as an inference to my drug dealings.
22 I was living in my grandmother's house and I didn't want
23 to get her in trouble. He grabbed two shovels and put
24 them in the back seat of his car. I got in his car with
25 him.

1 Q Why?

2 A What would the cops say if I go to them and I
3 tell them, hey, you know, me, Mr. Wilds, who you beat up
4 in the last week, knows where a dead girl is in the back
5 of a car, and I don't know why or who killed her, you
6 know. No, that wouldn't work.

7 Q After you got in the car with him, what did the
8 two of you do?

9 A We went to the 70 Park and Ride. He exited the
10 vehicle and got in her vehicle. He instructed me to wait
11 for him at the McDonald's on Security Boulevard next to
12 our school. I went there and I waited for him. I was
13 thinking that I could just drive away with his car right
14 there, but then just as soon as I thought about that, he
15 had pulled up and instructed me to follow him.

16 Q He had pulled up in whose car?

17 A Hae Min Lee's car. I followed him. We drove
18 for a while, maybe like forty-five minutes, meandering --
19 he didn't really seem like he knew where he was going --
20 up through Dogwood Road and all back behind the Social
21 Security and stuff like that until we got down to Leakin
22 Park. Then he kind of slowed down and looked off to the
23 left, and then he kept driving. Then he made a right and
24 went up this hill to where some houses were, parked the
25 car, and said that was good enough. Then he got in the

1 vehicle with me and instructed me to drive back down the
2 hill.

3 Q Now, I would like you to look at line twelve.
4 Have you had a chance to examine that line?

5 A Yes.

6 Q Do you recognize that number?

7 A Yes.

8 Q Whose number is that?

9 A That's Ms. [REDACTED]'s old pager number. .

10 Q And please look across and tell us the time of
11 the call?

12 A Seven o'clock, seven and twenty-one seconds.

13 Q And the length of the call?

14 A Twenty-three seconds.

15 MR. URICK: With the court's permission, I'm
16 going to write "[REDACTED] pager" on line twelve.

17 THE COURT: Any objection?

18 MS. GUTIERREZ: No, Your Honor.

19 THE COURT: You may do so. That is line
20 twelve?

21 MR. URICK: Yes. (Indicating.)

22 BY MR. URICK:

23 Q Do you remember that page?

24 A Yes.

25 Q What were you doing?

1 A I was sitting, waiting for Adnan to come back
2 up the hill when I placed that page.

3 Q Now, look at line thirteen there.

4 A Yes.

5 Q Do you recognize that number?

6 A No.

7 Q Okay. Why did you page Jenn [REDACTED]?

8 A I was supposed to meet her at 7:00 and I was
9 going to be late.

10 Q And did there come a time when Adnan returned?

11 A Yes, there did come a time when Adnan returned.

12 Q What happens next?

13 A Okay. It was out of sequence. When we parked
14 the vehicles, we both went down to like a pulloff where
15 he had slowed down before. We moved about fifty yards at
16 the most back into the woods and he said stop, that's
17 good enough, and started digging.

18 Q How did you get down there, which car?

19 A His vehicle.

20 Q And when you pulled off, what if anything did
21 you take into the woods with you?

22 A Pardon me.

23 Q When you pulled off and parked the vehicle,
24 what if anything did you take back into the woods with
25 you?

1 A Shovels.

2 Q About what time of night was this?

3 A About 7:00 because, like I said, I had paged
4 Jenn and while we were digging, she had called back, and
5 he just told her he was busy now and hung up the phone.
6 We dug for a little bit and he said that's good enough.
7 We took the shovels --

8 Q What was the light like?

9 A It was pretty dark but the moon was out, and I
10 remember there was little bits of snow on the ground. So
11 you could see a little bit. It wasn't too bad. So we
12 walked back through the woods back to his car. He opened
13 the passenger side to put the shovels in. Then he like
14 started getting dry heaves and stuff. He didn't say
15 nothing. He just got back in the car. I drove back up
16 the hill. I parked behind Hae's car. He asked me for
17 like five to ten minutes, he was like I don't think I'm
18 going to be able to get her out by myself, I think I need
19 your help. I told him I wasn't doing it.

20 Q Let me take you back for a moment. Did both of
21 you dig? .

22 A Yes.

23 Q Why did you dig?

24 A I don't know, I guess I just thought he would
25 go through with his threat. It was my grandmother's

1 house and I didn't want to get her in any kind of
2 trouble. If it was my house, it would have been
3 different.

4 Q Now, let me take you back to the point where
5 the two cars are together again. What did the two of you
6 do?

7 A Like I said, he asked me to help him. I
8 wouldn't. I sat in his car. He drove her car down the
9 hill and he was gone for a real long time. He came back
10 up the hill, got back in his car and he said we have got
11 to bury her. We drove down the hill. We parked back in
12 the spot. We went back in the woods. She was laying
13 kind of twisted face down. On the way back in the woods,
14 I had seen a blue coat on the ground. I asked him whose
15 it was, and he just picked it up and threw it back in the
16 woods. Then he started to throw dirt on her head. I
17 tried but the stuff started to get to me, so I sat down
18 on a log that was real close and smoked a cigarette.

19 Q What was he doing?

20 A He was burying her.

21 Q Now, if you will look on the exhibit, lines ten
22 and eleven, there are two incoming calls. While you were
23 back there either digging the hole or burying the body,
24 do you remember him receiving another phone call?

25 A Yes, but I don't know who it was.

1 Q What if any language did he use when he spoke?

2 MS. GUTIERREZ: Objection.

3 THE COURT: What if any kind of language was he
4 using when he spoke?

5 MR. URICK: Yes.

6 THE COURT: Sustained.

7 BY MR. URICK:

8 Q Did he speak in English?

9 A Parts.

10 MS. GUTIERREZ: Objection.

11 THE WITNESS: I'm sorry.

12 THE COURT: Overruled.

13 THE WITNESS: Parts.

14 BY MR. URICK:

15 Q And the other parts, did you know?

16 A I assume it was Arabic. I mean, I'm not a
17 linguist.

18 Q You are sitting there smoking a cigarette.

19 What happens next?

20 A (No response.)

21 Q What if anything happened next? While you are
22 sitting there smoking a cigarette, what is going on?

23 A He is putting dirt on her. He picks up the
24 other shovel and says come on, let's go. He puts both
25 the shovels back in the car. We drive back up the hill.

1 He asks me, do I want to drive Ms. Lee's car. I told him
2 no. He gets back in Ms. Lee's car and he starts up, and
3 the way we were going, I'm thinking he is looking for a
4 strip.

5 Q What do you mean by a strip?

6 A A place to buy drugs. And he just drove around
7 for a while, drove around for a while.

8 Q What direction did he drive or what roads, if
9 you know?

10 A I know we traveled towards the city on Route 40
11 and some of the back streets. We cut north and south, up
12 and down roads. He pulled into like this alcove in the
13 back of a whole lot of apartments. He parked the car and
14 came back to his vehicle. At that time, I told him just
15 flat out to take me home. He started driving me home.
16 We went up 40.

17 Q Now, if you would at this point, look at line
18 nine and also line eight?

19 A Yes.

20 Q Do you recognize that number?

21 A Yes.

22 Q And it's the same number on both lines?

23 A Yes.

24 Q Whose number is that?

25 A Ms. [REDACTED]'s pager number.

1 Q Please read it for the record.

2 A [REDACTED]

3 Q Now, when you say pager, is this a voice mail
4 pager or a number punched in pager?

5 A I believe that one also had voice mail.

6 Q Okay. Now, on line nine, please look at the
7 time.

8 A 8:04 p.m.

9 Q And the length of the call?

10 A Thirty-two seconds.

11 Q And the one above it, please read the time.

12 A 8:05, and the length was thirteen seconds.

13 MR. URICK: With the court's permission, at
14 this time I'm going to write "[REDACTED] pager" on both
15 lines eight and nine.

16 THE COURT: Any objection?

17 MS. GUTIERREZ: No, Your Honor.

18 THE COURT: You may do so, line number eight
19 and line number nine.

20 MR. URICK: (Indicating.) Pardon me. I
21 inadvertently started to write "residence". I had to
22 black it out. I'm going to write "pager" above the
23 blacked out section.

24 BY MR. URICK:

25 Q Do you remember those pages?

1 A Yes, sir.

2 Q Why were you paging Ms. [REDACTED]?

3 A I wanted her to retrieve me from, I believe at
4 first it was a mall, and then the second time it was my
5 house.

6 Q And do you remember where you were when you
7 made those pages?

8 A Going up 40 in Adnan's car.

9 Q What if anything was he saying at this time?

10 A He didn't say too much. He just said it kind
11 of makes him feel better and then again it doesn't.

12 Q What did he mean by that?

13 A Killing Hae.

14 Q As you are driving up Route 40, where did you
15 go?

16 A He stopped at Westview Mall. He drove around
17 to the back of the mall towards the banking end. He was
18 flipping through her wallet. I don't think he was really
19 looking for money or anything like that.

20 Q When you say "her wallet", what do you mean?

21 A Hae's wallet.

22 Q When had you first seen that?

23 A That was the first time I had seen it.

24 Q Where did he get it?

25 A I believe he brought it back with the

1 possessions he brought out of her car at the parking lot.

2 Q He is flipping through it. What if anything
3 does he do?

4 A He just shows me her prom picture and just
5 psssst. That's all he says. He doesn't say anything, he
6 just goes psssst, and he chuck the rest of the stuff into
7 the trash can, into the dumpster.

8 Q What if anything did you do next?

9 A I told him to pull over out back of Value City.
10 I took both of my shovels. They were mine but I just
11 chucked them, threw them.

12 Q What if anything did you do next?

13 A I believe I told him to take me around to the
14 front of the mall. I think I might have paged Jenn from
15 there again but I can't quite remember. I believe he
16 took me home. I may have paged Jenn from the front of
17 the mall but I believe he took me home. I got to my
18 house and I was in my house for maybe five minutes. I
19 instantaneously changed all my clothes and put them all
20 in a bag.

21 Q Why did you put them in a bag?

22 A Just because I figured they would have dirt on
23 them or whatever, you know what I mean, from what I had
24 done.

25 Q And what significance would dirt have had?

1 A It would have tied me in. It could have placed
2 me wherever. I didn't want to have anything to do with
3 it.

4 Q What if anything happened next?

5 A My mother kept trying to talk to me. I was
6 real agitated. I just left real quick. I got into
7 Jenn's car and I told Jenn to drive back around to the
8 shovels. I was getting real panicky like, paranoid. She
9 drives back around to the shovels. I wipe both the
10 shovels down with the sleeve of my coat. I take the coat
11 that I wipe them down with and I put it in the bag.

12 Q Why did you wipe down the shovels?

13 A Fingerprints, or at least mine. And we both,
14 we got back in the car and we drive to Super Fresh. We
15 went to go buy a pack of blunts, Mexicale Slims. While
16 she is in the store buying the blunts, I get out of the
17 car, I go around back and I throw my clothes in the
18 dumpster. We leave there and I believe we go to Ms.
19 ████████'s house. We spend the rest of the evening there.
20 That night when I had first got in the car, I told Jenn,
21 just because of who I am and how people see me, that if
22 anything happens to me, for her to be the one person,
23 even if I'm in jail, to know that I didn't kill Hae Min
24 Lee. That was the first thing I told her when I saw her
25 that night.

1 Q What if anything else did you tell her?

2 A Nothing else. I didn't tell her anything like
3 details or nothing like that. I just told her that. I
4 don't think she really believed me at first. That was
5 all that was spoke of it for the rest of the evening.

6 Q Now, you went back to Ms. [REDACTED]'s. What did
7 you do after you left there?

8 A I went home and went to sleep.

9 Q Did there come a time when you visited your
10 girlfriend that night?

11 A Yes.

12 MS. GUTIERREZ: Objection, leading.

13 THE COURT: Overruled.

14 THE WITNESS: There was. I believe it was
15 right after Jenn had picked me up. I had taken her her
16 birthday presents, but I didn't stay. It was her
17 birthday but I was real rattled and shaken. I don't
18 know, I just kind of gave her her stuff. I didn't even
19 come up to the house. I stood on the curb, gave her her
20 stuff and a hug, and I left.

21 BY MR. URICK:

22 Q About what time did you get home that night?

23 A Eleven something.

24 Q Now, after that night, did you ever speak to
25 the defendant again?

1 A Once.

2 Q When did that occur?

3 A Maybe once or twice. The first occasion was
4 about two days later. I had my girlfriend's car. I had
5 driven it to work. Mr. Syed had given her a lift to my
6 house and as she was getting out of the car, he said to
7 me, you know me and Stephanie are friends, you know we go
8 to school together, and he just smiled. I kind of took
9 that as if he could hurt her whenever he felt like it.
10 And I get back in the house and Stephanie had told me
11 that they had just come from College Park.

12 MS. GUTIERREZ: Objection.

13 THE COURT: Sustained as to what Stephanie told
14 him.

15 THE WITNESS: I'm sorry.

16 BY MR. URICK:

17 Q Did you have any further contact with the
18 defendant after that?

19 A I believe once more. He came into my store
20 where I worked.

21 Q What type of store was that?

22 A An adult video store.

23 Q And what did you do there?

24 A I was a clerk. I rented videos and handed out
25 quarters.

1 Q About how long did you work there?

2 A About two months.

3 Q Why did you work in a pornography store?

4 A It was the graveyard shift, 11:00 to 7:00.

5 Q Why did you work there?

6 A That was the time I worked. I worked at F&M
7 during the day, and it was the graveyard shift. I got
8 there and got paid \$7.50 to sit behind the counter.

