

1
2 IN THE CIRCUIT COURT FOR BALTIMORE CITY, MARYLAND
3

4 STATE OF MARYLAND
5

6 VERSUS INDICTMENT NOS. 199103042, 43, 45, 46
7

8 ADNAN SYED
9

10 FEBRUARY 14, 2000
11

12 REPORTER'S OFFICIAL TRANSCRIPT OF PROCEEDINGS
13

14 BEFORE:
15

16 THE HONORABLE WANDA HEARD, JUDGE
17 AND A JURY
18

19 APPEARANCES
20

21 ON BEHALF OF THE STATE:
22

23 KEVIN URICK, ESQUIRE
24 KATHLEEN MURPHY, ESQUIRE
25 ASSISTANT STATE'S ATTORNEYS
26

ON BEHALF OF THE DEFENDANT:
27

28 M. CRISTINA GUTIERREZ, ESQUIRE
29

30 RECORDED BY: VIDEO TAPE
31

32 TRANSCRIBED BY:
33 Diane R. Walker
34 Official Court Reporter
35

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2

3 JAY WILDS
4 CROSS EXAMINATION BY MS. GUTIERREZ PAGE 40
5

NOTE: -
JULY 1
L...
80:5 PM 9-25-00
DENVER

1 PROCEEDINGS
2

3 THE COURT: We'll have to start all over.
4

5 We are not on the record. This is with regard to Mr.
6 Urick's motion on behalf of the State, motion --
7 renewed motion in limine. You're about to tell me
8 the purpose of your motion and what you expect to --
9

10 MR. URICK: Yes, Your Honor.
11

12 THE COURT: -- accomplish.
13

14 MR. URICK: Thank you, Your Honor. Thank
15 you. We have a witness who we think is an important
16 witness for the Court to hear to address the issue of
17 the relevance of inquiry on cross examination into
18 Jay Wilds' assistance of counsel.
19

20 THE COURT: Okay. At this point what is it
21 that this witness would -- why are we going off on
22 what I perceive as a tangent on what this witness is
23 going to say as to what Mr. Wilds -- has not Mr.
24 Wilds already testified as to what his belief and
25 understanding was with regard to this plea agreement
26 and the circumstances under which he has tendered a
27 plea and is pending sentencing?
28

29 MR. URICK: Mr. Gioia, and I will proffer
30 to the Court will testify that I had spoken to him in
31 late August, early September, told him there was an
32 indigent person who was in need of assistance of
33

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1 counsel to advise him because the State wished to
2 talk to the witness about a plea agreement.
3

4 THE COURT: The facts that you are
5 suggesting are the facts that are going to go into
6 the circumstances under which an attorney was
7 obtained for Mr. Wilds?
8

9 MR. URICK: Yes.
10

11 THE COURT: Okay, I've already ruled, I've
12 already ruled that we were not going to have a
13 further fact finding mission into this area. I've
14 already ruled that to the extent that this witness
15 has already testified as to what was in his mind at
16 the time that he entered the plea agreement and at
17 the time that he pled, at the time that he secured
18 his attorney, I've already ruled that those are
19 questions that have already -- the answers for which
20 have already been provided to some limited degree to
21 this jury and I've already ruled that if counsel
22 wants to bring out some of the issues that were
23 provided or the facts that were provided to this
24 Court as to what this witness Mr. Wilds' view was of
25 his attorney, that it was his decision to pick the
26 lawyer. It was his decision to accept the lawyer.
27 It was a decision to continue with the lawyer as she,
28 Ms. Gutierrez, on behalf of Mr. Syed could do that.
29

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1 I don't see that Mr. Gioia has anything to
 2 offer this Court with regard to what I've already
 3 indicated and I don't see how your renewed motion in
 4 limine gets you -- is doing anything other than
 5 giving you what you already have, which is a
 6 limitation on any further fact finding inquiry on
 7 cross. I just don't see what purpose Mr. Gioia is
 8 going to serve.

9 MR. URICK: Can I have a moment, Your
 10 Honor?

11 THE COURT: Certainly.

12 MR. URICK: May the State have a
 13 clarification as to what exactly the defense can now
 14 ask on cross examination on this issue?

15 THE COURT: Mr. Wilds on cross, Ms.
 16 Gutierrez may ask and I believe we stopped short of
 17 these particular questions, can ask whether or not he
 18 picked his lawyer. She can ask whether he wanted to
 19 keep his lawyer. She can ask whether or not there
 20 was -- at any time he was concerned about his lawyer,
 21 whether or not that concern was clarified in some
 22 way.

23 Beyond that he's already testified that he
 24 had a lawyer, that he had his plea agreement, that
 25 his lawyer reviewed it with him, that he pled in

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1 front of Judge McCurdy, that he was supposed to have
 2 this truth agreement that it was -- that he was
 3 supposed to tell the truth, et cetera. I really do
 4 not see what other relevance what Mr. Gioia may have
 5 done when this witness Mr. Wilds called him because
 6 Mr. Gioia didn't represent Mr. Wilds, isn't that
 7 right?

8 MR. URICK: May I, with the Court's
 9 permission, just make a record by making a proffer of
 10 what Mr. Gioia would have testified to if he was
 11 called?

12 THE COURT: A record for the purposes of
 13 what? Your motion is granted. Your motion is to
 14 disallow any further fact finding inquiry into or
 15 renewed cross examination of subject Jay Wilds'
 16 assistance of counsel. That's granted. The State
 17 requests a hearing and has one brief witness. I'm
 18 denying your hearing because I already granted this
 19 motion on Friday.

20 MR. URICK: Then what is the purpose of
 21 making Ms. Benaroya available, if I may ask the
 22 Court?

23 THE COURT: Ms. Benaroya is a witness
 24 subpoenaed or allegedly subpoenaed by the defense.
 25 Before she was excused several weeks ago, she asked

1 whether or not the Court would let her know when she
 2 would be needed. Ms. Gutierrez indicated to me the
 3 other day that she needed to talk to Ms. Benaroya.
 4 What Ms. Gutierrez would like to talk to Ms. Benaroya
 5 about is within Ms. Gutierrez' own defense and
 6 strategical decision with regard to her case and what
 7 she may or may not present on defense.

8 I have nothing to do with that other than
 9 to make Ms. Benaroya available to the defense
 10 attorney and that's what I intend to do. If she
 11 wants to talk with her and it helps her in some way
 12 fashion exact questions with regard to when the
 13 lawyer was obtained, fine. She can ask Ms. Benaroya
 14 those questions. I'm not calling Ms. Benaroya as a
 15 witness. I'm just making her available for counsel
 16 as I promised I would do, and she can't and won't be
 17 available until four o'clock today.

18 For the record, I just reiterate. I've
 19 ended the fact finding by this Court into the
 20 circumstances under which Mr. Wilds obtained his
 21 lawyer. The Court's not doing anymore fact finding
 22 on that. I can rule on your motion. That was the
 23 point of my asking the questions. I can rule on Ms.
 24 Gutierrez' motion. That was the point of my asking
 25 Mr. Wilds the questions. I did not know what he was

1 going to say, and I'm satisfied that I have no facts
 2 before me that would in any way allow for any further
 3 delving into that circumstances, which means on
 4 Friday I effectively granted your motion and I'm
 5 granting it again, and I don't see any reason for Mr.
 6 Gioia to add any more facts. I don't need any more
 7 facts to rule. I've already indicated I'm
 8 satisfied. I'm giving you, have given you what you
 9 asked for.

10 MR. URICK: I appreciate the Court's
 11 response. Thank you.

12 THE COURT: And I would let the record
 13 reflect that Mr. Gioia has been present, is available
 14 to be called as a witness, but the Court is not in
 15 need of hearing from any more witnesses. Mr. Wilds
 16 alone provided me with more than enough information.
 17 I'm satisfied that he selected his lawyer. He said
 18 he did. That's what he said.

19 Now, unless Ms. Gutierrez at some time
 20 comes up with some other facts, which I don't have
 21 I'm satisfied that I have enough.

22 MR. URICK: Thank you, Your Honor.

23 THE COURT: And Ms. Gutierrez, you know,
 24 obviously, you can challenge again the motion and if
 25 you'd like to do that I will hear from you.

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Page 10

1 MS. GUTIERREZ: I don't know which motion
2 the Court is now referring to.

3 THE COURT: All right, the motion the
4 State's renewed this morning to --

5 MS. GUTIERREZ: I understand the Court's
6 motion that relates to no further fact finding
7 inquiry.

8 THE COURT: Correct.

9 MS. GUTIERREZ: But the motion --

10 THE COURT: Which is this motion.

11 MS. GUTIERREZ: Well, but their motion says
12 or renewed cross examination on the subject of Jay
13 Wilds' assistance of counsel, and based only on what
14 the Court just said, certainly I can miss something,
15 Judge, but that's not what I understand your ruling
16 was.

17 THE COURT: Correct.

18 MS. GUTIERREZ: Was to forbide me for
19 renewing cross examination on all of the material
20 that relates to --

21 THE COURT: Correct.

22 MS. GUTIERREZ: -- the assistance of
23 counsel.

24 THE COURT: Correct.

25 MS. GUTIERREZ: My understanding was that

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1 you've ruled that I can go into that.

2 THE COURT: Correct, in a limited fashion
3 you can go into it.

4 MS. GUTIERREZ: Right, based on the new
5 information and based on -- you know, however he
6 characterizes it, certainly there are facts enough to
7 --

8 THE COURT: Correct.

9 MS. GUTIERREZ: -- which I can and that's
10 my understanding.

11 THE COURT: That's granting --

12 MS. GUTIERREZ: That's not his
13 understanding.

14 THE COURT: Well, that's granting your
15 motion, Mr. Urick, in part and denying your motion in
16 part. That is it's the same thing I said on Friday.

17 MS. GUTIERREZ: That's what I thought.

18 THE COURT: On Friday I said no more fact
19 finding. We're done with that. I cannot control
20 defense counsel if defense counsel wants to spend
21 time, investigative efforts to delve into the
22 circumstances under which Mr. Wilds may have spoken
23 to Judge McCurdy or spoken to Benaroya.

24 She has a right in preparing her defense to
25 do that. I cannot control that and I won't attempt

1 to control that. So with regard to what this Court
2 is going to do, I am not going to engage in any
3 further fact finding. Your motion does say disallow
4 any further fact finding. So to the extent that that
5 includes Ms. Gutierrez, and I did not think that
6 that's what your intention was to try to limit what
7 Ms. Gutierrez may do outside of the presence of this
8 courtroom, you know, obviously, I have no control
9 over that.

10 But in this courtroom with regard to this
11 case, I, yes, grant that motion. With regard to
12 cross examination in the limited context of those
13 questions asked by Mr. Wilds that might generate
14 cross examination questions by Ms. Gutierrez about --
15 you know, the jury didn't hear him say I picked Ms.
16 Benaroya. The jury didn't hear him say I wanted
17 her. I interviewed her. The jury didn't hear him
18 say I could have had someone else. I had money. I
19 didn't really look at that. I didn't -- all of the
20 things he said, the jury never heard that. That was
21 done outside of the presence of the jury.

22 Now, if Ms. Gutierrez wants to ask those
23 very same questions so that the jury gets the benefit
24 of hearing that, I have no problem with that because
25 it does go into the mind he had at the time he was

1 making a decision to plead guilty. It affected him
2 and as I explained to you I view that as a benefit
3 that was derived, some assistance that the State's
4 Attorney got -- used in helping him secure a lawyer.

5 It doesn't mean you bought the lawyer for
6 him. It doesn't mean that you paid the lawyer. It
7 just means that you did certain things. The State
8 did certain things and as a result of what you did it
9 made it easier for Mr. Wilds to select a lawyer, but
10 ultimately he selected the lawyer, and that
11 information did not come out in front of the jury,
12 and if Ms. Gutierrez wants to bring that out or if
13 you want to clarify that information in front of the
14 jury. It goes to his state of mind, his
15 contemplation as to what he was getting in exchange
16 for pleading guilty and assisting the State, and to
17 the extent that defense counsel wants to argue it was
18 a benefit and you want to argue it wasn't a benefit,
19 the jury could decide what benefit, if any, has
20 affected the witness' credibility.

21 So in that regard Ms. Gutierrez will be
22 allowed to inquire of this witness in the presence of
23 the jury about those few additional facts and you on
24 redirect are welcome to clarify any of those facts,
25 but beyond that limited area we're not going into a

<p>1 long thing about what Mr. Wilds talked about with his 2 attorney or what long conversation he may have had 3 with Judge McCurdy. We're not going into any 4 conversation he had with Mr. Gioia.</p> <p>5 We're just going to talk about those 6 relevant factors where Ms. Gutierrez argues the 7 lawyer is a benefit and you're saying that the lawyer 8 is not a benefit and that Ms. Gutierrez says that's 9 part of the plea bargain and it's a factor that goes 10 to his credibility and you're saying it's not a 11 factor. It shouldn't be weighed as part of his 12 credibility. That's argument in the end but the 13 facts that form the basis of that argument are 14 entitled to be in front of the jury because that 15 credibility issue is going to be argued by counsel 16 and they don't have those facts right now.</p> <p>17 So in that limited fashion I don't see why 18 I need to hear from Mr. Gioia. He doesn't have 19 anything to do with this.</p> <p>20 MR. URICK: The State's appreciates the 21 clarification. May I excuse Mr. Gioia?</p> <p>22 THE COURT: Yes, you may unless Ms. 23 Gutierrez is going to call Mr. Gioia. Thank you. 24 Okay, we see that it's now almost one o'clock and Ms. 25 Gutierrez is going to have to make a mad dash to her</p>	<p>Page 12</p> <p>1 Mr. Gioia is the courtroom. You don't have any 2 problem with Mr. Gioia being in the courtroom in 3 light of my ruling.</p> <p>4 MS. GUTIERREZ: No, Judge, and I did have 5 an occasion to speak to Mr. Gioia and I didn't see 6 the relevance of it, since he never met him and never 7 -- but anyway, and I clearly understood the Court at 8 the end of the day telling me on my inquiry that your 9 questions had been answered and I understand that 10 that's where the Court was on Friday.</p> <p>11 THE COURT: For the motion.</p> <p>12 MS. GUTIERREZ: I understand on the motion, 13 but your questions about it had been answered, and if 14 you recall up at the bench we had a minor little 15 conversation where, you know, the Court felt 16 compelled to sort of take Mr. Wilds at his word and I 17 started to argue to the Court that I don't think that 18 was permissible because unlike other situations, you 19 had in front of you contrary evidence and, Judge, in 20 light of what you just said, I guess my position is 21 that I think at the very least I should be able to 22 inquire as to what I believe the heart of the matter 23 is. Not who is telling the truth, not -- I don't -- 24 that's a jury function.</p> <p>25 THE COURT: Correct.</p>
<p>1 office in order to get the --</p> <p>2 MS. GUTIERREZ: I've already called them.</p> <p>3 They are waiting for me to call --</p> <p>4 THE COURT: -- (inaudible) them.</p> <p>5 MS. GUTIERREZ: -- there so that I may be 6 -- Judge, every instinct that I have just tells me 7 to shut up and leave it alone because I'm --</p> <p>8 THE COURT: I wouldn't do that. I wouldn't 9 do that.</p> <p>10 MS. GUTIERREZ: But I really can't because 11 I believe, and I spent the weekend -- I reviewed 12 Friday's tape, you know, and, Judge, let me tell you, 13 that's hard. Having had to endure it to begin with 14 and then having to sit and listen to it all. Because 15 I was concerned, I believe that what the Court 16 arrived at at the end of the day was feeling that 17 whatever questions you had regarding the 18 circumstances of the providing of the lawyer and in 19 specific in regard to what was the new piece of 20 information on Friday morning which came directly out 21 of Mr. Urick's mouth was that there may have been -- 22 he proffered that there was a subsequent inquiry that 23 took place in front of Judge McCurdy with Mr. Wilds 24 and his lawyer that didn't --</p> <p>25 THE COURT: Ms. Gutierrez, I make a note.</p>	<p>Page 13</p> <p>1 MS. GUTIERREZ: But the issue of the 2 benefit, Judge, is something that we were entitled to 3 know before trial, not just by fortuity discovering 4 it because he happens to answer a question a certain 5 way.</p> <p>6 THE COURT: Ms. Gutierrez, I agree with you 7 and I believe what I was saying to you on Friday and 8 I will reiterate is because we got or you got this 9 information at this juncture, that you still have the 10 ability because the witness is still on the stand --</p> <p>11 MS. GUTIERREZ: I do understand.</p> <p>12 THE COURT: -- to inquire of the benefit 13 from him. However, I must -- I must emphasize. My 14 questions of Mr. Wilds -- I know this sounds like I'm 15 splitting hairs, but my questions of Mr. Wilds and my 16 belief or not had nothing to do with whether, in 17 fact, he was telling the truth.</p> <p>18 MS. GUTIERREZ: No, I understood that.</p> <p>19 THE COURT: -- but rather what his 20 testimony would have been in front of the jury.</p> <p>21 MS. GUTIERREZ: I did understand that, 22 Judge, and I am not quibbling with that.</p> <p>23 THE COURT: And if he had said --</p> <p>24 MS. GUTIERREZ: The Court is wrong but --</p> <p>25 THE COURT: If he had said, with all due</p>

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1 respect, if he had said that Mr. Urick had gotten him
 2 the lawyer, that Mr. Urick once he had gotten him the
 3 lawyer that Mr. Urick hired this person, or, you know
 4 --

5 MS. GUTIERREZ: Judge, that's my point.

6 THE COURT: When I say hired --

7 MS. GUTIERREZ: We haven't gotten there.

8 THE COURT: Exactly.

9 MS. GUTIERREZ: This witness doesn't know
 10 whether Mr. Urick paid the lawyer. All he knows is
 11 that Mr. Urick told him, well, this lawyer is here.