9 Q He came to that store?

10 A Yes.

11 Q Do you remember about when this occurred?

12 A No, all I remember is that he was in his EMT
13 uniform and his partner was with him. All he asked me
14 was what the cops asked me. That was it.

15 Q Had the police spoken to you at that time?

16 A No, they hadn't talked to me yet. He asked me
17 if the cops asked me anything and that was it.

18 Q Did you tell Stephanie anything?

19 A No.

20 Q Did you warn her?

21 A Yes, that was one thing, she didn't question
22 me. I just told her I didn't want her around him, I
23 didn't want her to go anywhere with him, I didn't want
24 her to be alone with him.

25 Q Why?

1 A Because he could harm her.

2 (Brief pause.)

3 (State's Exhibit No. 35

4 was marked for purposes
5 of identification.)

6 MR. URICK: If I may approach the witness at
7 this time, I'm going to show him what has been marked for
8 identification as State's Exhibit 35.

9 THE COURT: Yes, you may.

10 BY MR. URICK:

11 Q Take a few moments and look at that, if you
12 would, please, and examine each page.

13 A Okay.

14 THE COURT: One moment.

15 (Brief pause.)

16 THE COURT: You may continue.

17 BY MR. URICK:

18 Q Have you had a chance to examine the exhibit?

19 A Yes.

20 Q Can you identify that exhibit?

21 A Yes.

22 Q What is that exhibit?

23 A It's the agreement I signed.

24 Q And that's the plea agreement you entered into
25 when you pled guilty to accessory in this murder?

1 A Yes.

2 Q And what is your understanding of how your
3 honesty affects this agreement?

4 A Well, if I tell any kind of lie, it voids it
5 and it's no good. It's a truth agreement, and that's
6 about it, a cap. As long as I tell the truth, I can only
7 get a certain amount of years.

8 MR. URICK: I would offer, as State's Exhibit
9 35, the witness' plea agreement.

10 THE COURT: Any objection?

11 MS. GUTIERREZ: No..

12 THE COURT: Let it be admitted.

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

17 MR. URICK: May I have the court's indulgence
18 for just a moment?

19 THE COURT: Yes, you may.

20 (Brief pause.)

21 BY MR. URICK:

22 Q If you would, please, look at that exhibit
23 again. Do you see line seventeen?

24 A Yes.

25 Q Do you recognize that number?

1 A No.

2 Q The times that you and the defendant were
3 riding around together, where was the cellphone?

4 A In his possession.

5 Q Now, did you kill Hae Min Lee?

6 A No, I did not.

7 Q Were you present when Hae Min Lee was killed?

8 A No, I was not.

9 Q Why didn't you just at anytime during the
10 course of the evening just drive or walk away?

11 A Fear, shock, those are my only two reasons.
12 Well, ignorance.

13 MR. URICK: Witness with the defense.

14 THE COURT: Witness with you, Ms. Gutierrez.

15 MS. GUTIERREZ: Thank you, Your Honor.

16 CROSS-EXAMINATION

17 BY MS. GUTIERREZ:

18 Q First of all, Mr. Wilds, let's speak about this
19 plea agreement. I'm sorry, I thought you had it. Can I
20 have it, please. Thank you. State's Exhibit 35, which
21 is in evidence, you have reviewed that before today, have
22 you not?

23 A Yes, ma'am.

24 Q It's your signature that appears on each and
25 every page, does it not?

1 A Yes, ma'am.

2 Q It's typewritten, is it not?

3 A Yes, ma'am.

4 Q And on the last page, your lawyer's signature

5 appears, does it not?

6 A Yes, ma'am.

7 Q Your signature appears?

8 A Yes, ma'am.

9 Q And Mr. Urick's signature appears; isn't that

10 correct?

11 A Yes, ma'am.

12 Q And all three of those signatures are dated

13 9/7/99, correct?

14 A Yes, ma'am.

15 Q Now, one of the things that you were asked and

16 you answered this morning was about being in jail. Do

17 you remember that?

18 A No, ma'am, I do not.

19 Q You haven't been in jail on this offense, have

20 you?

21 A No, ma'am, I have not.

22 Q Not before the 7th of September, 1999, right?

23 A No, ma'am.

24 Q And not after?

25 A No, ma'am.

1 Q And you are not in jail now, are you?

2 A No, ma'am.

3 Q And you really don't expect to be in jail, do
4 you?

5 A I cannot foresee that. I don't know what's
6 going to happen.

7 Q State's Exhibit 35 is titled "Agreement"; is it
8 not?

9 A Yes, ma'am.

10 Q And in that agreement, you agreed to plead
11 guilty to the crime of an accessory after the fact,
12 correct?

13 A Yes, ma'am.

14 Q To the murder of Hae Min Lee, correct?

15 A Yes, ma'am.

16 Q In this agreement, every page of which you
17 initialed, there is not a single word concerning the
18 facts of the crime that you agree to enter a guilty plea
19 on, correct?

20 A Yes, ma'am.

21 Q Not a single word about the facts, correct?

22 A Pardon me.

23 Q Not a single word about the facts.

24 A Of the case?

25 Q Of the case.

1 A Yes, ma'am.

2 Q There is not a single word in here, right?

3 A (No response.)

4 Q Right?

5 A I have answered that question, yes, ma'am.

6 Q So that's a yes?

7 A Yes, ma'am.

8 Q And there is not a single word about what it is
9 you are accused of doing, correct?

10 A Oh, no, there is a word of that.

11 Q And where is that? Would you look at that and
12 show me where a single word of facts concerning what you
13 are accused of doing appears, sir? Is it on page one?

14 A Oh, I'm sorry.

15 MR. URICK: The State would ask that unless Ms.
16 Gutierrez is showing the witness an exhibit that she not
17 hover over him.

18 THE COURT: I have no objection, Ms. Gutierrez,
19 if you stand next to the witness. I have no problem with
20 that.

21 MS. GUTIERREZ: Thank you.

22 THE COURT: But I would ask that you lower your
23 voice because I think that we all can hear you.

24 MS. GUTIERREZ: Thank you, Judge.

25 THE COURT: You may proceed.

1 BY MS. GUTIERREZ:

2 Q It's not on page one, is it?

3 A No, ma'am.

4 Q And it's not anywhere on page two, is it?

5 A No, ma'am.

6 Q And it's not anywhere on page three, is it?

7 A The facts?

8 Q The facts.

9 A No, ma'am.

10 Q Anywhere, the facts?

11 A (No response.)

12 Q Anywhere, the facts?

13 A No, ma'am.

14 Q And it's not anywhere on page four either, is
15 it?

16 A No, ma'am.

17 Q The day after you signed this agreement, you
18 appeared before a judge, did you not?

19 A Yes, ma'am.

20 MR. URICK: Objection.

21 BY MS. GUTIERREZ:

22 Q And Mr. Urick was there, was he not?

23 THE COURT: Overruled as to this question.

24 BY MS. GUTIERREZ:

25 Q Mr. Urick was there, was he not?

1 A Yes, ma'am.

2 Q And your lawyer was there, was she not?

3 A Yes, ma'am.

4 Q And you raised your hand much like you raised
5 today to a court reporter and swore to tell the truth?

6 A No, ma'am, I did not.

7 Q You did not?

8 A No, ma'am.

9 THE COURT: One moment. One moment, Ms. .

10 Gutierrez. I'm going to ask the jury -- if we could just
11 stop for just one second, Ms. Gutierrez.

12 MS. GUTIERREZ: Sure.

13 THE COURT: And I'm going to ask, please be
14 advised -- the lady who is in the hat, you may come back
15 and have a seat. Come back and have a seat. What is
16 occurring right now is that there are a number of people
17 that would like to observe this trial. I have absolutely
18 no objection to individuals coming in. However, if you
19 have been here for more than an hour and you are not a
20 family member, I'm going to ask that you go outside and
21 have a seat for an hour so that other individuals in the
22 hall that would like to come in may do so.

23 When I say family member, I mean either that
24 you are a family member of the defense or a family member
25 of the victim, and you may remain. If you are a

1 spectator, I'm just asking that you go out in the hallway
2 for an hour to allow individuals in the hallway who would
3 like to come in to sit for an hour, and then you will be
4 permitted to come back in. I'm not going to play time
5 keeper. I'm just going to ask that if you have been here
6 -- the lady in the hat just walked in a little while ago
7 which is why I asked her to have a seat. But if you have
8 been here for more than an hour, I'm going to ask you to
9 do that. I'm doing this in a friendly way. I'm not
10 going to ask my staff to keep time.

11 Ms. Gutierrez, you may continue with your
12 questioning.

13 MS. GUTIERREZ: Thank you, Your Honor.

14 BY MS. GUTIERREZ:

15 Q Mr. Wilds, I was asking you that on September
16 the 8th, the very day after you signed this agreement in
17 the presence of your lawyer and Mr. Urick, you appeared
18 before a judge, did you not?

19 A Yes, ma'am.

20 Q And you appeared in a courtroom much like
21 today, did yo not?

22 A Yes, ma'am.

23 Q And you were sworn in and took an oath to tell
24 the truth, did you not?

25 A No, ma'am.

1 Q Your recollection is that when you appeared in
2 front of that judge you didn't have to take an oath?

3 A No, he just told me that I --

4 MR. URICK: Objection.

5 THE WITNESS: I'm sorry.

6 THE COURT: Sustained as to the question as to
7 whether he took an oath.

8 BY MS. GUTIERREZ:

9 Q Did you swear to tell the truth?

10 A Pardon me.

11 Q Do you understand what the truth is, sir?

12 A In which --

13 Q I'm only asking about September 8th, the day
14 after you signed this agreement.

15 A No, ma'am, I was not asked to swear to tell the
16 truth.

17 Q You were not asked to swear to tell the truth.

18 Today you remember being asked to tell the truth?

19 A Yes, ma'am.

20 Q And you know what an oath is?

21 A Yes, ma'am.

22 Q And you would have us believe that you know
23 what the truth is, would you not?

24 MR. URICK: Objection.

25 THE COURT: Sustained.

1 BY MS. GUTIERREZ:

2 Q Now, Mr. Wilds, this is your lawyer?

3 A Pardon me.

4 Q This is your lawyer?

5 A Yes, ma'am.

6 MR. URICK: Objection.

7 THE COURT: Overruled.

8 BY MS. GUTIERREZ:

9 Q Okay. And that was the same lawyer that
10 appeared with you at that earlier occasion, correct?

11 A Yes, ma'am.

12 Q And you remember the day after when you
13 appeared in front of the Judge? It was in this very
14 building, was it not?

15 A I don't remember whether it was east or west
16 but, yes, here.

17 Q And you are familiar with the east and west
18 buildings, are you not?

19 A Yes.

20 MR. URICK: Objection.

21 THE COURT: Overruled.

22 BY MS. GUTIERREZ:

23 Q Okay. And on the day after you signed this
24 that you appeared in front of the judge, you were asked a
25 lot of questions, were you not?

1 A No, ma'am.

2 Q You don't recall answering questions posed to

3 you directly by the judge?

4 A Not a lot.

5 Q Not a lot?

6 A No, ma'am.

7 MR. URICK: Objection.

8 THE COURT: Overruled.

9 BY MS. GUTIERREZ:

10 Q Whatever ones he asked you, you answered, did

11 you not?

12 A Yes, ma'am.

13 Q And your lawyer was right next to you, was she

14 not?

15 A Yes, ma'am.

16 Q And you could have consulted with her at any

17 moment, could you have not?

18 A Yes, ma'am.

19 Q But you did not?

20 A No, ma'am.

21 Q You had some questions of the judge, however,

22 did you not?

23 A Yes, ma'am.

24 Q And he answered your questions, did he not?

25 A Yes, ma'am.

1 Q But once again, just like the day before, there
2 was not a single word spoken by anyone regarding the
3 facts of your involvement in the crime which you were
4 asked about by the judge that day, correct?

5 A Could you rephrase your question, please?

6 Q Well, you know what I'm talking about when I am
7 saying facts about your involvement?

8 A Yes.

9 Q Is that right?

10 A Yes.

11 Q You understand because it has been explained to
12 you what an accessory after the fact is; has it not?

13 A Yes.

14 Q You understand that if you did nothing that
15 there would be no crime, correct?

16 A Yes, ma'am.

17 Q But that your agreement to plead guilty is
18 premised on the facts of --

19 MR. URICK: Objection.

20 THE COURT: Sustained. One moment. I'm going
21 to ask that we take a brief recess. First, I note that
22 it is 3:30. I'm going to give the jurors a chance to
23 stretch their legs. Two, I'm going to ask counsel to
24 remain and ask the witness to remain where they are.

25 Ladies and gentlemen, I'm interrupting Ms.

1 Gutierrez only because I suspect she is going to go on
2 for a little while; are you not?

3 MS. GUTIERREZ: Yes.

4 THE COURT: And before she starts getting into
5 anything other than the plea agreement, I would like to
6 have a chance to have you be prepared to sit for at least
7 the next hour to hour and a half because we are going to
8 go til 5:00 today. I think that was our agreement.