12 THE COURT: Well, Ms. Gutierrez, that is
 13 the point. I'm not talking about whether or not Mr.
 14 Wilds, in fact, knows. My only concern was what
 15 would he say, what was his belief at the time he
 16 testified, what was he going to say, not whether it
 17 was true or not.

18 MS. GUTIERREZ: I do understand that,
 19 Judge.

20 THE COURT: Whether or not there is
 21 information --

22 MS. GUTIERREZ: Judge, but my point --

23 THE COURT: -- beyond his belief or beyond
 24 his knowledge that might have indicated, but what --
 25 we're not into whether or not --

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1 MS. GUTIERREZ: But, Judge, I only want one
 2 thing and I think it's for all of the reasons I have
 3 articulated and that is because if, in fact, Mr.
 4 Urick paid the lawyer or caused the lawyer to be paid
 5 and/or did anything more than assume that since he
 6 knew that she had previously done pro bono --

7 THE COURT: That's the subject of another
 8 proceeding, Ms. Gutierrez.

9 MS. GUTIERREZ: To insure that this lawyer
 10 gave this witness pro bono services, then that is
 11 something --

12 THE COURT: Not subject to this proceeding
 13 unless this witness knew about it.

14 MS. GUTIERREZ: Well, I understand that,
 15 Judge.

16 THE COURT: And he doesn't.

17 MS. GUTIERREZ: And I know that. That's
 18 not what I'm asking, but because clearly that is a
 19 benefit, and clearly that puts in front of the jury,
 20 if it gets there, an issue of to whom this witness
 21 might be beholden and for what, and because of that
 22 we would have clearly been entitled to know it before
 23 we asked a single cross examination question of this
 24 witness, and because we didn't know it and we've
 25 already expended cross examination --

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1 THE COURT: I find there's no harm.
 2 MS. GUTIERREZ: Well, the whole point --
 3 THE COURT: The fact that you didn't get it
 4 before, I agree with you --

5 MS. GUTIERREZ: And I understand.

6 THE COURT: -- it would have been best, it
 7 would have been best for the State to have given it
 8 to you long before now. However, I don't and I
 9 didn't and I still don't find any harm.

10 MS. GUTIERREZ: And I'm not going to argue
 11 that, Judge. You have ruled against me. I still
 12 think the Court is wrong. The rules are there.

13 THE COURT: I understand.

14 MS. GUTIERREZ: The law is there to even --
 15 require them to do something and if they never endure
 16 any consequences for disregarding the law, it will
 17 never get better but I'm not even --

18 THE COURT: But you didn't ask me for that.

19 MS. GUTIERREZ: I'm not even rearguing that
 20 point, Judge.

21 THE COURT: You didn't ask me for
 22 sanctions. You didn't ask me for consequences. You
 23 didn't ask me for that.

24 MS. GUTIERREZ: I haven't yet, Judge.

25 THE COURT: Okay.

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1 MS. GUTIERREZ: At this point but right now
 2 where I believe we are so that the Court went into a
 3 fact finding inquiry based on, but of course that
 4 information is relevant. Now, this witness may not
 5 know it, but if, in fact, it is true --

6 THE COURT: It's another proceeding.

7 MS. GUTIERREZ: Then it certainly impacts
 8 on the availability of how far we can go with this
 9 witness because it's of even greater impact.

10 THE COURT: But he doesn't know about it,
 11 Ms. Gutierrez.

12 MS. GUTIERREZ: I understand that, Judge,
 13 but there is other sources from which we may get it
 14 and that's why we asked to have Ms. Benaroya --

15 THE COURT: If you get the information --

16 MS. GUTIERREZ: -- available.

17 THE COURT: -- it's the subject of another
 18 proceeding. It would only be --

19 MS. GUTIERREZ: And it's the subject of
 20 another witness, but it doesn't preclude our ability
 21 to cross examine Jay Wilds on it. Did you know, sir,
 22 that the lawyer that you thought two weeks later
 23 smelled fishy to you, in fact, was paid by Mr.
 24 Urick? Did you, sir, did you become aware that the
 25 lawyer you thought there was a conflict with, that

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1 may not have been representing you, in fact, was paid
 2 by Mr. Urick. That the only reason your lawyer was
 3 -- and you might have been right that there was a
 4 conflict --

5 THE COURT: But he believes that that was
 6 not the case. It would be the same Ms. Gutierrez if
 7 I'm sitting here, God forbid, and someone steals my
 8 car and the person that I'm sentencing is the thief,
 9 only I didn't know it and someone would want to hold
 10 me responsible for saying that I sentenced him
 11 inappropriately based on something that I didn't even
 12 know.

13 MS. GUTIERREZ: But that's not where we
 14 are, Judge. I'm in the middle of cross --

15 THE COURT: It is. That is where we are.
 16 He doesn't know. Even if it's true that there was a
 17 quote fishy relationship between Ms. Benaroya and Mr.
 18 Urick, this witness doesn't know about it and doesn't
 19 believe it. If it's not true that there isn't a
 20 fishy relationship, it doesn't matter because this
 21 witness doesn't know about it and doesn't believe
 22 it. If he did know about it, if he did believe it,
 23 then we'd be in a different position which is why the
 24 Court inquired in the first place. I wanted to find
 25 out what Wilds knew and what he believed because his

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1 would have come in, but that if it took place that
 2 took place before the plea which makes it
 3 unequivocably their duty to disclose that, that he
 4 had a relationship -- he clearly got -- his belief
 5 was that Mr. Urick explained that he was just being
 6 excessively cautious as to why he wanted this
 7 inquiry. He can't think of any possible reason why
 8 such an inquiry would have taken place after the plea
 9 and he has no recollection of that.

10 But based on his concern, we would, one,
 11 right now add to our witness list in the defense,
 12 Judge McCurdy, Ms. Benaroya, and Elizabeth Julian who
 13 is the Public Defender for Baltimore City, because
 14 Judge we believe not only is this a great benefit, it
 15 keeps Mr. Urick in charge of everything to do with
 16 this witness, whether the witness admits it or not,
 17 and that's the language in every single case that Mr.
 18 Urick submitted to you.

19 Yes, the inquiry starts out with what's in
 20 the mind of the person receiving the benefit but that
 21 may or may not be the truth. You may or may not get
 22 the truth from the benefit and that the defendant
 23 should never be put in a position where they're tied
 24 to that. Half of those cases are cases where it
 25 wasn't just restricting cross examination but it also

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1 belief governs what he does. His belief affects his
 2 credibility to tell the truth or not.

3 MS. GUTIERREZ: But there are things other
 4 than his belief that affect his credibility. The
 5 truth may affect his credibility. Of course, it is
 6 relevant to the jury to know that, in fact, Mr. Urick
 7 paid Ms. Benaroya to represent him, whether he knew
 8 it or not. That is a jury question.

9 Mr. Urick wrote this motion and handed me a
 10 bunch of cases. Most of whom I have already read.
 11 Every single case, Judge, helps us, establishes, you
 12 know, that there isn't a bright line. Yes, it may be
 13 up to the discretion of the judge but if it is
 14 important, if it goes to the heart of the
 15 credibility, if it goes to whether or not the witness
 16 knows it or not, these cases establish that.

17 So what I am asking is that at a minimum,
 18 Judge, and I have had an opportunity to get some
 19 facts from Judge McCurdy who doesn't really remember
 20 whether or not a hearing separately and apart from
 21 the guilty plea took place, that if it took place his
 22 recollection is well maybe there was a time, but he
 23 doesn't even know if he put it on the record when he
 24 was asked by Mr. Urick to inquire and he doesn't
 25 remember why for instance Ms. Benaroya and Mr. Wilds

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1 went on to what other evidence could they introduce
 2 and there were other side issues.

3 The State sort of in the main case tried to
 4 articulate and wrap around its wanting to exclude
 5 testimony that was excluded and was held to be a
 6 violation of that defendant's constitutional right
 7 was because it was attempting to hide under the right
 8 of privacy a juvenile's record and uphold that sacred
 9 oath and, of course, the Court held that must fall.

10 But Judge the issue, and all we're asking
 11 is that I believe we have a right to get it from Mrs.
 12 Benaroya. As this Court knows because we've told
 13 you, I hope you remember, Mrs. Benaroya is someone
 14 who has called up and said to us, she ain't accepting
 15 service. Even as a lawyer --

16 THE COURT: That's irrelevant. She'll be
 17 here at four o'clock.

18 MR. URICK: She won't talk to us.

19 THE COURT: She'll be here at four o'clock.

20 MS. GUTIERREZ: You'll have her here.

21 You're going to tell her, of course, you don't have
 22 to talk to them. She's not going to talk to us.

23 We're not going to get the information that we should
 24 have had before now unless this Court orders that
 25 that happen.

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1 THE COURT: Ms. Gutierrez, what information
 2 are you looking for? I think you're looking for
 3 information that --

4 MS. GUTIERREZ: If Ms. Benaroya was paid by
 5 Mr. Urick which certainly is on the table and about
 6 which you've received no credible evidence.

7 THE COURT: True.

8 MS. GUTIERREZ: Mr. Wilds doesn't know.

9 THE COURT: He wouldn't know.

10 MS. GUTIERREZ: And he wouldn't know.

11 THE COURT: But --

12 MS. GUTIERREZ: If she's been paid by Mr.
 13 Urick --

14 THE COURT: That's another hearing.

15 MS. GUTIERREZ: That is critical evidence
 16 to us.

17 THE COURT: It's critical evidence of
 18 what?

19 MS. GUTIERREZ: Just because it's another
 20 hearing doesn't mean that you should postpone the
 21 inevitable.

22 THE COURT: Well --

23 MS. GUTIERREZ: Thinking you're going to
 24 mount a wall over which I'm not going to be able to
 25 get.

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1 finding that it is not relevant whether or not the
 2 prosecutor paid the lawyer for its witness, is that
 3 the finding you're making?

4 THE COURT: For its witness? You mean Mr.
 5 Wilds?

6 MS. GUTIERREZ: Mr. Wilds.

7 THE COURT: At this juncture I am making a
 8 finding that this witness Mr. Wilds was not aware of
 9 any payment.

10 MS. GUTIERREZ: I --

11 THE COURT: And, therefore, the issue of
 12 whether or not Mr. Urick did pay this witness or not,
 13 lawyer, pay this witness's lawyer, is not relevant at
 14 this stage.

15 MS. GUTIERREZ: Judge, you've already asked
 16 him questions that you know I'm going to repeat and
 17 he is going to say I smelled something fishy. I
 18 thought there was a conflict. Well, Mr. Wilds, if
 19 you had known that Mr. Urick paid your lawyer's fee
 20 that would have confirmed your sense that it was
 21 fishy. Is the Court prepared to rule that that does
 22 not become relevant?

23 THE COURT: Do you have facts to show, or
 24 is this just a wild hunch that you believe --

25 MS. GUTIERREZ: Judge, I don't think that's

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1 THE COURT: Well, that's --

2 MS. GUTIERREZ: That's why you on Friday
 3 asked Ms. Benaroya to be here.

4 THE COURT: No, I asked her on Friday to be
 5 here because you indicated that you were having
 6 difficulty serving her, that you indicated that you
 7 wished the Court's assistance in getting an officer
 8 of the court available.

9 MS. GUTIERREZ: That was true.

10 THE COURT: And I said I would do that and
 11 I have, and she will be here at or about four
 12 o'clock, but I must tell you. I still do not see the
 13 relevance in front of this jury as to whether or not
 14 Mr. Urick paid Ms. Benaroya. If he did --

15 MS. GUTIERREZ: Are you ruling that because
 16 you don't see the relevance --

17 THE COURT: I'm asking --

18 MS. GUTIERREZ: -- I can't ask that
 19 question?

20 THE COURT: I'm asking? Well you only --

21 MS. GUTIERREZ: I intend to --

22 THE COURT: -- get to put admissible
 23 evidence in front of this Court if I find it's
 24 relevant. If it's not relevant, it isn't --

25 MS. GUTIERREZ: Well, are you making a

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1 a hunch.

2 THE COURT: Well, I don't have any evidence
 3 --

4 MS. GUTIERREZ: Judge, I practiced twenty
 5 years in this jurisdiction. Never have I heard of a
 6 prosecutor providing a lawyer of their choice at no
 7 charge who was not appointed by the Court from a
 8 list, not sent to the Public Defender, not appointed
 9 a lawyer not of his choice from a random -- from the
 10 panel list if there was a conflict, not once, not
 11 ever, not in this jurisdiction, not in every
 12 jurisdiction in Maryland, of which I have practiced,
 13 which is all. Not in federal court, not in the 17
 14 courts I've been admitted pro hac vice in other
 15 states.

16 Now, that is not a fishing expedition and I
 17 dare this Court to cite other instances where this
 18 has occurred. That's not fishing. That is fact.
 19 The Court knows it. This witness knows it. Mr.
 20 Urick knows it. That's not fishing and I resent the
 21 implication that I would fish about something so
 22 fundamental as that.

23 THE COURT: Ms. Gutierrez you have now
 24 raised your voice and yelled at me in a fashion
 25 that's showing a total lack of respect for this

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1 Court. Now, I have not --

2 MS. GUTIERREZ: I apologize, Judge.

3 THE COURT: I have not in any way treated
4 you in any fashion other than to give each and every
5 one of your arguments my full and undivided
6 attention. I have at every turn given you the
7 opportunity to argue your point, but for you to
8 suggest that I would just ignore some point that you
9 were raising for what reason I have no clue, is
10 totally unreasonable and inappropriate.

11 I accept your apology. I understand that
12 you are trying very hard to be an advocate for your
13 client but you have to understand that I have to make
14 my ruling the way I see it and it may not be in the
15 way you believe I ought to, which is why we have the
16 appellate system. You make your record and then we
17 move on.

18 Now, I hear what you're saying but at this
19 juncture I have no facts in front of me to show that
20 this witness, Mr. Wilds, is under any belief that the
21 State paid an attorney to represent him. I have no
22 facts in front of me, no indication that this witness
23 believed that there was any deal or benefit being
24 made other than what he's testified and that he
25 believed that it was his right, his choice to select

1 your ability to put those facts in front of the jury
2 that would issue or cause to place at issue his
3 credibility based on what he, Mr. Wilds, knew. I do
4 find that as it relates to things outside of his
5 knowledge, that that is not relevant to this witness'
6 belief of what the deal was, that this witness's
7 belief of what benefit he may have derived or will
8 derive, is not something that goes to the heart of
9 his credibility and I won't allow you to ask
10 questions.

11 Now, if you want to ask an objectionable
12 question of this witness in front of the jury after
13 what I've just said, there will be an objection made
14 by the State I suspect. And if I need to make a
15 curative instruction to put the jury back on track,
16 I'll do that, but I don't want to have to do that
17 because as you've pointed out you've been practicing
18 for twenty years, you know how to ask the question
19 and you know what I'm saying to you. You understand
20 the limitations I'm placing to you on cross. You
21 understand them clearly, I know you do.

22 You're able to make the argument. It's not
23 going to get you what you want. I'm not going to
24 open the door to every type of question beyond this
25 witness' belief and knowledge and I'm not going to

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1 the lawyer he did and he said, as I recall, I picked
2 her, I selected her, I was satisfied, and I told
3 Judge McCurdy that.

4 My concerns were addressed. I was
5 satisfied. Now, his testimony, his credibility can
6 be challenged by you. His statement that I believed
7 that it was fishy. You can ask him that question,
8 and clearly he can say that, and if you don't go
9 through the rest of the scenario on redirect, I'm
10 sure the State will in order to clarify that at the
11 end he felt satisfied that his lawyer was
12 representing his best interests. That's the basis
13 for his testifying. That's his understanding of any
14 deal, any benefit that he was going to derive by
15 testifying there.

16 There are cases that talk about the effect
17 of postponing a case until after a witness testifies
18 and clearly that is also something that goes to his
19 credibility which you can then ask him about. I
20 don't believe that fact is in front of this jury, the
21 fact that the case was postponed and you can ask
22 that. You have not asked that question in front of
23 this jury.

24 MS. GUTIERREZ: And I haven't gotten there.
25 THE COURT: Okay. But I'm not limiting

1 allow questions where you're going to pose something
2 which you now know is outside of this witness'
3 knowledge. If you ask the question, it will be a
4 question for which an objection will be made by the
5 State and it will be sustained because the motion in
6 limine, as I understand it, is trying to limit you in
7 that regard.

8 Those things outside of this witness'
9 knowledge are objectionable and it will be sustained
10 because he doesn't know about it. Whether it's true
11 or not, he doesn't know about it. It's not affecting
12 his testimony. He doesn't know about it. It's not
13 affecting his credibility. He doesn't know about
14 it. If he knows about it, if he felt it was fishy,
15 if he got an answer, that's relevant. He got an
16 answer.

17 Now, his knowledge, what's fueling his
18 testimony is relevant, but what he doesn't know, as I
19 gave you a scenario, someone's stealing my car and I
20 don't know who it is and I don't know anything about
21 it, I don't have any knowledge, then I can't be held
22 accountable for what I don't know, I don't know it so
23 it's not affecting my decision. It's not affecting
24 anything that I don't know, just like I don't know
25 what Judge McCurdy did and neither do you and you

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1 don't know what Ms. Benaroya did. I don't know it
 2 and neither do you and so it's not relevant right now
 3 because I don't know about it and Mr. Wilds doesn't
 4 know about it.

5 Now if there's some misconduct that you
 6 believe has occurred in some other aspect in terms of
 7 securing this lawyer that Mr. Wilds might not know
 8 about it but you may find out about, that might be
 9 referred to some other proceeding where Mr. Urick may
 10 have to answer a question about it. That's another
 11 proceeding and there may be some facts that come out
 12 relative to that, but as it relates to Mr. Wilds in
 13 your cross examination of him that is not relevant.

14 I agree that you should have gotten this
 15 information a little earlier and I agree that it
 16 would have been nice if the State had provided it to
 17 you but I find that the fact that they have disclosed
 18 it at this late time does not impede your ability to
 19 cross examine Mr. Wilds about it.

20 To the extent that the Court has found some
 21 relevancy in it, to the extent that it goes to what
 22 Mr. Wilds knew, and that information you've been able
 23 to cross, that information you've had the weekend to
 24 even prepare more questions, we did not continue with
 25 Mr. Wilds on Friday. We did take a break. We sent

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1 the jury home and now they're back and you will now
 2 have the ability to add to your cross and I do not
 3 find that you've been harmed in any inability to ask
 4 those questions.

5 Now, had Mr. Wilds not been on the witness
 6 stand, had we finished with his testimony and gone
 7 down a few more witnesses, then I might have a
 8 different view of that because we would have to call
 9 Mr. Wilds back. But at this point we haven't
 10 finished with Mr. Wilds. Had we not taken a break
 11 and you agreed to take the break between the direct
 12 and cross of Mr. Wilds initially, had we had that as
 13 the scenario, but it didn't happen that way.

14 So we are now in a different juncture and
 15 we are at a point where you have him still on the
 16 stand and you still have the ability to ask those
 17 questions. And I would also point out you also will
 18 have Ms. Benaroya available at four o'clock today.

19 MS. GUTIERREZ: Does the Court intend to
 20 stop at four to allow us an opportunity --

21 THE COURT: Yes.

22 MS. GUTIERREZ: -- to speak with her?

23 THE COURT: Absolutely, we'll do that. So
 24 that you will have the opportunity to speak with her
 25 and as soon as she arrives I understand she's going

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1 to come directly here and if you want to speak with
 2 her, I will allow you to do that and I note that it's
 3 now twenty minutes after one. I'm going to take a
 4 luncheon recess. I ask that counsel be back by 2:15
 5 so that we can continue and I'd like to continue with
 6 Mr. Wilds at the break. Has the jury been excused
 7 for lunch?

8 Does Mr. Wilds know to go to lunch? All
 9 right, would you walk around and tell Mr. Wilds that
 10 he is free to go lunch and he should return by 2:15.
 11 At this point we are going to take a recess and I
 12 must say on the record, Ms. Gutierrez, never ever,
 13 never ever think that you can't aggressively and
 14 passionately argue your point in front of this
 15 Court.

16 I would be the first one to defend your
 17 right to even raise your voice but I want you to
 18 understand --

19 MS. GUTIERREZ: Judge, I want you to know I
 20 never suggested --

21 THE COURT: All right.

22 MS. GUTIERREZ: -- that you were ignoring
 23 my argument. I started out in my argument by
 24 acknowledging I knew I had lost. I think you're
 25 wrong, but I know when I lose and when it goes

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1 against me. What I responded to passionately was the
 2 suggestion essentially that I would go down a fishing
 3 expedition with no basis whatsoever as if I made this
 4 up and that's what I was objecting to and that's the
 5 only thing I was objecting to.

6 THE COURT: The only thing I want you to
 7 know is you have an absolute right to do any
 8 investigation as defense counsel and use it in your
 9 theory of the defense any way you choose to do so but
 10 until I have facts in front of me, until you cannot
 11 proffer a what if to me, but rather tell me that you
 12 have evidence that you can provide to me, I can't go
 13 with a what if. I have --

14 MS. GUTIERREZ: Judge, all I'm asking for
 15 is the time to get it. And if we can't put Ms.
 16 Benaroya on the stand, I will tell you I don't expect
 17 to get it. We ain't getting it. So, you know, being
 18 nice about it isn't what discovery is about. I
 19 understand and, again, I think you're wrong for not
 20 holding them to the fire because they didn't do it
 21 ahead of time.

22 They didn't it do ahead of time, at least
 23 give us the chance to make it to where we would have
 24 been if they did what now is nice but what they were
 25 required to do. That's all I'm asking.

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1 THE COURT: I'm asking that you understand
 2 that I believe I've given you that opportunity. You
 3 don't believe it's sufficient but I believe it is.
 4 It is my discretion in deciding whether or not to do
 5 anything about a failure to provide information and
 6 given the circumstances, given the manner in which it
 7 was disclosed, given the timing of it I find that
 8 there is no error, that it would have been nice if
 9 the State gave it earlier, but that when they did
 10 provide the information, when we did get the
 11 information, that it still provided the defense an
 12 ample opportunity to do what it needed to do on
 13 cross, and still has that opportunity.

14 And I would also add that I am not going to
 15 tell the defense what witnesses to call. The only
 16 thing I ask is whatever witnesses you decide to call
 17 that they be relevant and you may be asked to support
 18 why they are relevant which you would have to do for
 19 any witnesses that you would call. I'm not going to
 20 tell you whether to call McCurdy. I'm not going to
 21 tell you whether to call Benaroya. I'm not going to
 22 tell you because I don't know your case. I don't
 23 know your defense. I don't know your theory and I'm
 24 not here to rule on that.

25 But if you have a witness and there's an

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1 MS. GUTIERREZ: I apologize, Judge.
 2 THE COURT: It has taken awhile to have Mr.
 3 Syed brought up anyway, so we can't do anything until
 4 he arrives, and I did get your message from Cindy.
 5 We'll do this. As soon as Mr. Syed arrives, would
 6 you have the jury put in the box, okay, and we can
 7 get started. First Mr. Syed, and then as soon as he
 8 is here, let's have the jury in and then I'll come
 9 back out. Until then just sit tight and don't go
 10 anywhere. This Court will take a brief recess.

11 (Whereupon the Court recessed, following
 12 which the proceedings in this matter resumed:)

13 THE COURT: Good afternoon.

14 THE JURY: Good afternoon.

15 THE COURT: Ladies and gentlemen, we're
 16 going to resume with the case of State of Maryland
 17 versus Syed. At this time Mr. Wilds, you are still
 18 under oath but I'm going to -- this is a new day and
 19 a new record and perhaps a new tape at that. I need
 20 you to stand and raise your right hand and listen to
 21 the courtroom clerk who will provide you the oath.
 22 Raise your right hand, please.

23 JAY WILDS,

24 a witness produced on call of the State, having first
 25 been duly sworn, according to law, was examined and

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1 objection to that witness being called, the only
 2 thing I'm going to ask the State is what's your basis
 3 and your basis for calling the witness and proffer
 4 how they're relevant and if you give me a proffer
 5 that they're relevant, then I may rule in your
 6 favor. You give me a proffer and I find that they're
 7 not relevant I may rule against you, but at this
 8 juncture I don't know what they're going to say. I
 9 have no way of knowing and I'm not asking you to tell
 10 me now.

11 But I am going to make sure that Benaroya
 12 is available to you because I think you have a right
 13 to subpoena her if you want and that if I can assist
 14 you, as I would for any other witness that the
 15 defense feels necessary by compulsory process, I
 16 would send the sheriff or the police to go get them,
 17 if by making a phone call I can get Ms. Benaroya here
 18 for you, I will do that and it is considered done.

19 This Court will stand in recess until 2:15.

20 (Whereupon the Court recessed, following
 21 which the proceedings in this matter resumed:)

22 THE COURT: For the record, it is now 2:16
 23 February 14th and I've resumed the bench. There is
 24 no one in the courtroom other than the courtroom
 25 clerk who just stepped out to check the doors.

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1 testified as follows:

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

4 THE WITNESS: Jay W. Wilds, 4 Norbert
 5 Court, apartment E, Catonsville, Maryland 21228.

6 THE COURT: Good afternoon, Ms. Gutierrez.
 7 The witness is with you at this time.

8 MS. GUTIERREZ: Thank you, Your Honor.

9 CONTINUED CROSS EXAMINATION

10 BY MS. GUTIERREZ

11 Q Mr. Wilds, on Friday I asked you about and
 12 you told us that there was a two hour period of time
 13 before the tape recorder got turned on on February
 14 28th, do you recall that?

15 A Yes, ma'am.

16 Q And that during that time you observed both
 17 Detective MacGillivray and Detective Ritz take notes,
 18 did you not?

19 A Yes, ma'am.

20 Q And their notes appeared to you from what
 21 you observed to be related to what you said?

22 A Yes, ma'am.

23 Q Right? Now, when you were taken downtown
 24 in their car and they came to your work to get you,
 25 the first thing they did when they got there was that

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1 they advised you of your rights, did they not?
 2 A At my place of employment.
 3 Q I'm sorry, I can't hear you.
 4 A At my place of employment?
 5 Q No, sir, the first thing they did when they
 6 got you downtown to the Homicide Division in the
 7 Headquarters Building of the police department?
 8 A Yes, ma'am.
 9 Q Is that right?
 10 A Yes, ma'am.
 11 Q They gave you a form that had all of your
 12 rights printed on it, did they not?
 13 A Yes, ma'am.
 14 Q And among the rights that you were advised
 15 of -- now you weren't charged yet, right?
 16 A No, ma'am.
 17 Q But at some point they sort of threatened
 18 or intimated you might be charged, right?
 19 A Yes, ma'am.
 20 Q And that threat or intimation of the threat
 21 was made in connection with whether or not you told
 22 them what it was that they thought that you knew,
 23 correct?
 24 A Somewhat.
 25 Q Well, you clearly understood that the more

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1 Q That was to get their help in getting you a
 2 lawyer, right?
 3 A I asked how I would obtain one.
 4 Q Because it was apparent to you that getting
 5 a lawyer in the middle of the night might be
 6 difficult, right?
 7 A That was in my thought.
 8 Q Among the rights they advised you of was
 9 that you didn't have to talk to them, right?
 10 A Yes, ma'am.
 11 Q And that if you asked for a lawyer, the
 12 questioning would be stopped and that they would
 13 assist you in getting a lawyer?
 14 A Yes, ma'am.
 15 Q Isn't that correct?
 16 A Yes, ma'am.
 17 Q They didn't go into any of the details of
 18 how that might happen though, right?
 19 A No, ma'am.
 20 Q All right, now, after you signed these
 21 several papers that you say you signed indicating
 22 that you were so advised, you did continue to talk to
 23 them, did you not?
 24 A Yes, ma'am.
 25 Q And you hadn't yet asked them for help

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1 you talked to them the less likely it was that you
 2 would be arrested, right?
 3 A No, ma'am.
 4 Q Well, sir, after they advised you of your
 5 rights and, incidentally, they didn't have you sign
 6 that sheet, did they?
 7 A Yes, ma'am.
 8 Q They did?
 9 A I signed.
 10 Q The right that advised you of all of your
 11 rights?
 12 THE COURT: I signed what?
 13 MS. GUTIERREZ: The paper.
 14 THE COURT: One moment, Ms. Gutierrez. You
 15 said I signed?
 16 THE WITNESS: I signed and initialled
 17 several papers stating all of my rights.
 18 Q Okay. And among the rights that they
 19 advised you of was your right to an attorney, right?
 20 A Yes, ma'am.
 21 Q And because that was fresh in your mind I
 22 guess close to three and a half hours later when you
 23 asked them to turn off the tape, that's why you asked
 24 them to do so as you told us before, right?
 25 A Yes, ma'am.

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1 about getting a lawyer, had you?
 2 A I asked them how I would go about obtaining
 3 one.
 4 Q Well, that was when -- at least what you
 5 told us on Friday, that was when after the tape
 6 recorder got turned off, about an hour and a half
 7 after that happened was when you asked them to turn
 8 off the tape recorder, isn't that what you told us?
 9 A I'm not understanding your question.
 10 Q Okay. On Sunday in the middle of the night
 11 --
 12 A Yes, ma'am.
 13 Q You got taken down, right?
 14 A Yes, ma'am.
 15 Q What you've told us, Mr. Wilds, is that you
 16 spoke to them before the tape recorder got turned on
 17 for about two hours?
 18 A Yes, ma'am.
 19 Q Is that right?
 20 A Yes, ma'am.
 21 Q And during that time, sir, although you had
 22 been advised, you didn't ask for a lawyer?
 23 A Yes, ma'am.
 24 Q Right?
 25 A Correct.

<p>1 Q And you didn't ask for their help in 2 getting you a lawyer?</p> <p>3 A No, ma'am.</p> <p>4 Q Even though they advised you and you signed 5 that they would help you get a lawyer if, in fact, 6 you wanted a lawyer?</p> <p>7 A Yes, ma'am.</p> <p>8 Q And that all questioning would stop if you 9 asked for a lawyer?</p> <p>10 A Yes, ma'am.</p> <p>11 Q All right, and then later, two hours later 12 the tape recorder got turned on, right?</p> <p>13 A Yes, ma'am.</p> <p>14 Q And an hour and a half after the tape 15 recorder got turned on, you asked them to stop the 16 tape recorder?</p> <p>17 A Yes, ma'am.</p> <p>18 Q And what you told us on Friday was the 19 purpose was you wanted to ask them how you would go 20 about getting a lawyer; is that right?</p> <p>21 A Yes, ma'am.</p> <p>22 Q And that was your action, right?</p> <p>23 A Yes, ma'am.</p> <p>24 Q They didn't stop the tape recorder, right?</p> <p>25 A No, ma'am.</p>	<p>Page 44</p> <p>1 A No, ma'am.</p> <p>2 Q And the questioning didn't stop then, did 3 it?</p> <p>4 A No, ma'am.</p> <p>5 Q No. Now, sir, I want to direct your 6 attention to before the tape got on, right?</p> <p>7 A Yes, ma'am.</p> <p>8 Q At that time it was a little scarey to be 9 hauled down in the middle of the night from your 10 place of employment, was it not?</p> <p>11 A Some.</p> <p>12 Q And even though they assured you, you 13 didn't have to stay and you could stop, they kept 14 asking you questions, didn't they?</p> <p>15 A Yes, ma'am.</p> <p>16 Q And you tried to answer their questions at 17 first, did they not?</p> <p>18 A Yes.</p> <p>19 Q Did you not?</p> <p>20 A Yes, ma'am.</p> <p>21 Q And they didn't seem to like what you said, 22 did they?</p> <p>23 A That's an assumption.</p> <p>24 Q Well, I'm asking you did they seem to you</p> <p>25 --</p>
<p>Page 45</p> <p>1 Q Physically they did, but they did it 2 because you asked, right?</p> <p>3 A Yes, ma'am.</p> <p>4 Q And you asked because you were concerned 5 then about getting a lawyer, right?</p> <p>6 A Yes, ma'am.</p> <p>7 Q And you've already told us they didn't get 8 you a lawyer, did they?</p> <p>9 A No, ma'am.</p> <p>10 Q And no lawyer came into the room?</p> <p>11 A No, ma'am.</p> <p>12 Q And did you retract your request for a 13 lawyer?</p> <p>14 A Retract? No, ma'am.</p> <p>15 Q Did you take it away?</p> <p>16 A No, ma'am.</p> <p>17 Q And did they tell how to you get a lawyer?</p> <p>18 A No, ma'am.</p> <p>19 Q Did they explain to you that if you were 20 going to be charged that you would be entitled to be 21 represented by the Public Defender if you were 22 indigent?</p> <p>23 A No, ma'am.</p> <p>24 Q Did they produce any lawyer for you to talk 25 to?</p>	<p>Page 45</p> <p>1 A I didn't observe that.</p> <p>2 Q -- when you were in that room to like what 3 you said?</p> <p>4 A I didn't observe that.</p> <p>5 Q Did they -- so you thought that was okay 6 with you, with them?</p> <p>7 A That was not my concern.</p> <p>8 Q Well, sir --</p> <p>9 A I wasn't paying attention.</p> <p>10 Q To whether they liked it or not?</p> <p>11 A No, ma'am.</p> <p>12 Q Well, it was important to you, was it not?</p> <p>13 A No, ma'am.</p> <p>14 Q You felt afraid in the middle of the night, 15 did you not?</p> <p>16 A Some.</p> <p>17 Q You felt threatened or intimidated that you 18 might get charged with something serious, did you 19 not?</p> <p>20 A Yes.</p> <p>21 Q And they never reassured you that Mr. 22 Wilds, it's okay, you ain't getting charged with 23 nothing, did they?</p> <p>24 A No, ma'am.</p> <p>25 Q Neither of them?</p>

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- 1 A No, ma'am.
 2 Q And nobody else came in the room and
 3 assured you of that, did you not?
 4 A No, ma'am.
 5 Q You knew without their saying anything that
 6 everything was up to whether or not they believed
 7 what you said, did you not?
 8 A That was not my assumption.
 9 Q That was not your assumption. And, sir,
 10 you freely agreed to talk to them, did you not?
 11 A No, ma'am.
 12 Q You were forced to talk to them?
 13 A I didn't volunteer.
 14 Q And so because you didn't volunteer to be
 15 there, you don't consider that you're freely talking
 16 to them?
 17 A Yes, ma'am.
 18 Q Once you got down there and they threatened
 19 you or intimated that you might be charged then
 20 before the tape recorder was turned on two hours
 21 later, did you ask for a lawyer?
 22 A Prior to the tape being turned on?
 23 Q Yes, sir.
 24 A No, ma'am.
 25 Q No. Did you ask to leave?

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- 1 A No, ma'am.
 2 Q Did you make an attempt to physically
 3 leave?
 4 A No, ma'am.
 5 Q And did you ask them if it would be okay if
 6 you just left?
 7 A I may have.
 8 Q You may have?
 9 A I do not recall.
 10 Q And if you did, did they tell you you could
 11 --
 12 MR. URICK: Objection.
 13 A No, ma'am.
 14 THE COURT: If you did, did they tell you
 15 they did?
 16 MS. GUTIERREZ: I'm sorry, that he could.
 17 THE COURT: That you could leave?
 18 MS. GUTIERREZ: That he could leave.
 19 THE COURT: And you have an objection to
 20 that question?
 21 MR. URICK: It sounds hypothetical, if.
 22 THE COURT: Overruled. Do you recall them
 23 saying that you could leave or not?
 24 THE WITNESS: If I asked them, they told me
 25 no.