9 Ladies and gentlemen, do not discuss the
10 testimony that you have heard so far. Leave the notepads
11 face down.

12 Counsel, are you going to need them to refer to
13 the handouts that they have?

14 MS. GUTIERREZ: No, Judge.

15 THE COURT: All right. You can pass the
16 handouts up to Mr. [REDACTED], and if you need it back --

17 MS. GUTIERREZ: Well, actually, Judge, that's
18 untrue, I will later.

19 THE COURT: All right.

20 MS. GUTIERREZ: I'm not sure I can get to it
21 today, but I think I will.

22 THE COURT: All right. You can still pass it
23 up for right now. When you need it, we will have it
24 passed back to you. Ladies and gentlemen, please be
25 advised that, as I said, you are not to discuss the

1 testimony with anyone, not amongst yourselves or with
2 anyone else.

3 Also, we will attempt to get the adjustment
4 made to the heater to try to cool it off in here a little
5 bit, and perhaps set up a fan. I take it you all are as
6 warm as I am.

7 THE JURY: Yes.

8 THE COURT: All right. Very well. We will do
9 that. If you will go with Ms. [REDACTED], she will walk you
10 around to the jury room at this time.

11 (The jury was excused from the courtroom.)

12 (Brief pause.)

13 THE COURT: Counsel, Mr. Wilds' attorney, I'm
14 going to ask that you step out in the hallway at this
15 time. You are on the witness stand. You cannot discuss
16 your testimony with anyone. However, if at any time you
17 need to talk to your attorney about your testimony, you
18 are free to do that. I'm going to advise you at this
19 time, however, do not --

20 MS. GUTIERREZ: Judge, I will object to that.

21 I believe that that --

22 THE COURT: Do not discuss -- do you understand
23 that he is on the witness stand?

24 MS. BENAROYA: Yes, ma'am, I understand what is
25 going on.

1 THE COURT: Okay. And if he is going to ask to
2 speak to his lawyer, he must do so while he is on the
3 witness stand or at some time when I can say he can.

4 MS. BENAROYA: I understand.

5 THE COURT: I see you are whispering to him. I
6 need to advise you not to discuss the testimony, his
7 testimony or anything you are doing with him. However,
8 Mr. Wilds, if you want to talk to her, you need to first
9 get permission from me. Do you understand?

10 THE WITNESS: Yes, Your Honor.

11 MS. BENAROYA: He had asked me for a cigarette,
12 Your Honor.

13 THE COURT: Okay. All right. You can ask her
14 for a cigarette, but you can't smoke a cigarette in this
15 building.

16 THE WITNESS: I understand.

17 THE COURT: Okay. But you can go out in the
18 hallway and if she is sitting next to you, that's fine,
19 but if you want to talk to her about your rights or this
20 case, you must first ask me because I need to be advised
21 that you are doing that.

22 Do you understand?

23 THE WITNESS: Yes, ma'am.

24 THE COURT: Very well. You may go out in the
25 hallway.

1 MS. BENAROYA: Thank you, Your Honor.

2 THE COURT: Now, Ms. Gutierrez.

3 MS. GUTIERREZ: That's all.

4 THE COURT: No, no, no, your clerks may remain
5 in the courtroom.

6 MS. GUTIERREZ: Yes.

7 THE COURT: I need you to tell me who they are.
8 So far, the only one I know who has been identified is
9 the gentleman in the blue shirt.

10 MS. GUTIERREZ: That's Mr. [REDACTED]. He's a third
11 year law student. He is my law clerk.

12 THE COURT: I know.

13 MS. GUTIERREZ: And the woman that was sitting
14 next to him, who I believe is now outside to the
15 restroom, is Kaliopi [REDACTED], and she is also a third
16 year law student.

17 THE COURT: Okay. She may remain.

18 MS. GUTIERREZ: And I have asked them both,
19 because they have worked on the chart, to assist me.

20 THE COURT: That's fine. But as I said, the
21 only one I knew about was the gentleman in the blue
22 shirt.

23 MS. GUTIERREZ: And I did clear that with the
24 guard, not this gentleman, but the previous guard, to
25 make sure that that was --

1 recess for ten minutes.

2 (Brief recess.)

3 -000-

4 (Jury present upon reconvening.)

5 THE CLERK: All rise. This court now resumes
6 in session.

7 THE COURT: Please be seated. Counsel, ladies
8 and gentlemen, I did just speak to the Judge-In-Charge of
9 Criminal. There is not another courtroom available for
10 me. All the judges are working, and there are no
11 courtrooms. The one that is available will not hold a
12 panel of this size. So, therefore, we are going to be
13 here.

14 I'm going to ask once again that the witnesses
15 and spectators please mind the court's -- I'll say this
16 again -- mind the court's order that if you are in the
17 courtroom and you are not a relative of the victim or the
18 defendant, that you stay for an hour and then leave and
19 give someone in the hallway who may be a family member
20 the opportunity to come in and watch this case. If you
21 are asked by the sheriff to step out in the hallway and
22 you refuse, I will recess and you could find yourself in
23 contempt of this court's order because I have asked
24 nicely for you to cooperate.

25 I will also tell you that the exception to this

1 rule would be staff of Ms. Gutierrez and staff of Mr.
2 Urick and Ms. Murphy, and, in this case, the attorney for
3 Mr. Wilds. Okay. You may remain. Other than that and
4 the family, as I have indicated, those spectators at this
5 point that have not been in this courtroom for an hour
6 are welcome to remain.

7 MR. URICK: May counsel approach?

8 THE COURT: Yes.

9 MS. BENAROYA: That would include me, Your
10 Honor, because this concerns a matter that involves me.

11 MS. GUTIERREZ: Judge, I would object to that.
12 May we approach as counsel first?

13 THE COURT: Yes. Well, first of all, I'm going
14 to ask counsel to approach that are in this case. The
15 other attorney that is present, you may have a seat, and
16 I'll see whether or not you are needed at the bench.

17 (Counsel and the defendant approached the bench
18 and the following ensued:)

19 THE COURT: Okay. Please tell me what the
20 problem or issue is. Do you know what the problem or
21 issue is?

22 MR. URICK: Ms. Benaroya informed us that Ms.
23 Gutierrez has issued a subpoena for her, and since there
24 is a sequestration motion, she would have to stay out of
25 the courtroom, but she is the attorney for Mr. Wilds. So

1 I wanted to bring that to the court's attention. She
2 might want to make a motion to quash.

3 THE COURT: Okay. And the purpose of the
4 service of the subpoena for the defense?

5 MS. GUTIERREZ: She may or may not become a
6 witness, but if she becomes a witness, it would not
7 involve anything regarding --

8 THE COURT: Anything her client is --

9 MS. GUTIERREZ: Right. It would involve other
10 things that are not privileged certainly regarding her
11 client but would not concern, that would not be a
12 violation of the sequestration order in regard to what,
13 if anything, she would be asked, if she were called as a
14 witness subsequent to his testifying.

15 THE COURT: So you are saying that you have no
16 objection to her remaining in the courtroom --

17 MS. GUTIERREZ: No, I don't.

18 THE COURT: -- during the course of Mr. Wilds'
19 testimony.

20 MS. GUTIERREZ: Correct.

21 THE COURT: Okay. Is there any other problem?

22 MS. MURPHY: Your Honor, there are two non-
23 family members who the State feels need to be present in
24 the courtroom.

25 THE COURT: Okay.

1 MS. MURPHY: One is Doctor Kim. He is
2 providing interpretation for the family members who do
3 not speak English.

4 THE COURT: Okay.

5 MS. MURPHY: The other is Detonya [REDACTED]. She
6 is a representative from the Bereavement Center of the
7 State's Attorney's Office.

8 THE COURT: Okay.

9 MS. MURPHY: Both are here with the victim's
10 family but they are not immediate family members, and I
11 would ask that they be allowed to stay in the courtroom.

12 THE COURT: Okay.

13 MS. GUTIERREZ: Well, Judge, I will note that
14 two or three of the benches only have three people on
15 them, and three of the other benches have four people on
16 them, so that we should be able to accommodate two extra
17 people without any difficulty.

18 THE COURT: Okay.

19 MS. MURPHY: They are all seated. They are all
20 here.

21 THE COURT: All witnesses are now seated?

22 MS. MURPHY: No, the victim's family members
23 and the two people that I just mentioned.

24 MS. GUTIERREZ: Oh, those two people are
25 already seated?

1 MS. MURPHY: Yes.

2 MS. GUTIERREZ: Oh, okay.

3 THE COURT: Okay.

4 MS. MURPHY: But I just ask that they not be
5 subject to the one hour rule.

6 THE COURT: How am I supposed to know who they
7 are? By the way, I'll be doing the trial. So do you
8 want to tell the sheriff or my law clerk who they are.

9 MS. MURPHY: Sure.

10 THE COURT: So that I would know who they are.

11 MS. MURPHY: That's fine, Your Honor.

12 THE COURT: Can you tell me what they have on?
13 Can you identify them in some way?

14 MS. MURPHY: Doctor Kim is wearing a gray suit.
15 He is seated with the family of the victim.

16 THE COURT: Okay.

17 MS. MURPHY: And Detonya [REDACTED] is to the right
18 of the victim's brother.

19 THE COURT: Okay.

20 MS. MURPHY: And she has an --

21 THE COURT: Yes, I know who she is. I know who
22 she is. Okay.

23 SHERIFF: Who are you saying?

24 THE COURT: The black woman in the back row,
25 she can remain.

1 SHERIFF: Okay.

2 THE COURT: And the gentleman in the blue shirt
3 in the middle, the older, Korean I guess, gentleman.

4 MS. MURPHY: Yes.

5 MS. GUTIERREZ: In the gray suit.

6 THE COURT: Sitting with the mother and I guess
7 the father of the victim.

8 SHERIFF: Okay.

9 THE COURT: He can remain.

10 SHERIFF: Okay.

11 MS. MURPHY: Everyone else in that row is part
12 of the victim's family.

13 THE COURT: Okay. Why don't we do it the other
14 way around. Who in this courtroom is not either a family
15 member of the defendant or a family member of the victim,
16 and if you could just turn around and look around and
17 tell me who is not.

18 MS. MURPHY: Mr. Y [redacted], his mother, and the
19 victim's grandfather are all seated in the back row.

20 THE COURT: That's not what I asked you, Ms.
21 Murphy.

22 MS. MURPHY: Aside from them --

23 THE COURT: I'm asking you who in this
24 courtroom do you see that is not?

25 MS. MURPHY: Your Honor, aside from those

1 people and the two people I have identified, I don't know
2 who the rest of them are.

3 THE COURT: Okay. Those are the people that
4 you now.

5 MS. MURPHY: Right.

6 THE COURT: Okay.

7 MS. MURPHY: There are five people that are
8 associated with the family of the victim.

9 THE COURT: Okay. Very well. What about to my
10 left on the front row behind Ms. Gutierrez' staff?

11 MS. MURPHY: I believe they are not with the
12 victim's family.

13 THE COURT: Ms. Gutierrez, do you know?

14 MS. GUTIERREZ: I don't know who they are
15 except for the young white gentleman who drew my
16 attention at the break. He is a pre-law student from
17 Hopkins who is fulfilling a requirement to observe court
18 proceedings and he is covering this trial.

19 THE COURT: Well, there are a whole lot of
20 other court proceedings in this building. That's why I
21 can't get this trial moved to another courtroom.

22 MS. GUTIERREZ: In any event, he was directed
23 here by his law professor, Stephen [redacted], who is the
24 Public Defender. I don't personally know him but I asked
25 him who he was because I didn't.

1 THE COURT: Mr. Syed, on the front row to the
2 left, are they friends of yours?

3 MS. GUTIERREZ: Do you know who they are?

4 THE DEFENDANT: Yes.

5 THE COURT: They are?

6 THE DEFENDANT: Yes.

7 MS. GUTIERREZ: Do you know who they are?

8 THE DEFENDANT: Yes.

9 THE COURT: Okay.

10 MS. GUTIERREZ: Are they members of the mosque?

11 THE DEFENDANT: Yes.

12 MS. GUTIERREZ: Yes.

13 THE COURT: Are they your immediate family
14 members?

15 THE DEFENDANT: No.

16 MS. GUTIERREZ: No.

17 THE COURT: Okay. Very well.

18 MS. GUTIERREZ: And on the other row, there are
19 five young gentlemen, and in the corner.

20 THE COURT: Yes, okay.

21 MS. GUTIERREZ: One gentleman is his brother.

22 He has been here.

23 THE COURT: There is an easy way to resolve
24 that. The three gentlemen on that row can be moved in
25 and out.

1 MS. GUTIERREZ: Okay.

2 THE COURT: Ms. [REDACTED], will you come up here
3 for just one moment.

4 MS. GUTIERREZ: So do we have any others who
5 are outside?

6 MS. MURPHY: We do.

7 MS. GUTIERREZ: Oh, we have other people
8 outside?

9 MS. MURPHY: Yes.

10 MS. GUTIERREZ: Who are family members?

11 MS. MURPHY: No, I don't believe so, not yet,
12 but my concern is that we don't.

13 THE COURT: Ms. [REDACTED], if you would step up.

14 MS. [REDACTED]: Yes, Your Honor.

15 THE COURT: Ms. [REDACTED], do you know how many
16 people are in the hallway at this time?

17 MS. [REDACTED]: I think there are about three.

18 THE COURT: Three?

19 MS. [REDACTED]: Yes.

20 THE COURT: Okay. On the row closest to you by
21 the door are non-family members, non-members of either
22 the defendant or the victim's family, and they have been
23 in the courtroom.