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- 1 THE COURT: Very well. Next question.
 2 Q But to your recollection you never got any
 3 reassurance from them that you could leave, right?
 4 A No, ma'am.
 5 Q And you didn't leave?
 6 A No, ma'am.
 7 Q So when they asked you questions and you
 8 answered their questions you don't call that speaking
 9 to them freely?
 10 A Once I was taken downtown?
 11 Q Right.
 12 A Yes, ma'am.
 13 Q Yes, you don't call that freely?
 14 A No.
 15 Q And that's --
 16 A No, I'm sorry.
 17 Q And that's because you weren't volunteering
 18 --
 19 THE COURT: Hold on.
 20 A Yes, I was speaking to them freely once I
 21 was downtown.
 22 Q Once you went downtown?
 23 A Yes, ma'am.
 24 Q But it wasn't your idea to be downtown,
 25 right?

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- 1 A No, ma'am.
 2 Q And you weren't volunteering to talk to
 3 them, right?
 4 A No, ma'am.
 5 Q But before they turned on the tape recorder
 6 they asked you a lot of questions, did they not?
 7 A Yes, ma'am.
 8 Q Most of the same questions they asked you
 9 later?
 10 A Yes, ma'am.
 11 Q Correct? About the events of the 13th of
 12 January --
 13 A Yes, ma'am.
 14 Q -- and Adnan Syed?
 15 A Yes, ma'am.
 16 Q They brought up his name, did they not?
 17 A Excuse me. Yes, ma'am.
 18 Q And, in fact, what you said to them on the
 19 13th was that you weren't really tight with Adnan?
 20 A No, ma'am, that's correct.
 21 Q And that was the truth back then, wasn't
 22 it?
 23 A Yes, ma'am.
 24 Q You weren't really tight with Adnan?
 25 A No, ma'am.

<p>1 Q You described him as an acquaintance, 2 right?</p> <p>3 A Yes, ma'am.</p> <p>4 Q As opposed to a friend?</p> <p>5 A Yes, ma'am.</p> <p>6 Q Is that right?</p> <p>7 A Yes, ma'am.</p> <p>8 Q And that the only thing is that you might 9 be at a party where he was; is that right?</p> <p>10 A Once, yes, ma'am.</p> <p>11 Q And that's what you told them?</p> <p>12 A Yes, ma'am.</p> <p>13 Q Okay. And you were also asked to describe 14 your day on the 13th, were you not?</p> <p>15 A Yes, ma'am.</p> <p>16 Q And you described walking to the mall, 17 didn't you?</p> <p>18 A Yes, ma'am.</p> <p>19 Q Yes. Walking on your own two legs?</p> <p>20 A Yes, ma'am.</p> <p>21 Q And you described that mall that you walked 22 to as being Westview Mall, did you not?</p> <p>23 A Yes, ma'am.</p> <p>24 Q Not Security Mall?</p> <p>25 A Yes, ma'am.</p>	<p>Page 52</p> <p>1 Mall?</p> <p>2 A Yes, ma'am.</p> <p>3 Q So one or the other or both times you 4 haven't told the truth about that, right?</p> <p>5 A One or the other or both?</p> <p>6 Q You didn't go to two malls on the 13th 7 according to you, did you?</p> <p>8 A No, ma'am.</p> <p>9 Q You only went to one?</p> <p>10 A Yes, ma'am.</p> <p>11 Q Right. And if the one that you went to 12 were either Security or Westview if you sometime said 13 you went to Security and sometime said you went to 14 Westview Mall, that would not be the truth; would it?</p> <p>15 A No, ma'am.</p> <p>16 Q No. Now, which mall did you live closer 17 to?</p> <p>18 A Did I or presently?</p> <p>19 Q Then.</p> <p>20 A Westview.</p> <p>21 Q Westview. And how long of a walk way it 22 from your house to Westview Mall?</p> <p>23 A About a half hour.</p> <p>24 Q A half an hour's walk to Westview Mall?</p> <p>25 A Yes, ma'am.</p>
<p>Page 53</p> <p>1 Q You're familiar with both places, are you 2 not?</p> <p>3 A Yes, ma'am.</p> <p>4 Q They are two entirely different places, are 5 they not?</p> <p>6 A Yes, ma'am.</p> <p>7 Q And Westview Mall is off of Route 40 right 8 above Ingleside up to 695, is it not?</p> <p>9 A Yes, ma'am.</p> <p>10 Q And Security Mall is off of Security Boulevard between 695 above it up to Rolling Road; is 12 that correct?</p> <p>13 A Yes, ma'am.</p> <p>14 Q They're two entirely different malls?</p> <p>15 A Yes, ma'am.</p> <p>16 Q With some of the same stores but mostly 17 different?</p> <p>18 A Yes, ma'am.</p> <p>19 Q And you've been to both places --</p> <p>20 A Yes, ma'am.</p> <p>21 Q -- have you not? And on some occasions in 22 this case you've answered that the place that you 23 went shopping was Westview Mall, right?</p> <p>24 A Yes.</p> <p>25 Q And at other times you've said Security</p>	<p>Page 55</p> <p>1 Q And how far a walk would it have been to 2 Security Mall?</p> <p>3 A About an hour.</p> <p>4 Q About an hour?</p> <p>5 A Yes, ma'am.</p> <p>6 Q You lived much closer to Route 40 than you 7 did to Security Boulevard, correct?</p> <p>8 A Yes, ma'am.</p> <p>9 Q And you actually lived, I guess the 10 direction would be west of Rolling Road, not east of 11 Rolling Road?</p> <p>12 A Actually, I did live east of Rolling Road.</p> <p>13 Q So you lived closer to the city?</p> <p>14 A Yes, ma'am.</p> <p>15 Q As opposed to beyond Rolling Road outside 16 of the city?</p> <p>17 A Yes, ma'am.</p> <p>18 Q All right, now, sir, you're familiar with 19 Rolling Road, are you not?</p> <p>20 A Yes, ma'am.</p> <p>21 Q And, sir, you're familiar with the mosque, 22 the Islamic Society of Baltimore?</p> <p>23 A Yes, ma'am.</p> <p>24 Q And you know where its location is, do you 25 not?</p>

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- 1 A Yes, ma'am.
 2 Q It's right off of Rolling Road on, I guess
 3 there it would be south of Security Boulevard, is it
 4 not?
 5 A Yes, ma'am.
 6 Q Okay. You have to -- if you're coming from
 7 Security Boulevard and you're on Rolling Road, you
 8 come across a light that's Johnnycake Road?
 9 A Yes, ma'am.
 10 Q And if you go right in that very first
 11 block is whose house?
 12 A Mr. Syed's.
 13 Q Mr. Syed's. And you were familiar with
 14 that, were you not?
 15 A Yes, ma'am.
 16 Q And if you go left on Johnnycake Road and
 17 go down a little further past where the houses begin
 18 on the continuation of Johnnycake Road to the right
 19 is what?
 20 A The mosque.
 21 Q The mosque. And you had been there
 22 previously?
 23 A Yes, ma'am.
 24 Q And you knew that Adnan Syed belonged
 25 there, did you not?

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- 1 A I assumed so.
 2 Q And you were aware, were you not, that he
 3 was there almost on a daily basis as a result of the
 4 tenets of Islam?
 5 A I assumed so.
 6 Q And that was common knowledge?
 7 A Yes, ma'am.
 8 Q Now, on this first earlier interview, the
 9 one before the tape recording was turned on, you also
 10 told them that you went to the mall by walking
 11 right? Right?
 12 A I believe so.
 13 Q And that -- well, there's no doubt in your
 14 mind, is there?
 15 A Some.
 16 Q After the morning you then went back to
 17 your house?
 18 A Yes, ma'am.
 19 Q All right. On another occasion -- in fact,
 20 you had more than one time to go through it in that
 21 two hours, did you not?
 22 A Yes, ma'am.
 23 Q The first thing you told them was that you
 24 walked and then you walked right back to your house,
 25 right?

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- 1 A Yes, ma'am.
 2 Q And then later you told them, no, I walked
 3 to the mall and then I somehow met up with Mark
 4 Pusateri?
 5 A I believe so.
 6 Q And you couldn't recall whether you met up
 7 with him before you actually got to the mall or
 8 after, right?
 9 A Yes, ma'am.
 10 Q Now, Mark [REDACTED] is related to Jen
 11 Pusateri, is he not?
 12 A Yes, ma'am.
 13 Q He is her, your very good friend's younger
 14 brother, is he not?
 15 A Yes, ma'am.
 16 Q And back in January of '99 he was fifteen
 17 years old?
 18 A I believe so.
 19 Q Yes. And you were back then?
 20 A Nineteen.
 21 Q Nineteen years old. And you told them that
 22 he was the person that you had dealt with?
 23 A Yes.
 24 Q Either at the mall or right after the mall,
 25 right?

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- 1 A Yes.
 2 Q And then you went back to his house,
 3 meaning Mark's house, and you played video games?
 4 A Yes, ma'am.
 5 Q And that at some point his sister came
 6 home?
 7 A Yes, ma'am.
 8 Q But you didn't mention her name?
 9 A No, ma'am.
 10 Q No. And that afterwards that at some point
 11 you then just went back to your house?
 12 A Yes, ma'am.
 13 Q And, again, you were walking the whole
 14 time?
 15 A Yes, ma'am.
 16 Q And then nobody gave you a ride anywhere?
 17 A Yes, ma'am.
 18 Q And then at some point, you thought it was
 19 about two o'clock, that you received a telephone call
 20 from Adnan?
 21 A Yes, ma'am.
 22 Q About -- and what he wanted was directions
 23 to a D.C. head shop or a head shop known as Around
 24 D.C.?
 25 A Dock's.

	Page 60	Page 62
1	Q Dock's, okay?	1 Q You don't recall that?
2	A It's a head shop in Baltimore.	2 A No.
3	Q And that's actually at Eastern and	3 Q But at least they told you that based on
4	Baltimore Street?	4 what they knew from Jen that they believed that Adnan
5	A I believe so.	5 was involved?
6	Q In East Baltimore?	6 A Not Jen per se but the information that
7	A Eastern Avenue.	7 they had.
8	Q Okay. The whole other side of town where	8 Q Okay. And they told you that based on
9	you were, right?	9 their belief that Adnan was involved they wanted you
10	A Yes, ma'am.	10 to come clean and tell them that Adnan was involved,
11	Q And that's what you told the police was	11 did they not?
12	your sole contact with Adnan that day, right?	12 A Yes, ma'am.
13	A Yes, ma'am.	13 Q So then you told them, well, Adnan called
14	Q They didn't like that much, did they?	14 back and needed a ride at about 2:30?
15	A That's an assumption.	15 A Yes, ma'am.
16	Q Well, sir, did you think they liked that	16 Q Isn't that what you told them? But that in
17	information?	17 reality he caught a ride with a person by the name of
18	A Liked it?	18 Jeff [REDACTED]
19	Q Did you?	19 A [REDACTED]
20	A I couldn't tell.	20 Q [REDACTED]
21	Q Did you have a sense whether or not they	21 A No, ma'am.
22	believed your information?	22 Q You gave them that name, did you not?
23	A Some.	23 A Yes, ma'am, I gave them that name.
24	Q Well, they told you they didn't believe it,	24 Q And you told them he caught a ride with
25	didn't they?	25 Jeff [REDACTED]
	Page 61	Page 63
1	A Yes.	1 A [REDACTED]
2	Q And they told you that they had other	2 Q [REDACTED], I'm sorry?
3	information that contradicted what you told them,	3 A I do not recall.
4	right?	4 Q That would be a mistake if they wrote that
5	A Yes, ma'am.	5 in their notes?
6	Q They told you, in fact, they had anonymous	6 A Yes, ma'am.
7	calls from Indian people that said look at Adnan, did	7 Q Yes, because that's not something you would
8	they not?	8 have told them?
9	A No, ma'am.	9 A No, ma'am.
10	Q They told you that they had spoken to Jen	10 Q They got that part wrong if that's how they
11	Pusateri the night before, did they not, or the early	11 put it?
12	evening hours of the day before?	12 A Yes, ma'am.
13	A I believe so.	13 Q Okay. And you said that Jeff drove him to
14	Q And they told you what she said, did they	14 the High's store?
15	not?	15 A Yes, ma'am.
16	A Some of it.	16 Q Was the him referring to you?
17	Q And they told you that based on that and	17 A No, ma'am.
18	other information they didn't believe what you said?	18 Q It was referring to Adnan?
19	A Yes, ma'am.	19 A Yes, ma'am.
20	Q And they told you that they believed that	20 Q The person they wanted to hear about?
21	Adnan Syed was involved based on what Jen told them?	21 A Yes, ma'am.
22	A Yes, ma'am.	22 Q They made no mistake that Adnan was the
23	Q And based on these anonymous calls from	23 person they wanted to hear about?
24	persons who were Indian?	24 A Yes, ma'am.
25	A I don't recall.	25 Q Okay. And that you then walked down to the

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1 High's store and hooked up with them?	1 A Yes, ma'am.
2 A Yes, ma'am.	2 Q -- was it not? And they made it clear that
3 Q And that you gave them directions to reach	3 if you didn't come clean with them about Adnan that
4 the head shop named Docks at Eastern and Baltimore?	4 you were going to get charged?
5 A Yes, ma'am.	5 A Yes, ma'am.
6 Q And you did so, right? You did so, you did	6 Q Yes, and there was no equivocation about
7 give him directions, did you not?	7 that, was there?
8 A No, ma'am.	8 A No, ma'am.
9 Q But that's what you first told them?	9 Q You knew exactly what they meant --
10 A Yes, ma'am.	10 A Yes, ma'am.
11 Q And then they made it very clear that the	11 Q -- did you not? And by getting charged
12 information that they were seeking was really all	12 that meant getting charged with the murder of Hae Min
13 about Adnan?	13 Lee, did it not?
14 A Somewhat.	14 A Yes, ma'am.
15 Q Well, a lot, didn't they?	15 Q Because so far you were the closest person
16 A I'm not understanding.	16 near according to them, were you not?
17 Q As the conversation went on, Mr. Wilds, you	17 A They didn't say anything like that.
18 got increasingly comfortable, did you not?	18 Q Well, they told you they were prepared to
19 A No, ma'am.	19 charge you, did they not?
20 Q You got less fearful of being charged, did	20 A Yes, ma'am.
21 you not?	21 Q And when they did that it would be fair to
22 A Somewhat.	22 say that your anxiety about that issue went up, did
23 Q Some. And you got less fearful based on	23 it not?
24 what you said to them, did you not?	24 A Yes, ma'am.
25 A Somewhat.	25 Q But it only went down after you began to
Page 65	Page 67
1 Q And also based on what they said to you?	1 speak about Adnan?
2 A Yes, ma'am.	2 A No, ma'am.
3 Q You got reassured that you were going to	3 Q All right, now, Mr. Wilds, there came a
4 walk out of that police station that day or sometime	4 point when the tape recorder got turned on, right?
5 real soon without being charged with any crime?	5 A Yes, ma'am.
6 A No, ma'am.	6 Q Was it one of those little ones or a big
7 Q So, sir, did you stay -- did you remain at	7 tape recorder with a reel?
8 the same level of fear that you might be charged?	8 A It was a reel to reel. It was a small box.
9 A Not the same level, no.	9 Q It was a small one like a micro cassette?
10 Q It got lesser, didn't it?	10 A No.
11 A Yes, ma'am.	11 Q Bigger than that?
12 Q You got less anxious about that happening,	12 A Yes.
13 did it not?	13 Q And you knew when it got turned on, did you
14 A Yes, ma'am.	14 not?
15 Q And, sir, the more that you told them about	15 A Yes, ma'am.
16 that person that they had made clear was important,	16 Q They had to ask your permission, did they
17 the less your -- the more your anxiety went down, did	17 not?
18 it not?	18 A I believe so.
19 A Yes, ma'am.	19 Q And at that point you didn't ask for a
20 Q All right. And when you -- there came a	20 lawyer, did you?
21 point when they asked to turn on the tape recorder,	21 A No, ma'am.
22 right?	22 Q You didn't need the help of a lawyer in
23 A Yes, ma'am.	23 your own mind, did you?
24 Q That was after they told you that they	24 A Hmm, not quite.
25 didn't believe you and you'd better come clean --	25 Q Not quite needing a lawyer?

1 A No, ma'am.
 2 Q So at that point you hadn't asked them for
 3 a lawyer, right?
 4 A No, ma'am.
 5 Q And none had been provided?
 6 A No, ma'am.
 7 Q And you hadn't been asked again if you
 8 might want to talk to a lawyer?
 9 A No, ma'am.
 10 Q And no lawyer walked in?
 11 A No, ma'am.
 12 Q And there was no lawyer to your knowledge
 13 available in the Police Department --
 14 A No, ma'am.
 15 Q -- was there? And they hadn't conveyed to
 16 you any information that there was a lawyer room
 17 where lawyers might be?
 18 A No, ma'am.
 19 Q Or a lawyer place where lawyers might be?
 20 A No, ma'am.
 21 Q Waiting for someone like you to need their
 22 services?
 23 A Absolutely not.
 24 Q And before the tape recorder got turned on
 25 they asked if that was okay with you, wasn't it?

1 A Yes, ma'am.
 2 Q And when they asked for the tape recorder
 3 they asked much of the same questions that they asked
 4 you before the tape recorder went on, hadn't they?
 5 A Yes, ma'am.
 6 Q And you didn't then after the tape recorder
 7 went on ask for a lawyer until about an hour and a
 8 half into the tape recorded statement?
 9 A Yes, ma'am.
 10 Q Okay. Prior to that time no lawyer
 11 appeared?
 12 A No, ma'am.
 13 Q So, sir, it would be fair to say, would it
 14 not, that you were less anxious about being charged?
 15 A Somewhat.
 16 Q And that by their actions they appeared to
 17 be interested in Adnan Syed's activities, did they
 18 not?
 19 A Not solely.
 20 Q Well, they weren't solely interested in
 21 yours, were they?
 22 A Yes, ma'am.
 23 Q Well, you didn't tell them you had anything
 24 to do with the murder, did you?
 25 A No, ma'am.

1 Q You just told them that you barely knew
 2 Hae, right?
 3 A Yes, ma'am.
 4 Q And that Adnan told you things, right?
 5 A Yes, ma'am.
 6 Q But that you didn't do anything?
 7 A Yes, ma'am.
 8 Q Right?
 9 A Yes.
 10 Q That's what you told them, right?
 11 A Yes, ma'am.
 12 Q Your hands were absolutely clean, right?
 13 A Yes, ma'am.
 14 Q And you hadn't done anything to help kill
 15 her; is that right?
 16 A Yes, ma'am.
 17 Q You just looked at the body at a place that
 18 you lied about, right?
 19 A Yes.
 20 Q Going down Edmondson Avenue?
 21 A Yes, ma'am.
 22 Q And that when you were asked to help bury
 23 her you refused to do it, correct?
 24 A Yes, ma'am.
 25 Q You didn't tell them that it was your

1 shovels?
 2 A No, ma'am.
 3 Q And you didn't tell them what you did with
 4 those shovels afterwards, did you?
 5 A No, ma'am.
 6 Q In fact, on Friday when I asked you, Mr.
 7 Wilds, we talked about when you later went back,
 8 either that night or the next day that you wiped the
 9 fingerprints off the shovels; is that right?
 10 A Yes, ma'am.
 11 Q In fact, you moved your shovels, did you
 12 not?
 13 A I believe so.
 14 Q Okay. You moved them from one dumpster,
 15 right?
 16 A Yes, ma'am.
 17 Q To another dumpster, right?
 18 A Yes, ma'am.
 19 Q A lot of dumpsters to keep track of, wasn't
 20 it?
 21 A No, ma'am.
 22 Q Well, sir, you were --
 23 A Why would I need to keep track of them?
 24 Q Your first interview prior to asking them
 25 for a lawyer, had anything happened that made you do

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1 so?

2 A In the interview that made me ask for a
3 lawyer?

4 Q Yes, sir.

5 A The police were reversing their statements.

6 THE COURT: I'm sorry, the policemen were
7 what?

8 THE WITNESS: Reversing their statements.

9 THE COURT: Reversing their statements.

10 Q They were reversing their statements?

11 A Yes, ma'am.

12 Q You began to feel threatened again, did you
13 not?

14 A Yes, ma'am.

15 Q That you would get charged that night,
16 right?

17 A Possibly.

18 Q And that's when you asked to turn off the
19 tape recorder, right?

20 A Yes, ma'am.

21 Q To ask them to do what they had already
22 told you they would do if you asked, right?

23 A Yes, ma'am.

24 Q Get a lawyer?

25 A Yes, ma'am.

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1 they?

2 A Yes, ma'am.

3 Q And you told them yes?

4 A Yes, ma'am.

5 Q And they hadn't reassured you in any
6 measure you wouldn't get charged?

7 A No, ma'am.

8 Q Now, they didn't ever stop it after they
9 put it back on, did they?

10 A No, ma'am.

11 Q And, once again, after the tape recorder
12 went back on again, three and a half hours after you
13 began to speak to them, they continued to ask you
14 about Adnan Syed?

15 A Yes, ma'am.

16 Q Did they not? And they continued to want
17 information about what he did?

18 A Yes.

19 Q And what he said?

20 A Yes, ma'am.

21 Q They weren't so concerned about you, were
22 they?

23 A It seemed that way to me.

24 Q It seemed that way to you based on what
25 they asked, right?

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1 Q Right? If you asked that they would
2 provide it or see that one was provided, right?

3 A Yes, ma'am.

4 Q And in that little break, I think you told
5 us Friday it was about ten minutes?

6 A Yes, ma'am.

7 Q In that ten minute break they again
8 reassured you about how you're not going to get
9 charged, didn't they?

10 A No, ma'am.

11 Q They didn't get you a lawyer, did they?

12 A No, ma'am.

13 Q No lawyer came in, did they?

14 A No, ma'am.

15 Q But within ten minutes you told them that
16 it was okay to turn back on the tape recorder, didn't
17 you?

18 A Yes, ma'am.

19 Q And that was okay with you, was it not?

20 A No, ma'am.

21 Q You just did so because you were scared?

22 A No, ma'am.

23 Q Did they make you do so?

24 A No, ma'am.

25 Q And they did ask you if it was okay, didn't

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1 A That they were still concerned.

2 Q But even though, sir, it may have seemed
3 that way to you you were lying to them any way,
4 right?

5 A Yes, ma'am.

6 Q About most critical details, right?

7 A Not most critical.

8 Q Well you were lying about the chronology
9 that occurred, did you not?

10 A Some.

11 Q You were lying about where things may have
12 occurred?

13 A Yes, ma'am.

14 Q Who was involved?

15 A No, ma'am.

16 Q Well, you lied about the who by omitting
17 names of people that might have been involved?

18 A Yes, ma'am.

19 Q And might have heard things?

20 A Yes.

21 Q And might have corroborated what, if
22 anything, you said?

23 A Yes, ma'am.

24 Q And you've agreed, sir, have you not, that
25 that's lying by omission?

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1 A Yes, ma'am.
 2 Q That that's not the truth?
 3 A Excuse me, yes, ma'am.
 4 Q That's lying by concealing what the real
 5 truth is?
 6 A Yes, ma'am.
 7 Q And so you had already admitted to them
 8 about where things happened, correct?
 9 A Yes, ma'am.
 10 Q And who may have witnessed or corroborated
 11 anything you had to say?
 12 A Yes, ma'am.
 13 Q But they appeared to believe it, did they
 14 not?
 15 A That's an assumption.
 16 Q Well, sir, when you took them to the place
 17 that was a lie on Edmondson Avenue, did they appear
 18 to believe you?
 19 A Yes, ma'am.
 20 Q And when you got there you not only pointed
 21 out where the place was but you admit, oh, yes, this
 22 is the place I was talking about, didn't you?
 23 A Yes, ma'am.
 24 Q So they asked you that question, didn't
 25 they?

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1 A Yes, ma'am.
 2 Q It wasn't just silence there on that
 3 corner, was there?
 4 A No.
 5 Q You said no this corner is where he popped
 6 the trunk and I saw the body?
 7 A Yes, ma'am.
 8 Q And you lied about things that you saw
 9 about the body, did you not?
 10 A No, ma'am.
 11 Q Well, sir, you described at first that her
 12 face was down, did you not?
 13 A She was laying on her side.
 14 Q The first time you described that. In your
 15 second statement you said she was face down?
 16 A Head turned slightly to the right.
 17 Q That's not my question, sir. Did you
 18 describe it on your first occasion on which you
 19 described it as her body being face down, yes or no?
 20 MR. URICK: Objection.
 21 THE COURT: Sustained.
 22 Q Mr. Wilds, do you recall that in that first
 23 occasion that you indicated that her lips were blue?
 24 A Yes, ma'am.
 25 Q And by blue you meant the color blue,

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1 right?
 2 A Yes, ma'am.
 3 Q Visible to you as blue, right?
 4 A Yes, ma'am.
 5 Q Visible to you as someone who had been
 6 exposed to the cold for a long time might exhibit
 7 blueness --
 8 MR. URICK: Objection.
 9 THE COURT: Sustained.
 10 Q Sir, did you intend to convey that?
 11 MR. URICK: Objection.
 12 THE COURT: Sustained.
 13 Q Did you describe the blue in any way?
 14 MR. URICK: Objection.
 15 THE COURT: I'm sorry, I didn't hear the
 16 question.
 17 Q Did you describe the blue in any way?
 18 THE COURT: Overruled.
 19 A No, ma'am.
 20 Q And were you asked any questions about what
 21 it was you meant when you call her lips blue the
 22 first time you described it?
 23 A No, ma'am.
 24 Q Now, sir, on Friday you described what you
 25 saw -- you say you saw at a different location than

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1 this Edmondson Avenue address, is that her neck was
 2 blue, do you recall that?
 3 A Yes, ma'am.
 4 Q And would you agree that that is a
 5 different description than her lips being blue?
 6 A No, ma'am.
 7 Q You think it's the same thing to say
 8 someone's lips are blue and their neck is blue?
 9 A It's not the same thing to say that, no.
 10 Q It's not same thing, is it? So would you
 11 agree that describing her lips as being blue and at
 12 another time describing her neck as being blue as
 13 being two different things?
 14 MR. URICK: Objection.
 15 THE COURT: Overruled.
 16 A No.
 17 THE COURT: Was it two different things,
 18 your answer?
 19 THE WITNESS: If she was blue, she was
 20 blue.
 21 THE COURT: Very well. Your next question.
 22 Q So the answer to my question is, it's not
 23 two different things?
 24 THE COURT: Sustained.
 25 Q Do you regard it as the same thing?

1 MR. URICK: Objection.
 2 THE COURT: Overruled. Do you regard them
 3 as the same thing?
 4 THE WITNESS: No, ma'am.
 5 THE COURT: Your next question.
 6 Q Now, in regard to what you saw, sir, you've
 7 told us you knew Hae Lee because she sat in your
 8 biology class, right?
 9 A Yes, ma'am.
 10 Q And that's when she was in the eleventh
 11 grade and you were in the twelfth or in an earlier
 12 year?
 13 A That's the year.
 14 Q That was the year. And that would have
 15 been the school year that began in September of '97
 16 and went through until June of '98?
 17 A Yes, ma'am.
 18 Q Okay. And you and Hae were never
 19 independent friends, were you?
 20 A No, ma'am.
 21 Q She never called you?
 22 A No, ma'am.
 23 Q You never called her?
 24 A Maybe once for homework.
 25 Q For?

1 A Homework.
 2 Q Homework. But you would not have described
 3 yourself as friends?
 4 A No.
 5 Q And your girlfriend Stephanie was your
 6 girlfriend back then, was she not?
 7 A Yes, ma'am.
 8 Q And your girlfriend Stephanie was in the
 9 magna program as was Hae Min Lee, was she not?
 10 A Yes, ma'am.
 11 Q A program that you were not in; right?
 12 A Yes, ma'am.
 13 Q You, sir, on Friday, did you describe them
 14 as being friends?
 15 A No, ma'am.
 16 Q No. And, in fact, Hae Min Lee and your
 17 girlfriend Stephanie weren't really friends, were
 18 they?
 19 A No, ma'am.
 20 Q They didn't socialize on their own, did
 21 they?
 22 A Excuse me, no, ma'am.
 23 Q At least not to your knowledge, right?
 24 A No, ma'am.
 25 Q Hae Min Lee was not a name that your

1 girlfriend regularly mentioned?
 2 A No, ma'am.
 3 Q Or even really mentioned at all?
 4 A On occasion.
 5 Q On occasion. But you clearly understood
 6 that Hae Min Lee was not Stephanie's good friend?
 7 A Yes, ma'am.
 8 Q And you came to understand that Hae Min Lee
 9 was not even somebody Stephanie particularly liked?
 10 A Yes, ma'am.
 11 Q That, of course, wasn't a surprise to you,
 12 was it?
 13 A No, ma'am.
 14 Q And you described that you went out with
 15 Hae Min Lee and Adnan and your girlfriend who wasn't
 16 a friend of Stephanie on two occasions?
 17 A No, ma'am.
 18 Q Well, you described going to the dance, did
 19 you not?
 20 A Yes, ma'am.
 21 Q That was the dance in, I believe it was in
 22 April 25th, 1998?
 23 A At the fire station?
 24 Q The junior prom.
 25 A Oh, yes.

1 Q Yes. And it was your testimony that you
 2 went to that dance together with Adnan and Hae Min
 3 Lee?
 4 A They were there, yes.
 5 Q They were there, right?
 6 A Yes.
 7 Q At the dance. Along with fifteen hundred
 8 other people?
 9 A Yes, ma'am.
 10 Q And you describe that, sir, as going with
 11 them?
 12 A Yes, ma'am.
 13 Q So you didn't ride in the car with them,
 14 did you?
 15 A I don't believe so.
 16 Q Not on the way to dance, right?
 17 A I don't believe so.
 18 Q And not on the way back from the dance?
 19 A No, ma'am.
 20 Q And you had no interaction with them for a
 21 pre-dance party or picture taken, or anything like
 22 that, did you?
 23 A Prior to the party? Prior?
 24 Q Yes.
 25 A No.

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1 Q Or after?		1 Q If you had gone out with either Hae or
2 A No, ma'am.		2 Adnan together, that would have happened because of
3 Q So all you could really tell us is that the		3 Stephanie, would it not?
4 dance was a place where you were there with your		4 A Yes, ma'am.
5 girlfriend, right?		5 Q You wouldn't have (inaudible) arranged to
6 A Yes, ma'am.		6 double date with Hae and Adnan, would you?
7 Q Adnan was there with what appeared to be		7 A No, ma'am.
8 his girlfriend?		8 Q You wouldn't have (inaudible) arranged to
9 A Yes, ma'am.		9 have Adnan go with you, would you?
10 Q And at that dance there was a prince and		10 A No, ma'am.
11 princess?		11 Q That would be Stephanie's doing, right?
12 A Yes, ma'am.		12 A Yes, ma'am.
13 Q And the princess was Stephanie [REDACTED]?		13 Q Because Adnan was her friend?
14 A Yes, ma'am.		14 A Yes, ma'am.
15 Q And the prince was Adnan Syed?		15 Q And, in fact, although you might not have
16 A Yes, ma'am.		16 objected to it happening, it never happened, did it?
17 Q And that didn't upset you, did it?		17 A No, ma'am.
18 A No, ma'am.		18 Q No occasion where you double dated with
19 Q And you were aware then that the prince		19 Adnan and Hae?
20 Adnan Syed was your girlfriend Stephanie's best		20 A That is correct.
21 friend?		21 Q No occasion where together the four of you
22 A I wouldn't say that.		22 went anywhere socially together?
23 Q You wouldn't say that?		23 A No, ma'am.
24 A No, ma'am.		24 Q And no occasion where they came over to
25 Q But would she?		25 your house?
	Page 85	Page 87
1 A No, ma'am.		1 A No, ma'am.
2 Q And the other occasion in which you told us		2 Q Or they were invited over to your
3 about on Friday that you went out with them?		3 girlfriend's house while you were there?
4 A Pardon me?		4 A No, ma'am.
5 Q The other occasion on which you went out		5 Q And you went over to Hae's house?
6 with them, meaning Adnan and Hae?		6 A No, ma'am.
7 A I myself, Stephanie, and Mr. Syed went to a		7 Q Or you went over to Adnan's house?
8 dance together.		8 A No, ma'am.
9 Q The three of you?		9 Q Never a single social occasion --
10 A Yes, ma'am.		10 MR. URICK: Objection.
11 Q Not Hae?		11 Q -- where you all got together?
12 A No, ma'am.		12 THE COURT: Sustained.
13 Q You didn't double date with Hae --		13 Q In regard to whether or not you told
14 A No, ma'am.		14 anybody else about the events on the 13th, you were
15 Q -- and Adnan, did you?		15 asked that by the police, were you not?
16 A No, ma'am.		16 A Yes.
17 Q In fact, there is no social occasion that		17 Q And although you didn't tell them the truth
18 you went to that could be described as together?		18 the first time, right?
19 A No, ma'am.		19 A Yes, ma'am.
20 Q With the two of them?		20 Q And you didn't tell them the truth after
21 A No, ma'am.		21 the tape recorder was put on?
22 Q And if you had gone out with them, one or		22 A No, ma'am.
23 both of them together that would have been occasioned		23 Q And you told them different truths on the
24 by Stephanie, would it not?		24 15th of March, right?
25 A Pardon me?		25 A Yes, ma'am.

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1 Q And you told them other things on the 13th 2 of April when you were asked, right? 3 A Yes, ma'am. 4 Q You were aware, sir, that as a result of -- 5 maybe I forgot, I thought I asked you this. Were you 6 aware that Adnan Syed was arrested on the 28th 7 following your statement? 8 A You asked me, the following day I learned 9 that. 10 Q The following day, meaning on the 1st of 11 March? 12 A That morning, yes. 13 Q And then on the 15th of March, which would 14 have been two weeks and a day later, is when your 15 second statement was, right? 16 A Yes, ma'am. 17 Q And then you also spoke to them again on 18 the 13th of April? 19 A Yes, ma'am. 20 Q And at the time that you spoke to them on 21 the 13th of April, sir, you were where? 22 A That Mr. Syed was in custody? 23 Q Pardon? 24 A That Mr. Syed -- 25 Q No, where were you?	1 Q And you did so, right? 2 A Yes, ma'am. 3 Q Your house wasn't ever searched, was it? 4 A No, ma'am. 5 Q And you had told them, well, by the way, I 6 threw away my coat ultimately, right? 7 A Yes, ma'am. 8 Q So that a search wouldn't have revealed the 9 coat that you had on that day, right? 10 A No, ma'am. 11 Q And that you had thrown away the boots that 12 you had on, right? 13 A Yes, ma'am. 14 Q So a search of your house wouldn't have 15 revealed those boots, right? 16 A No, ma'am. 17 Q Or any pants? 18 A No, ma'am. 19 Q Or your shirt or T-shirt, right? 20 A My T-shirt, but not my shirt. 21 Q Okay. And the police seemed to believe 22 that, did they not? 23 A Yes, ma'am. 24 Q They had your word for it, didn't they? 25 MR. URICK: Objection.
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1 A Oh. At the police station. 2 Q At the police station. And, sir, you were 3 aware, were you not, that the State's Attorney's 4 Office was presenting a case to the Grand Jury, the 5 Grand Jury that issues indictments, were you not? 6 A Yes, ma'am. 7 Q That's why you were down here, wasn't it? 8 A I found that out after I arrived. 9 Q Afterward. But you were down here on the 10 13th? 11 A Yes, ma'am. 12 Q You weren't taken to the Grand Jury, were 13 you? 14 A No, ma'am. 15 Q You weren't asked to appear in front of -- 16 in the room -- 17 MR. URICK: Objection. 18 Q -- in which the Grand Jury -- 19 THE COURT: Sustained. 20 Q -- was hearing evidence? 21 THE COURT: Sustained. Ms. Gutierrez, 22 please move on. 23 Q Now, sir, were you ever asked to describe 24 what you had on on that day? 25 A Yes, ma'am.	1 THE COURT: Sustained. 2 Q They didn't search your house, did they? 3 MR. URICK: Objection. 4 THE COURT: If you know? Do you know if 5 they searched your house? Do you know if the police 6 searched the house. 7 THE WITNESS: Wouldn't that be illegal if 8 they did and I didn't? 9 THE COURT: That's not the question. The 10 question is do you know if they searched your house? 11 THE WITNESS: No, ma'am. 12 THE COURT: The answer is I don't know. 13 Q Did they ever ask your permission to search 14 your house? 15 A Yes, ma'am. 16 Q And did you give them that permission? 17 A Yes, ma'am. 18 Q Were you ever present when they searched 19 your house? 20 A They never searched my house. 21 Q Pardon? 22 A They never searched my house. 23 Q They never searched your house. You're 24 sure of that, aren't you? 25 A To the best of my knowledge.