24 MS. [REDACTED]: Yes.

25 THE COURT: You can ask them to step out in the

1 hallway for an hour. Then the other three people who are
2 in the hallway that have not been in, they can come in
3 then.

4 MS. [REDACTED]: Well, I think the three people
5 in the hallway have been in before.

6 THE COURT: Oh, all right.

7 MS. MURPHY: Yes.

8 THE COURT: Okay. Well, in the event that
9 anyone leaves, we want to keep moving them.

10 MS. [REDACTED]: Okay.

11 THE COURT: Okay. Are we set?

12 MS. MURPHY: That's fine.

13 MS. GUTIERREZ: Yes, Judge.

14 THE COURT: Thank you.

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

17 THE COURT: Counsel, you are permitted to
18 remain. Now we are going to proceed. I think it has
19 cooled off a little bit in here. We have made some
20 arrangements and the Administrative Office is now looking
21 for a bigger courtroom for us. Until they find one,
22 let's proceed.

23 MS. GUTIERREZ: Judge, we need a witness.

24 THE COURT: Oh, that would be a good idea,
25 wouldn't it?

1 MS. GUTIERREZ: I might do better without one.

2 THE COURT: All right. You may take the stand,
3 sir. Mr. Wilds, I'm going to remind you that you are
4 still under oath. If at anytime during the course of
5 your testimony you would like to stop and speak to your
6 attorney, feel free to let me know that and you will be
7 able to do that.

8 Please have a seat, sir. I would like you to
9 state your name one more time for the record.

10 THE WITNESS: Jay W. Wilds. I'm sorry.

11 THE COURT: And, Ms. Gutierrez, the mike is now
12 in front of you.

13 MS. GUTIERREZ: Yes.

14 THE COURT: If you would project. Before I
15 asked you not to speak up, but now I'm going to ask you
16 to speak up so that it will reach the mike.

17 MS. GUTIERREZ: I'll do my best, Judge.

18 THE COURT: One moment. Mr. Wilds, state your
19 name again?

20 THE WITNESS: Jay W. Wilds.

21 THE COURT: Very well.

22 CROSS-EXAMINATION (Continuing)

23 BY MS. GUTIERREZ:

24 Q Mr. Wilds, before we broke, we were talking
25 about this plea agreement. Do you recall that?

1 A Yes, ma'am.

2 Q And after you identified, after Mr. Urick's
3 question, he asked you about the time, and he used the
4 words "when you pled guilty". Do you recall that?

5 A Yes, ma'am.

6 Q Okay. And you answered because you did recall
7 that, correct?

8 A Yes, ma'am.

9 Q And the time that you were referring to when
10 you pled guilty was the same occasion the day after you
11 signed this plea agreement that you appeared before the
12 judge?

13 A Yes, ma'am.

14 Q Together with your lawyer?

15 A Yes, ma'am.

16 Q And together with Mr. Urick; is that correct?

17 A Yes, ma'am.

18 Q And that's the occasion that you don't recall
19 that you took an oath, correct?

20 A Yes, ma'am.

21 Q But you do recall that the judge asked you, in
22 your words, some questions; is that correct?

23 A Yes, ma'am.

24 Q And that there was nothing ever asked or said
25 about the facts concerning your involvement in any crime?

1 A I'm sorry.

2 Q Do you recall that occasion?

3 THE COURT: Do you not understand the question?

4 THE WITNESS: I do not.

5 THE COURT: If you do not understand the
6 question, say I do not understand the question. All
7 right?

8 THE WITNESS: Yes, ma'am.

9 THE COURT: Very well.

10 BY MS. GUTIERREZ:

11 Q You understand what I mean when I use the term
12 facts, do you not?

13 A Yes, ma'am.

14 Q And you understand what I mean when I use the
15 term "your involvement", do you not?

16 A Yes, ma'am.

17 Q And this plea agreement, which you signed in
18 the presence of your lawyer, calls for you to admit your
19 involvement in a crime, does it not?

20 A Yes, ma'am.

21 Q And that crime that you have agreed to an
22 involvement in is an accessory after the fact to the
23 murder of Hae Min Lee; is it not?

24 A Correct.

25 Q And you understood that when you signed this,

1 did you not?

2 A Yes, ma'am.

3 Q Your lawyer fully explained it to you, did she
4 not?

5 A Yes, ma'am.

6 Q But on the following day when you appeared in
7 front of the judge on this very matter, there was no
8 mention of any of the facts that concerned your
9 involvement to the crime of accessory after the fact to
10 the murder of Hae Min Lee, was there?

11 A No, ma'am.

12 Q Mr. Urick didn't get up and describe what your
13 involvement was, did he?

14 A No, ma'am.

15 Q And what you did on that day was not a guilty
16 plea, was it?

17 MR. URICK: Objection.

18 THE COURT: Sustained.

19 BY MS. GUTIERREZ:

20 Q Well, Mr. Wilds, your lawyer explained that to
21 enter the guilty plea, the judge had to ask you questions
22 under oath, did she not?

23 MR. URICK: Objection.

24 THE COURT: Sustained.

25 BY MS. GUTIERREZ:

1 Q Well, Mr. Wilds, you are aware that the
2 proceeding the following day didn't mean that you pled
3 guilty?

4 MR. URICK: Objection.

5 THE COURT: Sustained.

6 MS. GUTIERREZ: May we approach the bench?

7 THE COURT: Yes, you may approach the bench.

8 (Counsel and the defendant approached the bench
9 and the following ensued:)

10 MS. GUTIERREZ: Judge, I maintain that where
11 these questions go is to establish that, in fact, this
12 witness has not entered --

13 THE COURT: You need to keep your voice down.

14 MS. GUTIERREZ: Oh, I'm sorry. This witness
15 has not entered a guilty plea.

16 THE COURT: I understand. The problem I'm
17 having with your question is, you are asking this witness
18 for a legal term of art. You and I know what a guilty
19 plea is.

20 MS. GUTIERREZ: Except that he answered the
21 question. Mr. Urick asked him that question, when you
22 pled guilty. I'm asking him a question in the exact same
23 phraseology.

24 THE COURT: Please keep your voice down.

25 MS. GUTIERREZ: He answered that question. He

1 understood it when Mr. Urick asked him. I'm asking him
2 for his understanding of it.

3 THE COURT: One moment. One moment. Ms.
4 Murphy, are you going to be talking or is Mr. Urick going
5 to be talking?

6 MS. MURPHY: I believe Mr. Urick will be
7 speaking, Your Honor.

8 THE COURT: Okay.

9 MS. MURPHY: I was conferring with him.

10 THE COURT: I understand that. Excuse me.

11 Ladies and gentlemen, I'm going to ask that you
12 go back to the jury room. I'm going to ask that while
13 you are there, that you not discuss the testimony, nor
14 discuss anything else. I'm going to ask that you leave
15 your notepads face down on your chair. I ask that you go
16 with Ms. [REDACTED] at this time. Then at such time that I
17 am able to bring you back, I will do so.

18 (The jury was excused from the courtroom.)

19 (Brief pause.)

20 THE COURT: Mr. Wilds, I'm going to ask you to
21 step out in the hallway, please. Do not discuss your
22 testimony with anyone. I ask that you not have any
23 conversation with your attorney about this case without
24 first asking me or letting me know in advance that you
25 are requesting to talk with your attorney.

1 THE WITNESS: Yes, ma'am.

2 (Whereupon, the witness was excused from the
3 courtroom.)

4 THE COURT: Counsel, you can step back, please.

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

7 THE COURT: Now, first and foremost, if at
8 anytime during the time you are at a bench conference you
9 are of the opinion that either counsel is speaking too
10 loudly, address that concern to me. I do not appreciate
11 your making remarks on the record that you believe that
12 she is talking or he is talking or whatever too loudly.
13 If you have a concern about that, then you need to draw
14 that attention to me, and I will make a determination
15 whether or not I believe the person is speaking loudly.
16 If I think they are, I will ask them to whisper. If I do
17 not believe that they are then whispering quietly enough,
18 I will then advise them of that fact. And if necessary,
19 as I have just done, I will ask the jury to step outside.

20 Ms. Gutierrez, I will hear from you with regard
21 to your concern?

22 MS. GUTIERREZ: Judge, my notes reflect that
23 the exact words, after asking Mr. Wilds to identify the
24 plea agreement, of the question posed to this witness in
25 direct were the words "when you pled guilty" and there

1 was a followup question to that. This witness readily
2 answered that. What I am seeking to get out and what I
3 think I am entitled to for two reasons, this witness has
4 been presented to this jury as not only a witness who has
5 entered a plea agreement which then makes that the
6 subject of impeachment, what the agreement was, how much
7 it was limited to, whatever. But he has now been
8 presented in direct as a witness who has pled guilty. In
9 terminology, this witness has acceded he understands
10 because he freely answered those questions, and there
11 were four of them following that about the when he pled
12 guilty.

13 In fact, this witness has not entered a guilty
14 plea. I don't have a copy of my rules but I did review
15 this before.

16 THE COURT: Was it an Alford plea?

17 MS. GUTIERREZ: No, Judge, it was a proceeding,
18 a most remarkable proceeding, and I have sent for the
19 transcript. There is a video transcript available but I
20 believe that that is still with the court reporter. That
21 was the subject of another motion before the previous
22 trial that shows that on September 8th Mr. Urick, who
23 appears in the video, Ms. Benaroya, and Mr. Jay Wilds
24 appeared on an undocketed matter before Judge McCurdy,
25 and that at that proceeding Mr. Wilds was purported to

1 enter a guilty plea.

2 However, the proceeding only indicates that
3 Judge McCurdy asked him what we generally refer to as the
4 litany in a guilty plea, does he know what he is giving
5 up. All the questions are asked by Judge McCurdy. Mr.
6 Wilds answered. There were two questions to which Mr.
7 Wilds had a question directly to Judge McCurdy about
8 something that he asked. Then at the space and time when
9 under the rules, in order to constitute a guilty plea,
10 the statement of facts would have been read, Judge
11 McCurdy turned to Mr. Urick and Mr. Urick said something
12 to the effect of there will be no statement of facts, at
13 which point the clerk intervened and asked Judge McCurdy,
14 because of course the clerk had already recorded it as a
15 guilty plea, and both she and Judge McCurdy realized,
16 well, it wasn't a guilty plea because there is no
17 statement of facts, and all we have done is a litany and
18 there is no finding, there can be no verdict, it isn't a
19 guilty plea, and there was a discussion about what to
20 call it on the court file since there was no statement of
21 facts.

22 I believe that the rules define what a guilty
23 plea is, and, frankly, Judge, I can't quite remember
24 where it is, but the rule specifically says a guilty plea
25 is constituted when, you know, there is an oath

1 administered, the person is advised what we generally,
2 you know, refer to as the litany, whether it's given, and
3 that can actually be given by the judge, the prosecutor,
4 or the defense attorney, to which the defendant
5 purporting to enter the guilty plea is properly advised
6 of all the consequences and what constitutional and
7 statutory rights they are giving up by so entering.
8 There has to be a finding by a judge that that portion,
9 i.e. the defendant understanding the consequences of a
10 guilty plea, is made freely and voluntarily, and that
11 then there are sufficient statement of facts on the
12 record that the judge can make a finding upon which to
13 base a plea.

14 Absent any single one of those statutory
15 requirements, there is no such thing as a guilty plea.
16 If the court went and pulled the file, they would
17 discover that disposition in this case isn't marked
18 because they haven't even reached disposition. It's a
19 continued hearing. But there has been no finding other
20 than on the litany that was given to the defendant, and
21 not a single word of facts upon which any court could
22 have based a finding that there are sufficient facts to
23 base a plea.

24 THE COURT: So you are saying that it wasn't a
25 guilty plea?

1 MS. GUTIERREZ: That's right.

2 THE COURT: If it was --

3 MS. GUTIERREZ: And I believe that that is
4 subject to impeachment now since this witness has
5 intentionally been presented to this jury for their
6 purposes as a man who believes he has not only entered
7 into a plea agreement but he has already entered a guilty
8 plea, and that's false, and that goes to his
9 understanding of what he has done, what he has admitted
10 to, what the consequences are. He could very well
11 challenge where I'm going if his lawyer would tell him
12 the truth, would tell him --

13 MR. URICK: Objection.

14 MS. GUTIERREZ: -- that plea is worthless, it's
15 not a plea, it's not binding. There has been no finding
16 of facts.

17 THE COURT: But, Ms. Gutierrez, isn't it a fact
18 that the purpose of your questions is to determine
19 whether or not he has any bias, motive, interest in
20 testifying one way or another based on promises he
21 believes that he has, not whether --

22 MS. GUTIERREZ: Yes, sir, and I plan to get
23 there.

24 THE COURT: Wait a minute. Not whether, in
25 fact, they are promises, whether or not they are, in

1 fact, promises that will be kept to him, but whether or
2 not they are influencing his testimony today. So in that
3 regard, it really doesn't matter whether they called it a
4 guilty plea or not but, rather, whether or not you have
5 the latitude to inquire into any promises that have been
6 made.

7 MS. GUTIERREZ: Well, that's why I asked the
8 questions in exactly the words --

9 THE COURT: That he stated, yes.

10 MS. GUTIERREZ: -- that he was asked to
11 challenge his understanding and what it meant.

12 THE COURT: I understand, Ms. Gutierrez. Why
13 don't we do this. Why don't we ask the State what they
14 call it because, as you have indicated, it would help you
15 inquire --

16 MS. GUTIERREZ: I will cite you the rule, 4-
17 242.

18 THE COURT: 242?

19 MS. GUTIERREZ: Yes.

20 THE COURT: It would help you in terms of
21 asking your questions if you knew it was a formal guilty
22 plea proceeding because, as you have indicated, the
23 witness should have been placed under oath. If it wasn't
24 a formal guilty plea proceeding but some other proceeding
25 whereby they may have just recorded the signing of a plea

1 agreement --

2 MS. GUTIERREZ: They did not, Judge.

3 THE COURT: Well, I'm just saying. I don't
4 know what it was because I haven't had the benefit of
5 viewing the video as you have.

6 MS. GUTIERREZ: Well, I'm telling you as an
7 officer of the court what the video shows.

8 THE COURT: Okay. Why don't we ask the State
9 what they want to call it and whether or not there needs
10 to be some correction about the use of the term guilty
11 plea when asking or inquiring of this witness what it is
12 that they did. Mr. Urick, can you answer the court's
13 question?

14 MR. URICK: In simple legal terms, Your Honor,
15 when a person comes into court and enters his plea, he
16 enters his plea. This witness pled guilty. He pled
17 guilty under oath. It was made clear to him that he was
18 entering a guilty plea, that it would be a binding plea.
19 He was explained the procedures that would complete the
20 procedure at disposition. It was made clear to him that
21 those procedures were binding, that they could be done
22 without his presence, in his absence. Everything was
23 explained to him, you know, and he pled guilty, and it
24 was recorded that he pled guilty on that occasion.

25 THE COURT: Okay. And so you are saying that

1 it was a plea under, as we say, 4-242, which is the
2 guilty plea litany?

3 MR. URICK: Yes.

4 THE COURT: Very well. There is your answer.

5 MS. GUTIERREZ: Judge, I will note that 242(c)
6 says a court may accept a plea of guilty only after, and
7 it then goes on to cite a one, that the defendant is
8 pleading guilty voluntarily with an understanding of the
9 nature of the charge and the consequences of the plea
10 and, two, that there is a factual basis for the plea. If
11 you go back up in the first sentence, the court must
12 determine by the construction of the exact sentence that
13 both one and two exist.

14 I will tell you that --

15 THE COURT: Ms. Gutierrez, you are arguing Mr.
16 Wilds' point on appeal of his guilty plea. If, by some
17 reason, Judge McCurdy did not follow the 4-242 litany,
18 that's for another day and another court to decide.

19 MS. GUTIERREZ: Well, Judge, my point for our
20 impeachment is not limited to one kind of attack. If
21 this witness believes he has entered a guilty plea that
22 is binding, and our position is that he may not know
23 whether or not it's binding or not, and he has stated and
24 presented himself to this jury as a man who has already
25 pled guilty and admitted through facts his own

1 involvement. That's not true. There are no facts that
2 have had to be determined.

3 We believe that is critical to the defense to
4 challenge the credibility of this witness.

5 THE COURT: Ms. Gutierrez, may I make a
6 suggestion then, in light of your argument, that we will
7 do the following: I will allow you to inquire as to what
8 this witness recalls being done during his guilty plea
9 proceeding. That is, he has already said he wasn't under
10 oath, and anything else that you would like to draw out.
11 Then in the instructions to the jury, I will be happy to
12 advise the jury what a guilty plea is under the rules.
13 And if you would like to structure an instruction --

14 MS. GUTIERREZ: I will do so.

15 THE COURT: -- that would outline what a guilty
16 plea is, and then we can utilize it in that fashion,
17 because I think what you are trying to do is, at this
18 juncture, argue the law mixed with a witness who may not
19 know that certain procedures under 2-242 may or may not
20 have been followed.

21 MS. GUTIERREZ: And I do understand the court's
22 point, Judge, but I will point out that's why I was so
23 careful --

24 THE COURT: I understand.

25 MS. GUTIERREZ: -- to phrase the questions in

1 the exact words that this witness has already answered
2 that he indicates he understands. So I believe the court
3 is in error --

4 THE COURT: One moment.

5 MS. GUTIERREZ: -- ruling that we are mixing
6 facts.

7 THE COURT: One moment. I asked previously
8 that if you have a phone, a cell phone or a pager, that
9 you turn it off. Whoever's cell phone just went off,
10 leave the courtroom. Out. I'm not going to ask again
11 that you follow the rules of this court. If you have got
12 a pager, a cell phone, turn it off.

13 MS. GUTIERREZ: And I guess I'm asking for the
14 court's guidance because my next series of questions are
15 related to the questions that followed that. And, again,
16 using the exact words that he has already answered
17 questions, that his understanding is that if he tells a
18 lie, it voids it. It voids his belief that he is
19 protected as under the guilty plea that he has already
20 testified to he believes exists.

21 THE COURT: Ms. Gutierrez, he doesn't know
22 that, and that's just it.

23 MS. GUTIERREZ: Except he was allowed to be
24 asked that and answered that, and we should be allowed to
25 challenge the credibility of his answers on direct.

1 THE COURT: You will.
2 MS. GUTIERREZ: Well, I guess --
3 THE COURT: You will.
4 MS. GUTIERREZ: -- that's what I'm asking the
5 corut.

6 THE COURT: You will be able to do that, and
7 that's exactly what the court's instruction --

8 MS. GUTIERREZ: As to these questions.

9 THE COURT: And you will get to do that because
10 as to these questions --

11 MS. GUTIERREZ: Most respectfully, Judge --

12 THE COURT: -- you will be able to argue it.

13 MS. GUTIERREZ: -- I appreciate, you know, and
14 I will fashion an instruction. But an instruction does
15 not supplant the viable method, the only approved method
16 for a defendant to challenge the credibility of his main
17 accuser, and that is to be subject to cross-examination
18 as to anything.

19 THE COURT: I just said you could do it. I
20 just said you could.

21 MS. GUTIERREZ: Well, Judge, you just said I
22 could do it --

23 THE COURT: I'm saying yes.

24 MS. GUTIERREZ: -- through the instructions.

25 THE COURT: No. I said yes, that you can

1 question.

2 MS. GUTIERREZ: I can answer those exact
3 questions --

4 THE COURT: You can ask.

5 MS. GUTIERREZ: -- in the same --

6 THE COURT: You can ask.

7 MS. GUTIERREZ: All right. It's late, Judge.

8 THE COURT: Yes.

9 MS. GUTIERREZ: Okay.

10 THE COURT: Yes.

11 MS. GUTIERREZ: That's fine. I'll take it.

12 I'll take it.

13 THE COURT: Yes, you can ask him if the
14 questions, what you know to be a Rule 11 litany --

15 MS. GUTIERREZ: Right.

16 THE COURT: -- a Rule 242 litany --

17 MS. GUTIERREZ: Right.

18 THE COURT: -- if those questions were asked
19 you, yes, you may ask the witness. You can even ask him
20 again, you know, and I won't sustain the objection again
21 to were you under oath.

22 MS. GUTIERREZ: Right.

23 THE COURT: Yes, you may do that.

24 MS. GUTIERREZ: Okay.

25 THE COURT: And then also if you would like to

1 fashion an instruction that goes to what normally under
2 242 should be done in a guilty plea as an issue directed
3 at credibility of a witness, because in order for the
4 jury to assess his credibility, they need to know under
5 the law what should have been asked, and they would not
6 know unless you fashion an instruction.

7 So, yes, and yes. I don't know how better to
8 tell you. I am giving you what you are asking for.

9 MS. GUTIERREZ: Okay. I'll take it. Thanks,
10 Judge.

11 THE COURT: Well, you're welcome. Now, if we
12 can have the jury come back in, we will continue with
13 this case. I know that the State may not agree but the
14 court's concern is that if this witness believes that he
15 was engaged in a guilty plea and that, as a result of
16 that guilty plea, that this promise is binding in some
17 fashion and that is directing his testimony, the defense
18 has a right to inquire as to the basis for that belief.
19 And if for some reason it is a faulty belief, then the
20 jury is entitled to hear what it is that may have
21 happened during a guilty plea that this witness does not
22 either recall or may have forgotten or was not done, and
23 opens him up to a challenge to his credibility.

24 For that reason, I will allow the defense to
25 inquire.

1 MS. GUTIERREZ: Thank you, Your Honor. Since
2 the jury isn't here, but while we are waiting for them, I
3 guess I would ask for the court's guidance. Obviously I
4 can't finish my cross of this witness today.

5 THE COURT: I know.

6 MS. GUTIERREZ: Are you still going to stop at
7 5:00?

8 THE COURT: I am.

9 MS. GUTIERREZ: I will try to structure it so I
10 finish pieces together.

11 THE COURT: Right.

12 MS. GUTIERREZ: Okay.

13 THE COURT: I am going to stop at 5:00, and you
14 can piece it the way you would like to be the most
15 cohesive. I know that we have to stop somewhere.

16 (Brief pause.)

17 (The jury returned to the courtroom.)

18 THE COURT: All right. Ladies and gentlemen,
19 as you are finding your seat, we are going to proceed
20 with the testimony of Mr. Wilds.

21 Ms. [redacted], if you can ask Mr. Wilds to
22 return to the courtroom.

23 (Brief pause.)

24 THE COURT: Sir, please take the stand. I'll
25 remind you that you are still under oath. Have a seat.

1 Ms. Gutierrez, witness with you.

2 MS. GUTIERREZ: Thank you, Your Honor.

3 CROSS-EXAMINATION (Continuing)

4 BY MS. GUTIERREZ:

5 Q Mr. Wilds, again talking about what you have
6 called the plea agreement, okay?

7 A Yes, ma'am.

8 Q That's the same agreement that you have called
9 the truth agreement, correct?

10 A Yes, ma'am.

11 Q It would be fair to say that you believe that
12 you are protected, that you can only get a certain amount
13 of time as long as you don't tell a lie; is that correct?

14 A Yes, ma'am.

15 Q But the day after you entered into this so-
16 called truth agreement, you went in front of a judge,
17 correct?

18 A Yes, ma'am.

19 Q And it's your recollection that you didn't have
20 to take an oath to tell the truth, correct?

21 A Yes, ma'am.

22 Q But that judge asked you some questions, did he
23 not?

24 A Yes, ma'am.

25 Q And he asked you those questions in the

1 presence of your lawyer, did he not?

2 A Yes, ma'am.

3 Q And in fact he reminded you that since you had
4 a lawyer, that if you had any concerns, you could consult
5 with your lawyer before answering any of those questions,
6 did he not?

7 A Yes, ma'am.

8 Q And you answered him, did you not?

9 A Yes, ma'am.

10 Q And you answered his questions about did you
11 understand what you were doing there, correct?

12 A Pardon me.

13 Q He asked you if you understood why you were
14 there, did he not?

15 A Yes.

16 Q And you answered him that you did, did you not?

17 A Yes.

18 Q That you were attempting to enter a plea of
19 guilty pursuant to your truth agreement of the day
20 before, correct?

21 A Pursuant? I'm not understanding pursuant. I'm
22 sorry.

23 Q Well, on September the 7th, you entered into by
24 signing this agreement, State's Exhibit 35; is that
25 right?

1 A Yes.

2 Q The four pages that you have initialed; is that
3 correct?

4 A Yes.

5 Q And this agreement requires your agreement to
6 cooperate in a certain way, does it not?

7 A Yes, ma'am.

8 Q And it requires that you testify, does it not?

9 A Yes, ma'am.

10 Q At any trial or proceeding that Mr. Urick
11 decides is important, does it not?

12 A I don't know who decides, but yes, ma'am.

13 Q Well, you don't get to decide, correct?

14 A Correct.

15 Q The State's Attorney's Office gets to decide,
16 correct?

17 A Correct.

18 Q And that is laid right out in this so-called
19 truth agreement, is it not?

20 A Yes, ma'am.

21 Q And you initialed that and you signed it, did
22 you not?

23 A Yes, ma'am.

24 Q And you had a lawyer before you did it, did you
25 not?

1 A Yes, ma'am.

2 Q And she of course told you that you were
3 agreeing to testify at any proceeding you were asked, did
4 she not?

5 A No, ma'am.

6 Q You understood that, did you not?

7 A Yes, ma'am.

8 Q You initialed the page that says that, right?

9 A Yes, ma'am.

10 Q Even though your lawyer didn't talk to you
11 about that particular clause, correct?

12 A It was understood, ma'am.

13 Q Well, it not only was understood, the agreement
14 says it, does it not?

15 A Yes, ma'am.

16 Q It says that you agree to make yourself
17 available as needed, does it not?

18 A Yes, ma'am.

19 Q And that you are responsible for making sure
20 the State knows how to find you?

21 A Correct.

22 Q Since you are not in jail, at their pleasure,
23 right?

24 A Correct.

25 Q You have to let them know where you are all the

1 time, correct?

2 A Yes.

3 Q And then you have to come anytime that they
4 want you, right?

5 A Yes, ma'am.

6 Q And you understood that?

7 A Yes, ma'am.

8 Q Did you not?

9 A Yes, ma'am.

10 Q Further, to cooperate, you said that you would
11 tender a guilty plea at sometime in the future to the
12 count of an accessory after the fact to the murder of Hae
13 Min Lee; isn't that correct?