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<p>1 Q You don't think that the police came in 2 secretly and searched your house such that you 3 wouldn't know it?</p> <p>4 MR. URICK: Objection.</p> <p>5 THE COURT: Sustained.</p> <p>6 Q Now, sir, I was asking you about at any 7 time you were asked to identify anyone who you might 8 have told about these events, right?</p> <p>9 A Yes, ma'am.</p> <p>10 Q And at first you told them, no, no, I told 11 Jen after?</p> <p>12 A Yes, ma'am.</p> <p>13 Q And, sir, at the first time you were asked 14 you never mentioned Jen?</p> <p>15 A No, ma'am.</p> <p>16 Q You only later mentioned her, right?</p> <p>17 A Yes, ma'am.</p> <p>18 Q And when you first mentioned her you said 19 you told her on the 13th?</p> <p>20 A Yes, ma'am.</p> <p>21 Q The same day these events occurred --</p> <p>22 A Yes, ma'am.</p> <p>23 Q -- right? But that later when you were 24 asked you told them, oh, no, I told her on the 12th, 25 did you not?</p>	<p>1 A I told the police that.</p> <p>2 Q Yes, and Gilston Park, as we previously 3 discussed, is a place that you and Jen go, correct?</p> <p>4 A Yes, ma'am.</p> <p>5 Q And that place -- now, let me put you back 6 to Rolling Road, where Rolling Road intersects with 7 Route 40; is that correct?</p> <p>8 A Yes, ma'am.</p> <p>9 Q All right. That's an intersection that 10 we've described. That is where the McDonald's you 11 mentioned that didn't really happen is, right?</p> <p>12 A Yes, ma'am.</p> <p>13 Q And right up the street from that 14 intersection is the PetSmart?</p> <p>15 A Up Route 40?</p> <p>16 Q Yes?</p> <p>17 A Yes, ma'am.</p> <p>18 Q And the F & M?</p> <p>19 A Yes, ma'am.</p> <p>20 Q And is it below that intersection, is the 21 Super Fresh?</p> <p>22 MR. URICK: Objection.</p> <p>23 Q Or is it above that intersection --</p> <p>24 THE COURT: Sustained. I believe we went 25 on --</p>
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<p>1 A Yes, ma'am.</p> <p>2 Q The day before, right?</p> <p>3 A Yes, ma'am.</p> <p>4 Q And that you told her in detail that you 5 thought Adnan was going to kill his girlfriend, 6 right?</p> <p>7 A I told the police that, yes.</p> <p>8 Q And if she had learned on the 12th and not 9 the 13th, you would agree she would have had adequate 10 time to call the police and say I don't know whether 11 to believe this or not but my very good friend told 12 me that an acquaintance of his is going to kill his 13 girlfriend?</p> <p>14 MR. URICK: Objection.</p> <p>15 THE COURT: Sustained. Next question.</p> <p>16 Q And, sir, you would agree that when you 17 told them about the 12th you told them that that 18 occurred at Gilston Park, did you not?</p> <p>19 MR. URICK: Objection.</p> <p>20 THE COURT: Sustained.</p> <p>21 Q That the conversation with Jen Pusateri 22 during which you told her it was going to occur 23 occurred at Gilston Park, did you not?</p> <p>24 MR. URICK: Objection.</p> <p>25 THE COURT: Overruled.</p>	<p>1 Q With regard --</p> <p>2 THE COURT: Ms. Gutierrez, Ms. Gutierrez, 3 if I may. I know that we've had the testimony broken 4 up, but I believe we covered this area once before. 5 However, if there's some questions that you need --</p> <p>6 MS. GUTIERREZ: No, I just need to lay the 7 foundation so we're talking --</p> <p>8 THE COURT: Very well.</p> <p>9 Q In regard to that intersection, Gilston 10 Park is in what direction?</p> <p>11 A North.</p> <p>12 Q North, meaning away from the city?</p> <p>13 A No.</p> <p>14 Q No?</p> <p>15 A Rolling Road runs north/south west of the 16 city. It's just north. It's not away from the 17 city. It's north.</p> <p>18 Q So it would be on the opposite side of the 19 intersection of Rolling Road then is the McDonald's?</p> <p>20 A No, ma'am.</p> <p>21 Q Okay. On the same side?</p> <p>22 A Yes, ma'am.</p> <p>23 Q So Gilston Park would be on the same side 24 of Route 40 as would be Security Square Mall if you 25 continued across Rolling Road?</p>

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1 A Yes, ma'am.
 2 Q And is it above or below Rolling Road?
 3 A In terms of?
 4 Q Where Gilston Park is?
 5 A It's north.
 6 Q Well, by north where Gilston Park is?
 7 A Above. It's above.
 8 Q Above?
 9 A Security Square Mall is above, north of
 10 Gilston Park.
 11 Q And how far away is Gilston Park from
 12 Security Square Mall?
 13 A Maybe three, three and a half miles.
 14 Q Three and a half miles. And that's driving
 15 miles?
 16 A Yes, ma'am.
 17 Q Okay. Gilston Park is the place that you
 18 identified to the police in your statement?
 19 A Yes, ma'am.
 20 Q They didn't, unlike the way they asked
 21 about Adnan, they didn't bring up Gilston Park to
 22 you?
 23 A What occasion?
 24 Q On any occasion in which you spoke with
 25 them about it?

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1 A No, ma'am.
 2 Q You did speak to them about it, right?
 3 A Yes, ma'am.
 4 Q And on that occasion they didn't bring up
 5 Gilston Park, did they?
 6 A No, ma'am.
 7 Q They didn't bring it up by name?
 8 A No, ma'am.
 9 Q Or by location?
 10 A No, ma'am.
 11 Q You brought it up?
 12 A Yes, ma'am.
 13 Q Okay. And that was in relationship with
 14 your good friend Jen?
 15 A Yes, ma'am.
 16 Q And where the conversation was that you
 17 held with her advising her of what your acquaintance
 18 Adnan Syed said?
 19 A Yes, ma'am.
 20 Q Now, in regard to that, those names that
 21 you concealed, there's Jen, right?
 22 A Yes, ma'am.
 23 Q Your friend Krista [REDACTED] right? Of names
 24 that you first concealed?
 25 A Yes, ma'am.

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1 Q And there was another person's name that
 2 ultimately came up, was there not?
 3 A I believe so.
 4 Q Pardon?
 5 A I believe so.
 6 Q And that person's name was Chris
 7 [REDACTED]
 8 A Yes, ma'am.
 9 Q And Chris [REDACTED] was a friend of
 10 yours?
 11 A Yes, ma'am.
 12 Q From Woodlawn?
 13 A Yes, ma'am.
 14 Q Who graduated with you?
 15 A Yes, ma'am.
 16 Q The same year?
 17 A Yes, ma'am.
 18 Q June of '98. And you told the police that
 19 you told him what Adnan said, didn't you?
 20 A Yes, ma'am.
 21 Q Yes. And he was also a name that you
 22 mentioned later, not at first, wasn't he?
 23 A Yes, ma'am.
 24 Q Yes. Now, in regard to the events of the
 25 day you also came up with different stories at the

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1 end of the day where you were when Jen picked you up,
 2 did you not?
 3 A I couldn't remember.
 4 Q Well, sir, it's hard to remember when you
 5 don't tell the same thing each time, isn't it?
 6 MR. URICK: Objection.
 7 THE COURT: Sustained.
 8 Q Mr. Wilds, do you recall that at some point
 9 you told them that Jen picked you up at Westview
 10 Mall, right?
 11 A I told the police I couldn't remember.
 12 Q And then you told them that she picked up
 13 you at Westview?
 14 A I told them that was a possibility, yes.
 15 Q So in your conversation at first you said,
 16 oh, I can't remember, but maybe she picked me up at
 17 Westview?
 18 MR. URICK: Objection.
 19 A Yes.
 20 THE COURT: Overruled.
 21 Q Did you say something like that?
 22 A No, ma'am.
 23 Q You said, oh, it's a possibility she picked
 24 me up at Westview?
 25 MR. URICK: Objection.

1 THE COURT: Overruled.
 2 A No, ma'am.
 3 Q And at the time that you conveyed whatever
 4 it was about Westview you indicated to them that
 5 that's something that could have happened?
 6 A Pardon?
 7 Q The picking you up at Westview?
 8 A Yes, ma'am.
 9 Q Okay. And that if it happened, that
 10 happened after the body was buried, right?
 11 A Yes, ma'am.
 12 Q And as you've told us, Mr. Wilds, that was
 13 a pretty traumatic event for you, wasn't it?
 14 A Very so.
 15 Q That was the first body you helped bury,
 16 right?
 17 MR. URICK: Objection.
 18 THE COURT: Sustained.
 19 Q The details of that event were fresh in
 20 your mind wherever it was you were that your very
 21 good friend Jen Pusateri picked you up, weren't they?
 22 MR. URICK: Objection.
 23 THE COURT: Sustained.
 24 Q And, sir, do you recall that another
 25 possibility that you said to the police was that she

1 that day, don't you?
 2 A Yes, ma'am.
 3 Q And you do recall changing them in your own
 4 home?
 5 A Yes, ma'am.
 6 MR. URICK: Objection.
 7 THE COURT: Sustained.
 8 Q Sir, you were also asked by the police in
 9 all of your statements how many contacts you had had
 10 with Adnan after that day on the 13th, were you not?
 11 A Yes, ma'am.
 12 Q And you told them different things, didn't
 13 you?
 14 A Yes, ma'am.
 15 Q The first time you told them maybe once?
 16 A Yes, ma'am.
 17 Q And then on another occasion you told them,
 18 oh, I had contact with him a dozen times?
 19 THE COURT: Contact with him a dozen
 20 times?
 21 MS. GUTIERREZ: A dozen times.
 22 A Not to my recollection.
 23 Q But you told them something different than
 24 the once, isn't that right?
 25 A Yes, ma'am.

1 picked you up at your house?
 2 A Yes, ma'am.
 3 Q In fact, it was more likely that she picked
 4 you up at your house, wasn't it?
 5 MR. URICK: Objection.
 6 THE COURT: Overruled.
 7 A I believe I told the police that.
 8 Q And it was more likely that that's what
 9 happened, was it not?
 10 A To the best of my memory, yes.
 11 Q Because you changed your clothes, didn't
 12 you?
 13 A Yes, ma'am.
 14 Q And you changed them in your own house,
 15 didn't you?
 16 A Yes, ma'am.
 17 MR. URICK: Objection.
 18 Q And the first place that you told them --
 19 THE COURT: Overruled.
 20 Q -- where you threw away those clothes, was
 21 in the trash in your own home, right?
 22 A In front of my house, the dumpster.
 23 Q In front of your house, right?
 24 A Yes, ma'am.
 25 Q And you do recall changing your clothes

1 Q You weren't the same in response to their
 2 questions about this person that they were most
 3 interested in, were you?
 4 MR. URICK: Objection.
 5 THE COURT: Sustained. You don't have to
 6 answer that.
 7 Q Sir, do you recall -- you know a person by
 8 the name of Krista [REDACTED]?
 9 A No, ma'am, I do not.
 10 Q Do you recall January 13th was a Wednesday,
 11 was it not?
 12 A I believe so.
 13 Q And the 14th was a Thursday?
 14 A I believe so.
 15 Q And the 15th was a Friday?
 16 A I believe so.
 17 Q And oftentimes back then, or at least while
 18 Stephanie was your girlfriend, she would set up
 19 things for the two of you to do, would they not --
 20 would she not?
 21 A In regards to?
 22 Q You and her.
 23 A Like our dates?
 24 Q Yes.
 25 A It was mutual.

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- 1 Q Well, sometimes she would make plans, would
2 she not?
- 3 A Yes, ma'am.
- 4 Q To go to some place where her friends might
5 be?
- 6 A Yes, ma'am.
- 7 Q Or some event that was happening that
8 really involved her friends?
- 9 A Yes, ma'am.
- 10 Q Whether or not they were your friends?
- 11 A Yes, ma'am.
- 12 Q And you two had been girlfriend and
13 boyfriend for so long that was generally okay with
14 you, was it not?
- 15 A Yes, ma'am.
- 16 Q If your girlfriend Stephanie wanted to go
17 to a party with her friends you were pleased to
18 accompany her, were you not?
- 19 A Yes, ma'am.
- 20 Q Even if it was a party where you really
21 hardly knew anybody, right?
- 22 A Yes, ma'am.
- 23 Q Because she wanted to go, right?
- 24 A Yes, ma'am.
- 25 Q Do you recall, sir, on the 15th that you

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- 1 went to a birthday party for a friend of Stephanie's,
2 an acquaintance of Stephanie by the name of Krista
3 Myers?
- 4 A At the firehouse?
- 5 Q At the firehouse.
- 6 A Yes, ma'am.
- 7 Q Yes, and at that party you were there,
8 right?
- 9 A Yes, ma'am.
- 10 Q And Stephanie was there, right?
- 11 A Yes, ma'am.
- 12 Q And Adnan was there?
- 13 A Yes, ma'am.
- 14 Q And there were other students from
15 Woodlawn?
- 16 A Yes, ma'am.
- 17 Q And there was a birthday party for a friend
18 of Stephanie's?
- 19 A Yes, ma'am.
- 20 Q Not somebody who was a friend of yours?
- 21 A No, ma'am.
- 22 Q Not somebody you would have described,
23 correct?
- 24 A No, ma'am.
- 25 Q And do you recall, sir, that that took

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- 1 place on the Friday after these events?
- 2 A Yes, ma'am.
- 3 Q And do you recall, sir, that you got to
4 that party in Adnan Syed's car?
- 5 A Yes, ma'am.
- 6 Q And that he had gone to pick up his good
7 friend Stepanie, your girlfriend, and then the two of
8 them proceeded to go pick you up?
- 9 A Yes, ma'am.
- 10 Q And you went, did you not?
- 11 A Yes, ma'am.
- 12 Q And it was a party that involved a lot of
13 people, did it not?
- 14 A Some.
- 15 Q And you knew before they arrived at your
16 house that they were coming, didn't you?
- 17 A No, ma'am.
- 18 Q It was a surprise to you that your
19 girlfriend and her good friend came to pick you up to
20 take you some place?
- 21 A Yes, ma'am.
- 22 Q And even though it was a surprise to you
23 you went?
- 24 A We had planned to go alone.
- 25 Q Pardon?

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- 1 A We had planned to go alone.
- 2 Q You had planned to go alone?
- 3 A Me and Stephanie.
- 4 Q And it was a surprise to you that her good
5 friend Adnan drove?
- 6 A Yes, ma'am.
- 7 Q You didn't know about that ahead of time?
- 8 A No, ma'am.
- 9 Q You didn't refuse to get in the car, did
10 you?
- 11 A No, ma'am.
- 12 Q And you didn't indicate to Stephanie in any
13 way, oh, this is a bad idea, this guy is a killer,
14 did you?
- 15 A Not at that particular time.
- 16 Q Not at that time?
- 17 A No, ma'am.
- 18 Q And you did get in his car, did you not?
- 19 A Yes, ma'am.
- 20 Q And you drove with them to this party, did
21 you not?
- 22 A Yes, ma'am.
- 23 Q And you drove with him back from the party,
24 did you not?
- 25 A Yes, ma'am.

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1 Q And Mr. Wilds, you were asked in several of
 2 your statements or at least you answered in response
 3 to questions about a location called the Cliffs, do
 4 you remember that?

5 A Yes.

6 Q The Cliffs is a specific location within
 7 the park, is it not?

8 A Yes, ma'am.

9 Q And that park is not Leakin Park, is it?

10 A No, ma'am.

11 Q And it's not Gilston Park, is it?

12 A No, ma'am.

13 Q It's in a different location than either of
 14 those two?

15 A Yes, ma'am.

16 Q In regard to the same intersection about
 17 which we talked, Rolling Road and Route 40, where are
 18 the Cliffs?

19 A Southwest.

20 Q Southwest meaning, would that be more
 21 outside the city or closer toward the city?

22 A Further away.

23 Q Further away. And further away than
 24 Security Mall would be?

25 A In relation to?

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1 Q Patapsco State Park. And that's closer on
 2 that end toward where the dividing line is between
 3 Baltimore and Howard County?

4 A It overlooks the river which is the
 5 dividing line.

6 Q And that's why it's called the Cliffs,
 7 isn't it?

8 A Yes, ma'am.

9 Q Because there's the appearance of rocky
 10 cliffs on the bank line of the river there?

11 A There are rocky cliffs.

12 Q Pardon?

13 A There are rocky cliffs.

14 Q There are rocky cliffs and that's why you
 15 all call it that?

16 A Yes, ma'am.

17 Q And to get there you have to go out further
 18 on Route 40, do you not?

19 A No, ma'am.

20 Q Is that a way that you can get there?

21 A No, ma'am.

22 Q Are you aware that Route 40 actually
 23 crosses that same river from the other side?

24 A It crosses the river further north.

25 Q Okay. So a different place. So you have

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1 Q In relation to that intersection?