14 A Yes, ma'am.

15 Q And you understood what that meant, did you
16 not?

17 A Yes, ma'am.

18 Q Correct?

19 A Yes, ma'am.

20 Q In fact, your plea agreement says that you
21 fully understand the maximum penalties and fines for that
22 charge, does it not?

23 A Yes, ma'am.

24 Q You signed and initialed on that third page,
25 did you not?

1 A Yes, ma'am.

2 Q And the full maximum penalty that you faced as
3 an accessory after the fact is?

4 A I believe it was five years, ma'am.

5 Q Five years. And that was explained to you, was
6 it not?

7 A Yes, ma'am.

8 Q And an accessory after the fact, you understood
9 in part based on conversations with your lawyer, did you
10 not, that an accessory after the fact is held to a lesser
11 standard in regard to punishment than an actual murderer,
12 did you not?

13 MR. URICK: Objection.

14 THE COURT: I'll sustain as to the legal
15 understanding.

16 BY MS. GUTIERREZ:

17 Q Well, you understood that an actual murderer is
18 subject to far more than five years, did you not?

19 MR. URICK: Objection.

20 THE COURT: Sustained.

21 BY MS. GUTIERREZ:

22 Q You also understood that you specifically
23 agreed to testify at any trial where you were asked that
24 concerned Adnan Syed, did you not?

25 A Yes, ma'am.

1 Q That was part of your agreement, was it not?

2 A Yes, ma'am.

3 Q And you were asked by Judge McCurdy the day
4 after you signed this agreement if you understood the
5 terms of your plea agreement, were you not?

6 A Yes, ma'am.

7 Q And that you had signed on to do so; is that
8 correct?

9 A Yes, ma'am.

10 Q And that you understood that there would be
11 both a guilty plea and a disposition sometime far in the
12 future; isn't that correct?

13 A Yes, ma'am.

14 Q After your testimony, correct?

15 A After I fulfilled my obligation, yes.

16 Q And who decided whether or not you fulfilled
17 your obligation, sir?

18 A The State.

19 Q The State, Mr. Urick; is that right?

20 A Yes, ma'am.

21 Q So if you testified and Mr. Urick was satisfied
22 with it, then that would meet the terms of their
23 obligation under this, correct?

24 A Incorrect.

25 Q Correct?

1 A Incorrect.

2 Q Incorrect. So if you testified and Mr. Urick
3 was satisfied with your testimony, would you expect them
4 to meet their obligations under this plea agreement?

5 A No, ma'am, that is also incorrect.

6 Q My question called for a yes or no.

7 A No, ma'am.

8 Q So the answer to my question is no?

9 THE COURT: Ms. Gutierrez, please move on. I
10 think he said that is not correct. Next question.

11 BY MS. GUTIERREZ:

12 Q Now, were there any circumstances outlined in
13 the plea agreement that gave you some assurance of
14 whether or not Mr. Urick would meet his obligations?

15 A Yes.

16 Q And did you feel clear about understanding what
17 they were?

18 A Yes.

19 Q And was that understanding only that you would
20 tell the truth?

21 A Yes, ma'am.

22 Q Okay. And when Judge McCurdy was questioning
23 you about this plea agreement, you didn't have to take an
24 oath to tell the truth, right?

25 A No, ma'am, I did not.

1 Q It was up to you whether or not you told the
2 truth, right?

3 MR. URICK: Objection.

4 THE COURT: Overruled. Did you believe at the
5 time that you made this thing that you are telling us
6 about that it was up to you to decide whether to tell the
7 truth or not?

8 THE WITNESS: Yes, ma'am.

9 BY MS. GUTIERREZ:

10 Q Okay. And your being in charge of deciding
11 whether to tell the truth was not a new experience for
12 you, was it?

13 A May I ask a question?

14 Q No, sir, you may not.

15 A I'm sorry.

16 THE COURT: No, no, no, no, no, if you do not
17 understand her question --

18 THE WITNESS: I do not understand.

19 THE COURT: -- then you can say I don't
20 understand. If you don't hear it, you can say will you
21 repeat your question.

22 THE WITNESS: I do not understand.

23 THE COURT: Okay.

24 BY MS. GUTIERREZ:

25 Q Sir, my question is your being in charge of

1 whether or not you tell the truth is not a new experience
2 for you, is it?

3 MR. URICK: Objection.

4 THE COURT: Sustained.

5 BY MS. GUTIERREZ:

6 Q Mr. Wilds, prior to signing on September the
7 7th this truth agreement, had you had to take an oath in
8 regard to these matters before?

9 A No, ma'am, I did not.

10 Q You had spoken to the police on at least three
11 occasions, had you not?

12 A Yes, ma'am.

13 Q And on at least two of those occasions, they
14 tape recorded what you said, did they not?

15 A Yes, ma'am.

16 Q And you were aware of that, were you not?

17 A Yes, ma'am.

18 Q The very first occasion you were asked to speak
19 and your statement was tape recorded started at 1:30 a.m.
20 on February 28th, did it not?

21 A Yes, ma'am.

22 Q That's 1:30 in the middle of the night, is it
23 not?

24 A Yes, ma'am.

25 Q And you weren't down at the police station

1 voluntarily, were you?

2 A No, ma'am.

3 Q And there was no court clerk or judge in the
4 room, was there?

5 A No, ma'am.

6 Q And nobody administered an oath to you, did
7 they?

8 A No, ma'am.

9 Q And you weren't there of your own volition,
10 were you?

11 A No, ma'am.

12 Q You were brought there, were you not?

13 A Yes, ma'am.

14 Q You were picked up by the police, were you not?

15 A Yes, ma'am.

16 Q And you were brought in the middle of the night
17 to the Homicide Unit, were you not?

18 A Yes, ma'am.

19 Q And no one, including any of the detectives,
20 administered an oath and asked you to swear to tell the
21 truth, did they?

22 A No, ma'am.

23 Q And you didn't, did you?

24 A No, ma'am.

25 Q No. And in fact during that first statement,

1 during the time it was being recorded, there came a time
2 when you asked them to turn off the recorder, did you
3 not? Was there not such a time?

4 A I believe so.

5 Q And that was your doing, was it not?

6 A Yes, ma'am.

7 Q They didn't suggest to you that that was
8 something you should do, was it?

9 A No.

10 Q And you are --

11 A Oh, I'm sorry.

12 Q -- deciding not --

13 THE COURT: One moment. What were you about to
14 say?

15 THE WITNESS: Yes, they did tell me I could
16 stop at any time I liked.

17 BY MS. GUTIERREZ:

18 Q And you took advantage of that, didn't you?

19 A Yes, ma'am.

20 Q And stopping meant turning off that recorder
21 that was recording what you said, correct?

22 A Yes, ma'am.

23 Q And at the time, you knew you were lying to the
24 police, did you not?

25 A Yes, ma'am.

1 Q But they didn't know it, did they?

2 A I do not believe so.

3 Q You were in charge of whether or not you told
4 the truth, correct?

5 A Yes, ma'am.

6 Q No one else was, right?

7 A Correct.

8 Q And on that occasion when you were in charge of
9 whether or not you told the truth, you lied, did you not?

10 A Yes, ma'am.

11 Q You lied about a number of things, did you not?

12 A Yes, ma'am.

13 Q And being hauled down by the police not of your
14 own calling in the middle of the night was not a surprise
15 to you, was it?

16 A Yes, ma'am, it was.

17 Q Well, on this February 27th -- February 28th
18 was a Sunday, was it not?

19 A I do not recall.

20 Q Okay. Well, sir, do you recall that on
21 February 27th your good friend, Jenn [REDACTED], also
22 appeared in the same office of the Baltimore City Police
23 Department on Fayette Street?

24 A Yes, ma'am.

25 Q You were aware of that, were you not?

1 A Yes, ma'am.

2 Q You were aware of that before it happened,
3 weren't you?

4 A No, ma'am, I was not.

5 Q Well, you recall, sir, that you had a
6 conversation with your very good friend, Jenn [REDACTED],
7 about what was going to be covered in her conversation
8 with the police the day before on February 26th, which
9 was a Friday? You recall that, do you not?

10 A No, ma'am.

11 Q You recall that Jenn [REDACTED] came to you
12 panicked because the police wanted to talk to her. Do
13 you recall that?

14 A Yes, ma'am, I do.

15 Q And that happened on February 26th, did it not?

16 A She came to me and stated that the police
17 wanted to talk to her, yes.

18 Q And you understood that she had said minimal
19 things to the police, did you not?

20 A No, I did not.

21 Q You were aware because she told you what she
22 said, did she not?

23 A No, she did not.

24 Q She discussed with you whether she should speak
25 to them again, did she not?

1 A Yes.

2 Q And you were aware of what the police wanted to
3 talk to her about, correct?

4 A Yes.

5 Q Now, you were aware, as you have told us, you
6 had been with Jenn [REDACTED] sometime around that time,
7 correct?

8 A Yes.

9 Q And you had spoken to her on those days, had
10 you not?

11 A Yes.

12 Q And sometime before she spoke to the police
13 when you became aware they wanted to speak to her, you
14 conversed with her actually about that, did you not?

15 A Yes, ma'am.

16 Q And you did so at her request, correct?

17 A I believe so.

18 Q And you were aware, before she appeared at the
19 very same place you were hauled down to the next evening,
20 that she had chosen to talk to the police, were you not?

21 A No, ma'am, I was not.

22 Q You were aware what she was going to say, were
23 you not?

24 A No, ma'am, I was not.

25 Q And you were aware that she appeared on

1 February 27 with a lawyer, were you not?

2 A No, ma'am, I was not.

3 Q And with her mother?

4 A No, ma'am. I'm sorry.

5 Q And you were aware that she was going to

6 discuss all the things that occurred on January 13 --

7 A Yes, ma'am.

8 Q -- that involved you and her --

9 A Yes, ma'am.

10 Q -- on the phone --

11 A Yes, ma'am.

12 Q -- and in person --

13 A Yes, ma'am,

14 Q -- where you went --

15 A Yes, ma'am.

16 Q -- what you did --

17 A Yes, ma'am.

18 Q -- and what time things occurred?

19 A Yes, ma'am.

20 Q And you knew that before she opened her mouth

21 down at the Baltimore City police headquarters?

22 A I'm sorry, I didn't understand the last part of

23 your question.

24 Q You knew that before she appeared, did you not?

25 A Knew what?

1 Q What she was going to talk about.
2 A No, ma'am, I did not.
3 Q After she appeared, your very good friend spoke
4 to you, did she not?
5 A Yes.
6 Q On the phone?
7 A No.
8 Q In person?
9 A Yes, ma'am.
10 Q About what she had been asked?
11 A Yes, ma'am.
12 Q And about what she had said?
13 A Yes, ma'am.
14 Q And you engaged willingly in that conversation
15 with her, did you not?
16 A Yes, ma'am.
17 Q Now, afterwards on the night of the 27th -- and
18 you knew that she had mentioned your name, did you not?
19 A Yes, ma'am.
20 Q As a person who knew more than she --
21 A Yes, ma'am.
22 Q -- concerning the death and burial of Hae Min
23 Lee, correct?
24 A Yes, ma'am.
25 Q You knew that Jenn did not present herself as

1 someone who was present when Hae Min Lee died, correct?

2 A To the best of my knowledge, yes.

3 Q To the best of your knowledge?

4 A I don't know exactly what she told the police.

5 Q Well, you spoke to her about it, did you not?

6 A Not in that detail, no.

7 Q Your very good friend tells you after she spoke
8 to the police about a matter that intimately concerned
9 you but she didn't tell you all the detail? .

10 A No, ma'am, she did not.

11 MR. URICK: Objection.

12 THE COURT: Sustained.

13 BY MS. GUTIERREZ:

14 Q After you spoke to Jenn [REDACTED] in person
15 about these events, did you go to the police?

16 A No, ma'am.

17 Q Not the night of the 27th?

18 A No, ma'am.

19 Q And not the day of the 28th?

20 A No, ma'am. I was at work the night of the 27th
21 and I was at work the day of the 28th.

22 Q And, sir, it was your testimony that you were
23 surprised when the police arrived to take you downtown?

24 A Yes, ma'am.

25 Q Is that correct?

1 A Yes, ma'am.

2 Q Notwithstanding your conversation with your
3 good friend, Jenn [REDACTED]?

4 A Pardon me.

5 Q Notwithstanding the fact of your conversation
6 with your good friend, Jenn Pusateri?

7 A Right. Correct, I'm sorry.

8 Q When the police spoke to you in the middle of
9 the night of February 28th, they told you that they had
10 already spoken with Jenn, did they not?

11 A Yes, ma'am.

12 Q And they told you what she told them, did they
13 not?

14 A Yes, ma'am.

15 Q And they told you that she knew everything that
16 she knew from you?

17 A That is correct, yes.

18 Q They told you that, didn't they?

19 A Yes, ma'am.

20 Q And they then asked you questions based on what
21 she told them; isn't that correct?

22 A Yes, ma'am.

23 Q Now, the first thing that you told them was
24 that you didn't have anything to do with anything; isn't
25 that correct?