2 A Yes, ma'am.

3 Q Okay. The opposite direction of where
 4 Security Mall was?

5 A Yes, ma'am.

6 Q The opposite direction from the
 7 intersection from where Gilston Park is?

8 A Yes, ma'am.

9 Q And is the physical location of the Cliffs
 10 named that?

11 A I don't believe so.

12 Q That's what you all just call it?

13 A Yes, ma'am.

14 Q Is that right? But it actually has a name
 15 to it, does it not?

16 A I believe so.

17 Q And it's within a larger park, is it not?

18 A Excuse me, yes.

19 Q Well, sir, are you aware of the name of
 20 that?

21 A Uh-huh.

22 Q And what is that?

23 Q Yes, ma'am.

24 Q What is that?

25 A Patapsco State Park.

1 to actually go further away to get to this place that
 2 you call the Cliffs; is that right?

3 A Further south.

4 Q Yes.

5 A Yes, ma'am.

6 Q And the Cliffs is a location -- you were
 7 never asked to show where that was, were you?

8 A Yes, ma'am.

9 Q Yes. And you showed them where it was?

10 A Yes, ma'am.

11 Q And you showed them where it was because
 12 you said to them that that was a place, the place
 13 where Adnan told you --

14 A Yes, ma'am.

15 Q -- what it was he was going to do?

16 A No, ma'am.

17 Q What it was he had done?

18 A Yes, ma'am.

19 Q And you showed them the place because of
 20 what you had said?

21 A In relation to?

22 Q Well, they asked you to show them this
 23 place that you said this happened?

24 A Yes, ma'am.

25 Q Isn't it?

1 A Yes, ma'am.
 2 Q But that's not what you at first told them,
 3 was it?
 4 A Yes, ma'am.
 5 Q The second time you spoke with them on the
 6 tape on the 15th did you tell them that then?
 7 THE COURT: I'm sorry, I couldn't hear that
 8 whole question.
 9 Q On the second time you spoke to them on
 10 tape, on the 15th, the 15th of March, did you tell
 11 them that?
 12 A I believe so, yes.
 13 Q And when was it that they asked you to show
 14 them the Cliffs?
 15 A Not soon thereafter.
 16 Q Not soon?
 17 A Thereafter.
 18 Q Meaning not soon far away during that time
 19 or?
 20 A Maybe a week.
 21 Q Maybe a week after that?
 22 A Yea, a little less.
 23 Q Now, sir, do you recall telling them that
 24 that's the place where Adnan asked you where to hide
 25 the body?

1 A Yes, ma'am.
 2 Q And you essentially told him that wasn't a
 3 good place, didn't you?
 4 A Yes, ma'am.
 5 Q Because there was too much traffic?
 6 A No, ma'am.
 7 Q People traffic?
 8 A No, ma'am.
 9 Q Or car traffic?
 10 A No, ma'am.
 11 Q Or that it might be too easy to find?
 12 A No, ma'am.
 13 Q You just told him that wasn't a good place?
 14 A Yes, ma'am.
 15 Q You didn't offer any explanation as to why?
 16 A No, ma'am.
 17 Q And that's because you thought that was not
 18 a good place to hide a dead body?
 19 A No, ma'am.
 20 Q Do you recall that the police asked you a
 21 number of times about money?
 22 A Yes, ma'am.
 23 Q They kept asking you if Adnan had paid you
 24 money?
 25 A Yes, ma'am.

1 Q Any money?
 2 A Yes, ma'am.
 3 Q Anything akin to money, right?
 4 A Yes, ma'am.
 5 Q And they kept implying that they thought he
 6 paid you money, didn't they?
 7 A Yes, ma'am.
 8 Q They made no mistake about that, didn't
 9 they?
 10 A Yes, ma'am.
 11 Q And they made you aware that they had asked
 12 your very good friend Jen Pusateri if she thought he
 13 paid you money, didn't they?
 14 A Yes, ma'am.
 15 Q And, in fact, they told you that your very
 16 good friend Jen Pusateri had told them it would take
 17 a lot of money, that you would do anything, didn't
 18 they?
 19 A I believe so.
 20 Q They seemed to believe her, didn't they?
 21 A I don't know what they believed.
 22 Q Well, they asked you about it over and over
 23 and over again, didn't they?
 24 MR. URICK: Objection.
 25 THE COURT: Overruled. Did they ask you

1 about it over and over again?
 2 THE WITNESS: Until I produced a cancelled
 3 check.
 4 Q And the cancelled check was for money that
 5 you told them that you had borrowed from Adnan?
 6 A No, ma'am.
 7 Q That's not what you told them?
 8 A No, ma'am.
 9 Q That was what was for the check that you
 10 repaid what you borrowed, right?
 11 A He had given me money and I had spent it.
 12 Q He had lent you money, had he not?
 13 A Not a loan per se.
 14 Q Not a loan per se, but you repaid it?
 15 A Yes, ma'am.
 16 Q Because you spent it for some other purpose
 17 other than what you had said, right?
 18 A Other than what he had given it to me for.
 19 Q Then you repaid it with a check?
 20 A Yes, ma'am.
 21 Q But that didn't occur anywhere near the
 22 13th of January, did it?
 23 A No, ma'am, I don't believe so.
 24 Q No. That had occurred long before, had it
 25 not?

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- 1 A Not long, no.
 2 Q Well, the money that you said he gave you
 3 didn't have anything to do with the check, did it?
 4 A Uh-uh.
 5 Q And whether you recall that he gave it to
 6 you or it was a loan, you paid it back, did you not?
 7 A Some of it.
 8 Q But not all of it?
 9 A No, ma'am.
 10 Q Didn't you bring that (inaudible)?
 11 A No, ma'am.
 12 Q Who did you give it to?
 13 A No one. I still have it at home.
 14 Q Sir, when they asked you about the money
 15 issue, weren't you paid to help bury the body, didn't
 16 it appear to you, because they asked you so many
 17 times, that they didn't believe you?
 18 A Yes, ma'am.
 19 MR. URICK: Objection.
 20 THE COURT: Overruled.
 21 Q Now, other than spending biology class with
 22 Hae Min Lee during the year earlier, you told us you
 23 had no other really social contact with her and
 24 Adnan, right?
 25 A Correct.

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- 1 Q You didn't have any other social contact
 2 with her, did you?
 3 A No, ma'am.
 4 Q Her by herself?
 5 A No, ma'am.
 6 Q And not in the company of anybody else?
 7 A No, ma'am.
 8 Q And you were aware that she wasn't a
 9 particularly good friend of your girlfriend's, right?
 10 A Yes, ma'am.
 11 Q Now, on Friday, Mr. Wilds, you were asked
 12 about the clothing that you had on at the time that
 13 you saw her in the trunk of the car wherever that
 14 might have been, do you remember that?
 15 A Yes, ma'am.
 16 Q You described her clothing, did you not?
 17 A Yes, ma'am.
 18 Q You described the skirt that she had on?
 19 A The black one?
 20 Q Yes.
 21 A Yes, ma'am.
 22 Q That one. You described that, didn't you?
 23 A Yes, ma'am.
 24 Q And you described her shirt?
 25 A Yes, ma'am.

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- 1 Q And blouse?
 2 A Yes, ma'am.
 3 Q And her overcoat or windbreaker or whatever
 4 it was?
 5 A No, she did not have a coat on.
 6 Q So you described that she had stockings on?
 7 A Yes, ma'am.
 8 Q In fact, you had described to the police
 9 the color of her stockings, did you not?
 10 A Yes, ma'am.
 11 Q You called them toast?
 12 A Taupe.
 13 Q Taupe?
 14 A Yes.
 15 Q And that's a specific color, is it not?
 16 A Yes, ma'am.
 17 Q And you told us on Friday that the way you
 18 knew that it was her was you recognized the clothes?
 19 A Yes, ma'am.
 20 Q You recognized her clothes, a black skirt?
 21 A Yes, ma'am.
 22 Q A white blouse?
 23 A Yes, ma'am.
 24 Q And toast --
 25 A Taupe.

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- 1 Q Taupe stockings as having seen before, did
 2 you not?
 3 A In the trunk of the car, yes.
 4 Q Well, sir, when you saw them in the trunk
 5 of the car you didn't examine the body, did you?
 6 A No, ma'am.
 7 Q And her face was turned away. You didn't
 8 turn it over, did you?
 9 A No, ma'am.
 10 Q And you didn't explore to make sure it was
 11 the person that you thought to be Hae, did you?
 12 A No, ma'am.
 13 Q In fact, you told us how you recognized
 14 what she had on because you had seen it before, did
 15 you not?
 16 A No, ma'am.
 17 Q You do not recall that?
 18 A No, ma'am.
 19 Q But the police didn't suggest to you that
 20 her stockings were taupe, did they?
 21 A No, ma'am.
 22 Q And they didn't suggest to you that she had
 23 had on a black short skirt, did they?
 24 A No, ma'am.
 25 Q In fact, Mr. Wilds, you couldn't tell us

1 anything distinctive about that short skirt, could
 2 you?
 3 A No, ma'am.
 4 Q You couldn't for instance tell us if it
 5 zippered in the front or the back?
 6 A No, ma'am.
 7 Q Or on the side?
 8 A No, ma'am.
 9 Q Or if it had anything unusual like the cut
 10 on the bias as opposed to being cut straight?
 11 A No, ma'am.
 12 Q Or whether or not it's flared?
 13 A I don't believe it flared.
 14 Q Or whether or not it fit tight?
 15 A It was a skirt.
 16 Q Sir, though it was just a skirt you
 17 remembered it from having seen it before?
 18 A Yes, ma'am.
 19 Q Because when you looked after the trunk was
 20 popped, you didn't spend any time exploring what she
 21 had on, did you?
 22 A No, ma'am.
 23 Q You didn't reach out and touch it?
 24 A No, ma'am.
 25 Q You didn't try to move anything to get a

1 better look?
 2 A No, ma'am.
 3 Q To make sure that you had a real clear
 4 memory of what clothes this girl you thought was Hae
 5 Lee in the car was?
 6 A No, ma'am.
 7 Q And you didn't reach out to touch her to
 8 verify if she were dead, did you?
 9 A No, ma'am.
 10 Q You didn't take her pulse?
 11 A No, ma'am.
 12 Q You didn't brush her hair back?
 13 A No, ma'am.
 14 Q The trunk was popped up for how long?
 15 A Ten or twenty seconds.
 16 Q Not a very long time, right?
 17 A No, ma'am.
 18 Q That's something that gives you a long
 19 view?
 20 A No, ma'am.
 21 Q The taupe of the stockings stuck with you?
 22 THE COURT: I'm sorry, the taupe with the
 23 stockings.
 24 Q Stuck with you?
 25 A Ma'am, the whole incident stuck with me.

1 Q Pardon?
 2 A The whole incident stuck with me.
 3 Q Well, particularly the taupe?
 4 A No, not particularly.
 5 Q Now, sir, you were asked in your direct
 6 testimony and -- you were asked lots of questions --
 7 A I cannot hear you, I'm sorry.
 8 Q I'm sorry. You were asked in your direct
 9 testimony from Mr Urick about occasions in which you
 10 dealt or sold an illicit substance --
 11 A Yes, ma'am.
 12 Q -- were you not? Sir, you told us about a
 13 time when you sold an illicit substance to make money
 14 to buy your lacrosse equipment?
 15 A Yes, ma'am.
 16 Q You offered that to us as, well, I did it
 17 because I needed the money to buy my own lacrosse
 18 equipment, did you not?
 19 A Yes, ma'am.
 20 Q And was that a justification in your mind?
 21 A Absolutely not.
 22 Q And, sir, did you only sell illicit
 23 substances when you needed things that cost money?
 24 A Yes, ma'am.
 25 Q And so the way you present yourself, is

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1 MR. URICK: Objection.
 2 THE COURT: Sustained.
 3 Q Now, sir, you described that there would be
 4 some occasions when you would buy a larger quantity
 5 of marijuana?
 6 A Yes, ma'am.
 7 Q Is that right? And then sort of divide it
 8 up when there were more people than not that wanted
 9 it?
 10 A Yes, ma'am.
 11 Q And the bulk of what you bought was
 12 marijuana?
 13 A All of what I bought was marijuana.
 14 Q All that you bought was marijuana. And,
 15 sir, on the occasion when you sold the marijuana to
 16 get the money for your lacrosse equipment, if you
 17 recall that you sold the marijuana and got money, did
 18 you not?
 19 A Yes, ma'am.
 20 Q And the money that you got you then
 21 accumulated and that's what you bought the lacrosse
 22 equipment for, correct?
 23 A With, yes.
 24 Q And, sir, then what you sold marijuana for
 25 was the money, was it not?

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1 A Yes, ma'am.
 2 Q It wasn't -- you didn't sell the marijuana
 3 and then trade it for whatever equipment you needed,
 4 did you?
 5 MR. URICK: Objection.
 6 THE COURT: Sustained.
 7 Q And, sir, that wasn't the only time that
 8 you bought a quantity of marijuana and divvied it up,
 9 was it?
 10 A No, ma'am.
 11 Q You'd done that on other occasions?
 12 A Yes, ma'am.
 13 Q On other occasions when you needed to
 14 generate money, correct?
 15 A Yes, ma'am.
 16 Q And that would mean that you would sell the
 17 marijuana for more than you paid for it?
 18 A Yes, ma'am.
 19 Q So on those occasions when you got
 20 marijuana and you sold it, you weren't doing it to
 21 please people, were you?
 22 A Some.
 23 Q Well, mostly you were doing it to generate
 24 money, were you not?
 25 A Mostly.

1 Q Mostly. And, in fact, you didn't go buy
 2 marijuana with your own money and then always give it
 3 away, did you?
 4 A No, ma'am.
 5 Q And never was there an occasion when you
 6 bought a large quantity of marijuana and then you
 7 just gave it away, was it?
 8 A No, ma'am.
 9 Q Not even a single occasion?
 10 A Not a large quantity, no.
 11 Q And, sir, you dealt that way for how long?
 12 A Probably about three years.
 13 Q For years?
 14 A Three.
 15 Q Three years. And on how many occasions did
 16 you deal?
 17 A To whom?
 18 Q To everyone?
 19 A Close to a hundred.
 20 Q Close to a hundred times you dealt drugs?
 21 A Yes, ma'am.
 22 Q How many people did you sell to?
 23 A Maybe a dozen.
 24 Q A dozen. And were they all students at
 25 Woodlawn?

1 A Very few.
 2 Q Huh?
 3 A Very few.
 4 Q Most of the people that you dealt to were
 5 not from Woodlawn?
 6 A No, ma'am.
 7 Q You're not sure what the amount is?
 8 A Most of them were not.
 9 Q Most of the people were not from Woodlawn,
 10 is that right?
 11 A Yes, ma'am.
 12 Q Now, Detectives MacGillivray and Ritz, they
 13 asked you about all of that?
 14 A Vaguely.
 15 Q And they didn't ask you to identify the
 16 people that you dealt to?
 17 A No, ma'am.
 18 Q They never told you that you would be
 19 charged since you were admitting to them that you
 20 dealt illicit drugs for money, that you would be
 21 charged with drug dealing, did they?
 22 A They said that wasn't their department.
 23 Q And they assured you that they weren't
 24 going to turn over your admission of that to the
 25 right department?

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1 A It wasn't my concern.
 2 Q It wasn't your concern?
 3 A No.
 4 Q Well, sir, what you told us is that what
 5 was your concern back on the 13th and thereafter was
 6 that Adnan knew about you dealing drugs?
 7 A Yes, ma'am.
 8 Q Is that right? Back then it was of great
 9 concern if somebody turned you in for your 100 times
 10 of dealing illicit drugs, right?
 11 A At that time my house was dirty.
 12 Q Your house was dirty because you had drugs
 13 in it?
 14 A At that time.
 15 Q Right? Back on the 13th of January, right?
 16 A At that time.
 17 Q And you were concerned that he might turn
 18 you in and your dirty house might get caught?
 19 A My grandmother would be in trouble, yes.
 20 Q And that was of your concern?
 21 A Yes, ma'am.
 22 Q Now, sir, on the 13th that night when you
 23 hooked up with your very good friend Jen Pusateri,
 24 wherever that was, whether it was at Westview Mall or
 25 at your house, you got rid of the clothes that you

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1 Q Whether you threw it away at your house or
 2 near the F & M, right?
 3 A Yes, ma'am.
 4 Q And you threw it away and you've never seen
 5 it before -- again?
 6 A No, ma'am.
 7 Q Right? Because it got picked up in the
 8 trash; is that right?
 9 A Yes, ma'am.
 10 Q And you took your boots; is that right?
 11 A Yes, ma'am.
 12 Q And they were like Timberland boots, were
 13 they not?
 14 A No, ma'am.
 15 Q They weren't actually Timberland boots, but
 16 people would look at them and describe them as
 17 Timberland boots?
 18 A I don't know.
 19 Q Your good friend Jen Pusateri described
 20 them as Timberland boots, did she not?
 21 A I don't know.
 22 Q You don't know. You've never read your
 23 good friend's statement?
 24 A No, ma'am.
 25 Q It was never shared with you?

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1 thought might tie to you to the murder?
 2 A Yes, ma'am.
 3 Q Did you not?
 4 A Yes, ma'am.
 5 Q And you wiped off fingerprints of the
 6 shovel you thought might tie you to a murder; is that
 7 right?
 8 A Yes, ma'am.
 9 Q And you threw away your overcoat; is that
 10 right?
 11 A Yes, ma'am.
 12 Q And, sir, back then based on what you've
 13 told us, you're self supporting, are you not?
 14 A Yes, ma'am.
 15 Q You bought your own clothes, did you not?
 16 A Yes, ma'am.
 17 Q That was your main winter coat, was it not?
 18 A Yes, ma'am.
 19 Q And how much was it worth?
 20 A Thirty bucks.
 21 Q Thirty bucks. That was a lot of money to
 22 you, was it not?
 23 A Not a lot, but not a little.
 24 Q Not a little. You threw it away?
 25 A Yes, ma'am.