1 A Yes, ma'am.

2 Q You told them you didn't do anything to assist
3 anyone in anything, did you not?

4 A Yes, ma'am.

5 Q That you didn't help transport a body, correct?

6 A Yes, ma'am.

7 Q And that you didn't help bury a body?

8 A Yes, ma'am.

9 Q And you didn't help coverup any evidence.
10 concerning anything that may have been done to the body,
11 correct?

12 A Yes, ma'am.

13 Q Now, you were asked, Mr. Wilds, about State's
14 Exhibit 34, and you identified numbers as belonging to
15 your good friend, Jennifer [REDACTED], correct?

16 A On which line?

17 Q Well, you identified numbers --

18 A Oh, yes, I'm sorry.

19 Q -- in the plural, did you not?

20 A Yes.

21 Q Some were lines that were land lines directly
22 to her home, were they not?

23 A Yes, ma'am.

24 Q That number, which is [REDACTED] --

25 A Yes, ma'am.

1 Q -- that's Jenn [REDACTED]'s personal phone, is it
2 not?

3 A No, it's her family's phone, but it's at her
4 residence, yes.

5 Q And it's not in her room?

6 A She has a phone in her room, yes.

7 Q Okay. And is that that number?

8 A It's not her personal line, no.

9 Q That's your understanding, correct?

10 A That's my understanding.

11 Q And, in addition, she has a pager number,
12 correct?

13 A Yes.

14 Q And the numbers that you identified on these as
15 belonging to her, you were the person who called her,
16 were you not?

17 A Who paged her?

18 Q Or called her.

19 A Yes, yes, I did.

20 Q Okay. Mr. Adnan Syed, as you call him, Mr.
21 Syed would not have been calling your very good friend,
22 would he have?

23 A No, ma'am.

24 Q And so if there were calls made to any of the
25 numbers, the pager or the actual phone number in the

1 residence of Jenn [REDACTED], that were made on the
2 cellphone identified as [REDACTED], when they were made,
3 that cellphone was in your hands, was it not?

4 A No, we received incoming calls from Jenn when I
5 was not in possession of the phone.

6 Q Well, let me ask you again, Mr. Wilds, so we
7 don't waste time.

8 A I'm sorry.

9 Q You identified the number one line -- well, the
10 number on line twenty-two, [REDACTED], that is in fact Jenn
11 [REDACTED]'s number, is it not?

12 A Yes, ma'am.

13 Q And if you read across the line, as you did, it
14 indicates that that phone call was made at 4:12:01 p.m.;
15 is that correct?

16 A Yes, ma'am.

17 Q And the number, [REDACTED], is in the column that
18 indicates what number was called, does it not?

19 A Correct.

20 Q The column says "Dialed Number", does it not?

21 A Correct.

22 Q And the column clearly means the number dialed
23 from the cellular phone that is also listed at the top,
24 correct?

25 A Correct.

1 Q So your understanding of this chart,
2 incidentally, which you have seen before, have you not?

3 A Yes.

4 Q And you were prepared to be asked questions on,
5 were you not?

6 A Yes.

7 Q This information isn't a surprise to you, is
8 it?

9 A No, ma'am.

10 Q And that number is the land line to Jennifer
11 [REDACTED], is it not?

12 A Yes.

13 Q Just like the line on twenty-six, that line is
14 the land line of Jennifer [REDACTED], is it not?

15 A Yes.

16 Q And line twenty-two, which talks about the
17 phone call to her land number in her residence, sir, that
18 was made by you, was it not?

19 A I believe so.

20 Q For twenty-eight seconds, was it not?

21 A I believe so.

22 Q And the phone call was made at 4:12 p.m., was it
23 not?

24 A Yes, ma'am.

25 Q And then there is a column consistent with that

1 line, line twenty-two, that indicates what this cell site
2 was, is it not?

3 A Yes, ma'am.

4 Q And the cell site then has an address that goes
5 with it, does it not?

6 A Yes, ma'am.

7 Q And that address where the cellphone tower is
8 alleged to be is 2121 Windguard Lane, is it not?

9 A Yes, ma'am. Excuse me, Your Honor. Could you
10 ask her to stop yelling in my ear, please?

11 THE COURT: Yes, I will ask her, and, Ms.

12 Gutierrez, I think it might be helpful if you move back
13 to where you were only because, as we talked about
14 before, it gets kind of crowded by that door.

15 MS. GUTIERREZ: I know, Judge. I was --

16 THE COURT: That's all right. And if you want,
17 I believe the witness has the exhibit.

18 THE WITNESS: Yes, ma'am.

19 MS. GUTIERREZ: Okay. That's fine.

20 THE COURT: And we can just have him look down
21 and find the location that you are referring to.

22 MS. GUTIERREZ: I did forget, and I would ask
23 that copies of that exhibit be turned back to the jurors
24 at this time --

25 THE COURT: All right.

1 MS. GUTIERREZ: -- since they didn't have them.

2 THE COURT: I can tell you --

3 MS. GUTIERREZ: I'm just going to finish these
4 two lines.

5 THE COURT: I will allow you to finish that.

6 I'm going to ask Mr [REDACTED] to pass that back out so that
7 the ladies and gentlemen of the jury will have their
8 sheet in front of them. Now, is it line twenty-one that
9 you're looking at?

10 MS. GUTIERREZ: It's line twenty-two.

11 THE COURT: It's line twenty-two that counsel
12 is referring to. Now, while Mr [REDACTED] is handing those
13 out, ladies and gentlemen, I must advise you, as I said
14 before, if you are sitting and watching this case, you
15 cannot read and you must turn your pagers and cellphones
16 off. If you wish to read or do anything like that, you
17 must go out in the hallway to do that. If you want to
18 talk on your cellphone or leave that on, you must go out
19 in the hallway to do that. And if one of you would like
20 to come back here, you're welcome to do that at this time
21 before Ms. Gutierrez resumes.

22 BY MS. GUTIERREZ:

23 Q Mr. Wilds, if you would review your copy of
24 that exhibit, if you would look down on the line below,
25 line twenty-three --

1 A Yes, ma'am.

2 Q -- that number is the number of your associate
3 or friend, Mr. [REDACTED], is it not?

4 A Correct.

5 Q And that is a phone call that you made, is it
6 not?

7 A Yes, ma'am.

8 Q You made it in an attempt to get dope, did you
9 not?

10 A I don't use dope, ma'am.

11 Q Back then you made it in an attempt to track
12 down dope, did you not?

13 A I have never used dope, ma'am.

14 Q You made it to track down marijuana?

15 A Yes, ma'am.

16 Q Okay. And you intended to use it that day, did
17 you not?

18 A Yes, ma'am.

19 Q And when that phone call was made at 3:59:48,
20 for twenty-five seconds, it indicates that the cellphone
21 used, the number [REDACTED], triggered cell site L651A, did
22 it not?

23 A Yes.

24 Q And that the address of that cell site was 1500
25 Woodlawn Drive, did it not?

1 A Yes, ma'am.

2 Q 1500 Woodlawn Drive is in the very same hundred
3 block that Woodlawn High School is located, is it not?

4 A Yes, ma'am.

5 Q And, incidentally, Woodlawn High School, where
6 it's located on Woodlawn Drive, at the one end of
7 Woodlawn Drive one would run into the street of Security
8 Boulevard, would one not?

9 A Yes, ma'am.

10 Q And at the other end would run into a road
11 known as Dogwood Road, would one not?

12 A No, ma'am, Woodlawn turns into --

13 Q I didn't say turns into.

14 A I'm sorry.

15 Q I questioned whether or not --

16 A No, ma'am.

17 Q -- at the other end, that Woodlawn Drive runs
18 into a road by the name of Dogwood?

19 A No, ma'am.

20 Q Are you familiar with Dogwood?

21 A Vaguely.

22 Q Vaguely, sir?

23 A Yes, ma'am.

24 Q You are aware that Dogwood Road turns into, at
25 the city line, a road by the name of Franklintown, are

1 you not?

2 A No, ma'am, I am not.

3 Q You are aware that Franklintown Road runs
4 through the city proper down to a location nearby
5 Edmondson Avenue and Poplar Grove, are you not?

6 A No, ma'am, I am not.

7 Q And that in its course, it goes through the
8 park?

9 A Yes, ma'am, I do know it goes through the park.

10 Q And that Franklintown Road is the name of the
11 road that you have described to us you were present at
12 with Adnan Syed on January 13?

13 A I'm sorry, I didn't --

14 THE COURT: The question is, do you know that
15 the road that you were on --

16 THE WITNESS: Oh, no, I do not.

17 THE COURT: -- that you have described was
18 Franklintown Road? Did you know that?

19 THE WITNESS: No, ma'am, I did not.

20 THE COURT: Next question.

21 BY MS. GUTIERREZ:

22 Q Now, sir, you live up past Rolling Road?

23 A Not presently. I used to, yes.

24 Q Not presently. Well, back then you did,
25 correct?

1 A Yes.

2 Q And you lived there throughout your high school

3 matriculation at Woodlawn, did you not?

4 A Yes, ma'am.

5 Q That's why you were in the Catchman area, for

6 Woodlawn, correct?

7 A Yes, ma'am.

8 Q And, sir, you are aware, both from your

9 experiences as you have recounted them to us and your own

10 knowledge, that the point and place that you have

11 described where the body of Hae Min Lee was buried is

12 about five minutes down Dogwood Road into Franklintown

13 Road, are you not?

14 A No, ma'am, I am not.

15 Q Sir, turn your attention to line twenty-four.

16 A Yes, ma'am.

17 Q And that number, Mr. [REDACTED] --

18 A Yes, ma'am.

19 Q -- you made that call, did you not?

20 A Yes, ma'am.

21 Q Nobody else made that call, did they?

22 A No, ma'am, they did not.

23 Q And that was also on what you have told us was

24 your search for that day to obtain marijuana; isn't that

25 correct?

1 A No, ma'am, it is not.

2 Q All right. Well, Mr. [REDACTED] is your friend, is

3 he not?

4 A Yes, ma'am.

5 Q He is not someone Adnan Syed would be calling?

6 A No, ma'am.

7 Q Is he?

8 A No, ma'am.

9 Q And there is no question but that that .

10 cellphone was in your hands at 3:48 p.m; isn't that

11 correct?

12 A Yes, ma'am.

13 Q And that conversation, if you go across, was a

14 minute and twenty-five seconds?

15 A Yes, ma'am.

16 Q And that the cellphone at the time it was being

17 used triggered a cell site numbered and lettered L651A,

18 did it not?

19 A Yes, ma'am.

20 Q That's the same cell site as call number

21 twenty-three, correct?

22 A Yes, ma'am.

23 Q And --

24 A No, ma'am, it's not. I'm sorry.

25 Q The cell site listed in the column that

1 attaches to --

2 A Yes, ma'am, I'm sorry.

3 Q -- phone call number --

4 A I'm sorry, yes, ma'am.

5 Q -- twenty-four, sir, so there is no dispute,
6 was made from cell site L651A, was it not?

7 A Correct.

8 Q And cellphone call number twenty-two -- I'm
9 sorry, if you go up from twenty-four to twenty-three --

10 MR. URICK: Objection.

11 THE COURT: Sustained. Counsel, at this point
12 I do not believe the items that you are requesting
13 information on from this witness are in evidence. If you
14 wish them to be admitted into evidence, you may do so at
15 this time. I just want to make sure that it's clear that
16 exhibit has not been offered into evidence. Has it?

17 MR. URICK: No, it hasn't.

18 MS. GUTIERREZ: No, Judge. It's my
19 understanding it's going to be. There is no dispute.

20 THE COURT: Okay.

21 MS. GUTIERREZ: We have stipulated to it. So I
22 would be very surprised to draw an objection now.

23 THE COURT: Well, there is no objection from
24 the State actually. The court is inquiring as to whether
25 or not the items in the last column are subject to a

1 stipulation or some agreement from some material that has
2 been received from someplace?

3 MR. URICK: I believe the defense refused to
4 stipulate to that.

5 THE COURT: All right.

6 MR. URICK: And this witness has no basis of
7 knowledge about these, so he can't qualify them.

8 THE COURT: I understand. Ms. Gutierrez, you
9 may use that form in any way, but I would note for the
10 record those items that you are asking the witness to
11 read into the record, the court is going to accept them
12 then as evidence since you are asking them as part of
13 your question.

14 MS. GUTIERREZ: That's fine.

15 THE COURT: And if you don't want them in, then
16 I would ask --

17 MS. GUTIERREZ: No, that's fine.

18 THE COURT: -- that you not ask that part or --

19 MS. GUTIERREZ: Thank you, Your Honor.

20 THE COURT: -- portion of the question. Very
21 well, you may continue.

22 MS. GUTIERREZ: All right.

23 BY MS. GUTIERREZ:

24 Q Mr. Wilds, again, on call number twenty-two,
25 twenty-three, the cell site is L651A, is it not?

1 A Yes, on call twenty-three.

2 Q On call number twenty-four the cell site listed
3 is L651A, is it not?

4 A Yes, ma'am.

5 Q And the call site for cellphone call number
6 twenty-five is L651C, is it not?

7 A Yes, ma'am.

8 Q And the same cell site for twenty-six, is it
9 not?

10 A Yes, ma'am.

11 Q And twenty-seven is L651C, correct?

12 A Yes, ma'am.

13 Q The same as twenty-six, correct?

14 A Yes, ma'am.

15 Q The same as twenty-five, correct?

16 A Yes, ma'am.

17 Q But not the same as twenty-four or twenty-
18 three, correct?

19 A No, ma'am.

20 Q And cellphone call number twenty-eight lists an
21 even different cell site, does it it?

22 A Yes, ma'am.

23 Q It's L651B, is it not?

24 A Yes, ma'am.

25 Q And yet the address on call number twenty-eight

1 is 1500 Woodlawn, is it not?

2 MR. URICK: Objection.

3 THE COURT: Overruled. If the witness can read
4 the exhibit and counsel wants to admit the evidence in
5 that fashion and wants the witness to read that, the
6 court will accept it as evidence and that portion of this
7 exhibit will be in evidence.

8 Is that understood?

9 MR. URICK: Yes, ma'am.

10 THE COURT: Very well. You may proceed. Can
11 you answer the question? Obviously you are reading from
12 the exhibit.

13 THE WITNESS: Yes.

14 BY MS. GUTIERREZ:

15 Q And the address is 1500 Woodlawn, is it not?

16 A Yes, ma'am.

17 Q And that's for the cell site that ends with the
18 letter "B", correct?

19 A Yes, ma'am.

20 Q Cellphone call number twenty-seven also lists
21 the same address, 1500 Woodlawn, does it not?

22 A Yes, ma'am.

23 Q And item number twenty-six, which lists the
24 same cell site number as twenty-seven and twenty-five,
25 also lists the same address, does it not?

1 A Yes, ma'am.

2 Q Okay. And the call above that, call number
3 twenty-five, also lists 1500 Woodlawn, does it not?

4 A Above it, twenty-four?

5 Q Yes, sir.

6 A Yes, ma'am.

7 Q And cellphone call number twenty-three also
8 lists the same address, does it not?

9 A Yes, ma'am.

10 Q And if you bump up to cell call item number
11 twelve, that lists the cell site of L651A, does it not?

12 A Yes, ma'am.

13 Q And that also lists 1500 Woodlawn Drive, does
14 it not?

15 A Yes, ma'am.

16 Q And that's the line, line twelve, that refers
17 to the time that [REDACTED], Jenn [REDACTED]'s pager number
18 was called by the cellphone [REDACTED], correct?

19 A Yes, ma'am.

20 Q The pager number call that we have established
21 you made; isn't that correct?

22 A Yes, ma'am.

23 Q And the address of the cell site is 1500
24 Woodlawn, correct?

25 A Yes, ma'am.

1 Q And the next phone call, item number thirteen,
2 about which you have not been asked, lists the same cell
3 site, doesn't it?

4 A Yes, ma'am.

5 Q And lists the same address, doesn't it?

6 A Yes, ma'am.

7 Q And that phone call appears to be less than a
8 minute before you paged your friend, Jenn [REDACTED]?

9 A Yes.

10 Q Is that correct?

11 A Yes.

12 MS. GUTIERREZ: Judge, I think this is a good
13 place to stop.

14 THE COURT: Very well. Ladies and gentlemen,
15 I'm going to ask you to pass that page back up to Mr.
16 [REDACTED]. That will be secured and given back to you on our
17 next day together.

18 Mr. Wilds, I'm going to advise you in just a
19 moment what you are to do, if you will just give us one
20 moment.

21 THE WITNESS: Okay.

22 THE COURT: Ladies and gentlemen, we are going
23 to recess for the day. What I have in my hand is a
24 schedule for next week which will tell you what time we
25 are going to start and like we were doing each day, this

1 is more as a weekly idea of where we are going to go for
2 the week. It is not to mean that we will use the entire
3 week, but in the event we do, it gives you an indication
4 of each day.

5 I'm going to hand them out to you, but I must
6 tell you that we are not sitting on Monday. On Monday, I
7 still have a criminal docket and I also have the civil
8 docket as I indicated to you before with hearings every
9 thirty minutes. So it makes no sense to try to have you
10 come in with the other matters set every thirty minutes.
11 So what I'm going to do is hand these out to you.
12 Counsel already have a copy.

13 Okay. If you will take them in the back row
14 and pass them down. Okay. Thank you. In the event for
15 some strange reason we were to have snow over the weekend
16 or on Monday, you have the numbers to call -- that is my
17 chambers -- or you can listen to WBAL, Channel 11, and
18 that will indicate for you what the status of this
19 courthouse is.

20 Please also be advised that over the weekend
21 your friends and family might want to talk to you about
22 this case. You may not discuss this case with anyone,
23 either amongst yourselves or with anyone else. You may
24 also understand and understand clearly that during the
25 course of this trial and over the weekend, you should not

1 go to the scene or attempt to visit the scene, listen to
2 the radio, the media, or read anything in the newspaper
3 about this case. If you happen to see it, you should
4 immediately put it away or turn the channel, the station,
5 whatever the case may be.

6 I am also going to advise you to leave your
7 notepads face down on your chairs. They will be secured
8 over the weekend and returned on, as you can see, Tuesday
9 morning. I have been advised that my docket is very
10 light next week and I only have one case. If you will
11 note on that schedule, pretty much we will be able to get
12 started every day between 9:45 and 10:00, after I dispose
13 of the one matter, and then we will proceed with each
14 day.

15 You will also note that some days we end at
16 5:00 and some days we end at 4:30. That has to do with
17 what is going on after hours either in this courtroom or
18 if I have obligations where I must appear as part of my
19 job.

20 So I advise you that you should go now with Ms.
21 [REDACTED], who is over by the door. Have a safe journey
22 home and a pleasant weekend. I will see each and every
23 one of you on Tuesday.

24 Now, Juror Number Six had an inquiry or
25 question with regard to Friday; is that correct?

1 JUROR NUMBER SIX: Yes.

2 THE COURT: All right. If you would just stay
3 a moment.

4 JUROR NUMBER SIX: Okay.

5 (Brief pause.)

6 (The jury was excused from the courtroom.)

7 THE COURT: Okay. Counsel, I am just going to
8 ask the juror a few questions with regard to her schedule
9 on Friday.

10 MS. GUTIERREZ: Right.

11 THE COURT: Mr. Wilds, you are free to go at
12 this time. Let me advise you, you are a witness. You
13 may not discuss your testimony with anyone. At this
14 juncture, you may not discuss your testimony with your
15 attorney. Again, unless you need to speak to her, you
16 have got to ask me first before you can talk to her about
17 your testimony. Over the weekend, do not discuss your
18 testimony with anyone, either anyone who will be a
19 witness in this case or anyone who may be a witness in
20 this case in the future, or with counsel for the State or
21 the defense.

22 If you have a question -- will you please have
23 a seat for one moment -- then I will be happy to answer
24 any question you may have. Mr. Wilds, you may go at this
25 point.

1 THE WITNESS: Thank you, Your Honor.

2 THE COURT: Now, you must be back on Tuesday,
3 at 9:30.

4 THE WITNESS: Yes, ma'am.

5 THE COURT: Okay.

6 THE WITNESS: Yes, ma'am.

7 THE COURT: Tuesday, at 9:30.

8 THE WITNESS: Yes, ma'am.

9 THE COURT: Okay. Now, you have indicated that
10 you have some travel plans for Friday, the 11th.

11 JUROR NUMBER SIX: Yes.

12 THE COURT: Can you tell me whether or not you
13 are scheduled to leave by airplane or train or bus or are
14 you driving?

15 JUROR NUMBER SIX: It's by bus.

16 THE COURT: Okay. And is it a scheduled time
17 of departure on Friday?

18 JUROR NUMBER SIX: Yes, it is.

19 THE COURT: What time?

20 JUROR NUMBER SIX: It's 6:00 in the morning.

21 THE COURT: That's a.m?

22 JUROR NUMBER SIX: Yes.

23 THE COURT: And you will return on the 13th?

24 JUROR NUMBER SIX: Yes.

25 THE COURT: Okay. We are aware of that

1 writing? I called Ms. Gutierrez and asked her why she
2 subpoenaed me, and she didn't wish to discuss it with me.
3 Because I'm doing this on a pro bono basis -- I do have
4 many other obligations -- I'm asking the court how to
5 deal with this? Shall I file a motion to quash? Maybe
6 Ms. Gutierrez --

7 THE COURT: I'm not going to advise you how to
8 deal with it, but I can tell you that if you do receive a
9 subpoena, you will be under order of this court to be
10 here. If you have any problem appearing, you can write
11 the court and inquire or request that I deal with your
12 request in some form or fashion. But if the defense does
13 subpoena you, and you receive a subpoena to be here --

14 MS. BENAROYA: Okay. I'm not served as of now.

15 THE COURT: Counsel, if you have other clients
16 or other matters, I would be happy to work around your
17 schedule. But the defense, if they choose to call you,
18 may call you in the defense. Well, you are still in the
19 State's case.

20 MS. BENAROYA: Yes.

21 THE COURT: So I can tell you that between now
22 and probably the middle of next week, you will probably
23 not be called. However, your client is still on the
24 witness stand and will remain on the witness stand on
25 Tuesday, that is starting Tuesday at 9:30.

1 MS. BENAROYA: Yes, I'll be bringing him to
2 court.

3 THE COURT: So as a result of bringing him to
4 court, you may be served.

5 MS. BENAROYA: Yes, that's right.

6 THE COURT: And if you are served and it is
7 causing you some scheduling conflict with other cases or
8 proceedings, then I need to have you write me and
9 indicate what they are so that we can work around your
10 schedule.

11 MS. BENAROYA: Okay. That was all I needed to
12 know.

13 THE COURT: Fine. Any problem with that, Ms.
14 Gutierrez?

15 MS. GUTIERREZ: No.

16 THE COURT: And Ms. Gutierrez has been kind
17 enough, and so has Mr. Urick, that at which time she has
18 determined that she does no longer need a witness, as you
19 have been hearing, we have been excusing witnesses and
20 releasing them from summonses as the case may be. So I
21 will ask that that happen, as you have done I think with
22 one of the doctors or police officers actually --

23 MS. GUTIERREZ: Yes.

24 THE COURT: -- who indicated that he had a
25 conflict, and we worked around that as well.

1 MR. URICK: Thank you, Your Honor.

2 THE COURT: But I will be back on Monday.

3 Staff, I will see you on Monday at 9:30. There is a
4 schedule of the hearings. You can check with my staff.

5 THE CLERK: I have the schedule, Your Honor.

6 THE COURT: You have got the schedule. Very
7 well. We stand in recess then until Monday at 9:30.

8 THE CLERK: All rise.

9 (Whereupon, at 5:20 p.m., the trial recessed.)

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REPORTER'S CERTIFICATE

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I, Brenda [REDACTED], an Official Court
Reporter of the Circuit Court for Baltimore City, do
hereby certify that I stenographically recorded the
proceedings in the matter of State of Maryland vs. Adnan
Masud Syed, in the Circuit Court for Baltimore City,
Indictment Nos. 1991032042-46, on February 4, 2000,
before the Honorable Wanda Keyes Heard, Judge (and a
jury).

10

I further certify that the page numbers one
through 257 constitute the official transcript of the
proceedings as transcribed under my supervision from my
stenographic notes to the within typewritten matter in a
complete and accurate manner.

15

In Witness Whereof, I have affixed my signature
this 10th day of March, 2001.

17

18



Brenda [REDACTED]

19

Official Court Reporter

20

21

22

23

1 MS. BENAROYA: Okay. Very good. Thank you.

2 THE COURT: All right.

3 MS. BENAROYA: That's all I needed.

4 THE COURT: Very well. Anything further?

5 (No response.)

6 THE COURT: Okay. Thank you.

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

9 THE COURT: Okay. Then Tuesday at 9:30. Yes,
10 I see you are taking a deep breath. Is there a problem?

11 MR. URICK: Well, just so everyone is aware, I
12 have got a witness scheduled for Tuesday who is scheduled
13 to be out of town Wednesday, Thursday, and Friday. I
14 may, if Ms. Gutierrez goes into the afternoon, I may ask
15 to take him out of order and interrupt the cross-
16 examination and put him on so I can get him off.

17 MS. GUTIERREZ: Who is that witness?

18 MR. URICK: Abe [REDACTED]. I will get the
19 spelling to you later.

20 THE COURT: And I can give you a list of all
21 the witnesses from the voir dire.

22 COURT REPORTER: Thank you.

23 THE COURT: Okay.

24 MS. GUTIERREZ: Judge, I have no objection to
25 taking a witness out of turn. I do have an objection to

1 interrupting Mr. Wilds' testimony again. You know, he is
2 the main witness.

3 THE COURT: Yes.

4 MS. GUTIERREZ: I don't know how long my cross
5 is going to take.

6 THE COURT: I'm not going to limit your cross.

7 MS. GUTIERREZ: What I would suggest, what I
8 would be open to, is if on Tuesday morning if he would
9 rather put that witness on out of turn before we start
10 back with Mr. Wilds, I wouldn't object to that.

11 MR. URICK: That would be fine.

12 MS. GUTIERREZ: You know, so that we then don't
13 interrupt Mr. Wilds a second time.

14 THE COURT: Obviously, if Ms. Gutierrez is
15 acquiescing to that procedure --

16 MR. URICK: That's fine.

17 THE COURT: That's why I advised her of the
18 time, so that she could take her cross in chunks, which
19 she has done. So if you would like to do that on Tuesday
20 morning, you can do that as well.

21 MR. URICK: Thank you.

22 THE COURT: All right. Anything else?

23 (No response.)

24 THE COURT: You all have a good weekend. I'll
25 see you on Tuesday.