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1 MR. URICK: Objection.
 2 THE COURT: Was it shared with you? Yes or
 3 no.
 4 THE WITNESS: No, ma'am.
 5 THE COURT: Next question.
 6 Q Sir, what would you describe the boots that
 7 you had on on the 13th?
 8 A Steel toed construction boots.
 9 Q Pardon?
 10 A Steel toed construction boots.
 11 Q Steel toed. They're worth a lot of money,
 12 aren't they?
 13 A No, ma'am.
 14 Q They're better than non-steel toed
 15 construction, are they not?
 16 A Yes, ma'am.
 17 Q Sir, how much did they cost you?
 18 A They were given to me.
 19 Q You threw them away?
 20 A Yes, ma'am.
 21 Q You needed them, did you not?
 22 A No, ma'am.
 23 Q You didn't use them in your work?
 24 A I wasn't in construction at the present
 25 time.

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1	Q You had been before?	1 A Somewhat.
2	A Yes, ma'am.	2 Q To keep the stash that you were selling for
3	Q And those were shoes you wore before that	3 money present?
4	day, did you not?	4 A That wasn't my practice, no.
5	A Yes, ma'am.	5 Q That wasn't your practice?
6	Q On numerous occasions?	6 A No, ma'am.
7	A Yes, ma'am.	7 Q But on the 13th of January you had how much
8	Q This wasn't the first time you had worn	8 in your house?
9	them?	9 A I believe it was an ounce and a quarter.
10	MR. URICK: Objection.	10 Q And an ounce and a quarter. And how much
11	THE COURT: Overruled. Was it the first	11 had you paid for that?
12	time you wore them?	12 A Probably about eighty bucks.
13	THE WITNESS: No, ma'am.	13 Q And, sir, you had chosen to bring it into
14	THE COURT: All right, your next question.	14 your house?
15	Q They were valuable to you, were they not?	15 A Yes, ma'am.
16	A Somewhat.	16 Q The house that you shared with your
17	Q But you took the precaution of getting rid	17 grandmother?
18	of them?	18 A Yes, ma'am.
19	A Yes, ma'am.	19 MR. URICK: Objection.
20	Q Right? So again, you've never seen them	20 THE COURT: Sustained. We've been over
21	since, have you?	21 this several times. Please move on.
22	MR. URICK: Objection.	22 Q Well, sir, you've told us on Friday that
23	THE COURT: Now it's sustained. We're	23 the main reason that you were concerned about Adnan
24	asking the same questions. Can you move on, please.	24 Syed was what he knew about you, did you not?
25	Q After the 13th up until the 28th, were you	25 A Yes, ma'am.
	Page 133	Page 135
1	ever asked to produce those shoes?	1 Q And what he knew about you that scared you
2	A No, ma'am.	2 was that he knew about your dope dealing?
3	Q Or those clothes?	3 A More so how it works.
4	A No, ma'am.	4 Q Pardon?
5	Q Or the outer coat?	5 A More so how it works.
6	A No, ma'am.	6 Q I'm sorry, I can't hear you.
7	Q The first time you were asked about them	7 A More so how it worked.
8	was the 28th of February?	8 Q More so how it worked, meaning the selling
9	A Yes, ma'am.	9 of drugs?
10	Q Is that right? Six weeks plus after the	10 A Yes, ma'am.
11	13th of January?	11 Q And that was your big concern about Adnan;
12	A I believe so.	12 is that right?
13	Q And, sir, on the 13th of January did you	13 A Yes, ma'am.
14	clean up your house from whatever it was that you	14 Q And that's why you have told us that you
15	described it as being dirty?	15 did what you were asked, although you didn't want to,
16	A Absolutely.	16 to bury a body?
17	Q And so another thing that you did on the	17 A Part of the reasons, yes.
18	13th was to get rid of all of the drugs in the house?	18 Q Is that right? And, in fact, sir, you
19	A Yes, ma'am.	19 offered that as a reason for why you did nothing even
20	Q Prior to the 13th you had made a decision	20 though you say Adnan told you he was going to kill
21	to bring those drugs into your house, isn't that	21 Hae before he did so?
22	right?	22 A Pardon me? No, ma'am, I have not.
23	A Yes, ma'am.	23 Q Sir, do you recall that you have told the
24	Q Because that was part of your dealing then,	24 police that Adnan told you before he killed Hae?
25	isn't that correct?	25 A Yes, I told the police that.

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1 Q Okay. And you told them different things
 2 though, one day you told them he told you on the
 3 12th, remember?
 4 A Yes, ma'am.
 5 Q And another time you just told them that
 6 ahead of time on the 13th he announced that he was
 7 going to kill her; is that right?
 8 A Yes, ma'am.
 9 Q And that was a great concern to Detectives
 10 MacGillivary and Ritz on the 28th, was it not?
 11 A Yes, ma'am.
 12 Q And they asked you a lot of questions
 13 because they couldn't understand, tell us Mr. Wilds
 14 why it is you didn't do anything?
 15 A Yes, ma'am.
 16 Q Why even though you had knowledge ahead of
 17 time that your acquaintance was going to kill
 18 somebody you knew that you didn't warn them?
 19 A Yes, they asked me that.
 20 Q Or you didn't warn somebody?
 21 A Yes, they asked me that.
 22 Q Or why you didn't drop a dime?
 23 A Yes, they asked me that.
 24 Q They asked you more than one time, didn't
 25 they?

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1 A Yes.
 2 Q They seemed very concerned and didn't seem
 3 to understand why you wouldn't have done something,
 4 correct?
 5 A Yes, ma'am.
 6 Q Now, the first answer you gave them was you
 7 said, oh, I didn't believe him, isn't that right?
 8 A Yes, ma'am.
 9 Q That though he told you this, you didn't
 10 believe what he said?
 11 A Yes, ma'am.
 12 Q And you didn't think there was any threat
 13 to her; is that right?
 14 A Yes, ma'am.
 15 Q The second thing you told them was, oh,
 16 well, essentially I'm afraid of this guy because he
 17 could hurt me, did you not?
 18 A I don't believe so.
 19 Q Do you remember telling them about what he
 20 knew, didn't you, things about you?
 21 A Yes, ma'am.
 22 Q And that that was a threat to you?
 23 A Very much so.
 24 Q What he knew?
 25 A Yes, ma'am.

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1 Q And what he knew about you that you were
 2 referring to when you told the police was your
 3 dealing in marijuana?
 4 A Yes, ma'am.
 5 Q For money?
 6 A Yes, ma'am.
 7 Q And that at the time you tell us today your
 8 house was dirty, meaning it had illicit substance of
 9 marijuana in it --
 10 MR. URICK: Objection.
 11 Q -- that day?
 12 THE COURT: Sustained.
 13 Q Now, they then asked you on a number of
 14 occasions about why you didn't come forward
 15 afterwards, right?
 16 A Yes, ma'am.
 17 Q Now, prior to one-thirty in the morning on
 18 the 28th in the middle of the night the police hadn't
 19 approached you, had they?
 20 A No, ma'am.
 21 Q And they hadn't come to your house, right?
 22 A No, ma'am.
 23 Q Hadn't come to the porno store?
 24 A No, ma'am.
 25 Q And hadn't approached you anywhere else?

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1 A Excuse me, no, ma'am.
 2 Q You hadn't gotten a phone call?
 3 A No, ma'am.
 4 Q You hadn't gotten any letter from them,
 5 right?
 6 A No, ma'am.
 7 Q Nobody had asked you about the events of
 8 the 13th, right?
 9 A No, ma'am.
 10 Q And you hadn't volunteered to talk to them
 11 about it?
 12 A No, ma'am.
 13 Q Well, except that at some point you told
 14 your friend Chris [REDACTED], did you not?
 15 A I believe so.
 16 Q That's what you told the police, right?
 17 A Yes, ma'am.
 18 Q And that's not something you told them in
 19 the beginning; is that right?
 20 A No, ma'am.
 21 Q And Chris [REDACTED], to your knowledge,
 22 he's still alive, is he not?
 23 A Yes, ma'am.
 24 Q He's still alive, isn't he?
 25 A Yes, ma'am.

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1 Q And were you ever asked any further
 2 information about him?
 3 A No, ma'am.
 4 Q And you told them about this, right?
 5 A Yes, ma'am.
 6 Q You told them about what you did?
 7 A Chris [REDACTED]?
 8 Q Yes.
 9 A No, ma'am.
 10 Q Didn't you tell him about helping to bury
 11 the body?
 12 A No, ma'am.
 13 Q Well, you told the police you had told him
 14 about this?
 15 A I told them that I had spoke to Chris.
 16 Q You had spoke to Chris about these events?
 17 A Some of them.
 18 Q That's what you told the police, right?
 19 A Yes, ma'am.
 20 Q They didn't care about anybody that you had
 21 spoken to, did they?
 22 A That's an assumption. I don't know.
 23 Q Well, sir, when they were asking you
 24 questions about whether or not you told anybody else
 25 about these events, you understood them to be the

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1 events on the 13th, did you not?
 2 A Yes, ma'am.
 3 Q You knew they didn't want to hear about
 4 what you may have told anybody else about the 14th,
 5 did they not?
 6 A No, ma'am.
 7 Q And you understood that they didn't want to
 8 hear what had happened on the 27th, the day before
 9 you were down there, right?
 10 A Yes, ma'am.
 11 MR. URICK: Objection.
 12 Q You knew that the only thing they were
 13 questioning you about included whether you had told
 14 anyone else anything that you had been involved with,
 15 observed, or heard from anyone else involved in the
 16 death and burial of Hae Min Lee, isn't that right?
 17 A Yes, ma'am.
 18 Q And they didn't have questions on any other
 19 subject for you, did they?
 20 A No, ma'am.
 21 Q And so the reason that you -- and you gave
 22 them this person's name, did you not?
 23 A Yes, ma'am.
 24 Q Chris [REDACTED]?
 25 A Yes, ma'am.

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1 Q A person who you know to still be alive?
 2 A Yes, ma'am.
 3 Q And Mr. Wilds, did you call your friend
 4 Chris [REDACTED] to let him know that you used his
 5 name?
 6 MR. URICK: Objection.
 7 THE COURT: Sustained.
 8 Q And have you spoken to Mr. [REDACTED]
 9 since the 28th --
 10 MR. URICK: Objection.
 11 Q -- of February?
 12 THE COURT: Sustained.
 13 Q Did you convey to Mr. [REDACTED] that you
 14 used his name --
 15 MR. URICK: Objection.
 16 Q -- to the police?
 17 THE COURT: Sustained.
 18 Q Mr. Baskerville was your friend?
 19 MR. URICK: Objection.
 20 THE COURT: Sustained.
 21 Q How tall is he?
 22 MR. URICK: Objection.
 23 THE COURT: Overruled. How tall is Mr.
 24 Baskerville, if you know?
 25 THE WITNESS: Six three.

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1 THE COURT: Next question.
 2 Q And how much does he weigh?
 3 A I have no idea.
 4 Q Is he an athlete?
 5 A Not at all.
 6 Q Did he attend with you?
 7 A Yes.
 8 Q Through June of 1998?
 9 A Yes, ma'am.
 10 Q Was he in the gifted and talented program?
 11 A Not to my knowledge.
 12 Q The other person that you told about these
 13 events was this person by the name of Jeff [REDACTED]?
 14 A Yes, ma'am.
 15 Q Yes. And you ultimately told the police
 16 that, right?
 17 A Yes, ma'am.
 18 Q Although you didn't mention his name at
 19 first?
 20 A No, ma'am.
 21 Q And you didn't mention his name second
 22 either, did you?
 23 A No, ma'am.
 24 Q Jeff Johnson is your friend Kristi [REDACTED]
 25 boyfriend at the time; is that correct?

1 A Yes, ma'am.
 2 Q And you considered him a friend, did you
 3 not?
 4 A Yes, ma'am.
 5 Q And you had met him long prior to the 13th
 6 of January, did you not?
 7 A Yes, ma'am.
 8 Q And you had met him generally when you
 9 would go over your friend Kristi [REDACTED] Ms.
 10 [REDACTED] is that right?
 11 A Yes, ma'am.
 12 Q Ms. [REDACTED] was really a very good friend of
 13 your very good friend Jen Pusateri; is that right?
 14 A Yes, ma'am.
 15 Q And they were sorority sisters, were they
 16 not?
 17 A Yes, ma'am.
 18 Q And that sorority was out of UMBC, was it
 19 not?
 20 A Yes, ma'am.
 21 Q And UMBC is located on Walker Avenue, is it
 22 not?
 23 A Yes, ma'am.
 24 Q An area off of, I think it's 12 C of 695?
 25 A Yes, ma'am.

1 Q And you've been there before, right?
 2 A To the school?
 3 Q Yes.
 4 A Yes, ma'am.
 5 Q Although it was your testimony on Friday
 6 that on the 13th you didn't go there?
 7 A To the school?
 8 Q Yes.
 9 A Yes, ma'am.
 10 Q Or to a sorority house located off the
 11 Walker Avenue circle of the campus?
 12 A Kristi [REDACTED] house is a sorority house.
 13 Q The house is a sorority house?
 14 A It has Psy Nu symbols on the window.
 15 Q Pardon?
 16 A It has Psy Nu symbols on the window.
 17 Q And, sir, is it your testimony that when
 18 you went to visit Kristi [REDACTED] it is, in fact, a
 19 sorority house?
 20 A Is that my testimony?
 21 Q Yes, sir.
 22 A No, ma'am.
 23 Q No. So the house that you testified you
 24 visited on the 13th of January, that's not a sorority
 25 house, is it?

1 A I don't know.
 2 Q Were there other sorority sisters there?
 3 A Other than Ms. [REDACTED] and Jennifer
 4 Pusateri?
 5 Q Yes, sir.
 6 A Not at that time.
 7 Q Ms. Pusateri, she wasn't there on the 13th,
 8 was she?
 9 A That evening.
 10 Q At Kristina [REDACTED] house?
 11 A I believe so.
 12 Q That might have been a sorority house?
 13 A Yes, ma'am.
 14 Q But nobody else was there?
 15 A Yes, ma'am, Jeff [REDACTED]
 16 Q No, but no other sorority sister?
 17 A Oh, no, no, ma'am.
 18 Q Now, let me make sure we have this house
 19 straight. Is it a house or an apartment?
 20 A It's an apartment, ma'am.
 21 Q In a structure that has more than that
 22 apartment in it?
 23 A Yes, ma'am.
 24 Q And in that apartment how many bedrooms are
 25 there?

1 A Two.
 2 Q And one of the sorority sisters you
 3 believed lived there?
 4 A One.
 5 Q And was there a party there that evening?
 6 A No, ma'am.
 7 Q And you've already testified and told us
 8 that you didn't attend the sorority party there that
 9 evening?
 10 A I did not, no.
 11 Q Is that right?
 12 A Yes, ma'am.
 13 Q And if Jen Pusateri said that then she
 14 lied?
 15 A She must be mistaken.
 16 Q Oh. Friday, do you recall you said she
 17 lied?
 18 A Yes, ma'am.
 19 Q Okay. And today you're telling us she must
 20 have made a mistake?
 21 A Yes, ma'am.
 22 Q When she said, if she said it, that the two
 23 of you attended a sorority party in a sorority house?
 24 A Yes, ma'am, that evening, yes.
 25 Q Now, let me get this straight. This two

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1 bedroom apartment --
 2 A Yes, ma'am.
 3 Q -- in a structure that has more than just
 4 that apartment?
 5 A Yes, ma'am.
 6 Q That you believe is a sorority house?
 7 A Do I?
 8 Q No, that you believe to be or that may be a
 9 sorority house?
 10 A Yes, ma'am.
 11 Q Okay. That place you visited three times
 12 on the 13th?
 13 A Yes, ma'am.
 14 Q Now, every time that you visited Kristi
 15 [REDACTED] you had a certain activity, did you not?
 16 A Yes, ma'am.
 17 Q And that activity was smoking weed, was it
 18 it not?
 19 A Yes, ma'am.
 20 THE COURT: One moment. Counsel, would you
 21 mind having a seat in the hallway unless counsel has
 22 no objection to her remaining.
 23 MS. BENAROYA: All right, I'll be outside.
 24 THE COURT: One moment. Ms. Gutierrez.
 25 MS. GUTIERREZ: I believe she should go

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1 A Depending on the situation.
 2 Q So sometimes it's in a bad way?
 3 A Yes, ma'am.
 4 Q But you continue to smoke it?
 5 A Some.
 6 Q Well, now, when you say some there have
 7 been periods of time when you smoke weed, I mean,
 8 three, four, sometimes more often in a day, isn't
 9 that right?
 10 A Yes, ma'am.
 11 Q And there would be periods of time when it
 12 was pretty regular, was it not?
 13 A Some periods of time, yes.
 14 Q And Mr. Wilds, we've discussed January 13th
 15 you've actually discussed sort of looking for weed on
 16 more than one occasion, did you not?
 17 A Yes, ma'am.
 18 Q And that was the day that you smoked it?
 19 A Yes, ma'am.
 20 Q More than once a day?
 21 A Yes, ma'am.
 22 Q And that was a period of time when it was
 23 your regular practice to smoke it, was it not?
 24 A No, ma'am.
 25 Q So on January 13th when was the last time

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1 outside.
 2 THE COURT: Have a seat just out in the
 3 hallway or you may have a seat in Judge Gordy's
 4 chambers.
 5 MS. BENAROYA: Thank you, Your Honor. I
 6 have a motion to make and to file.
 7 THE COURT: You need to see either the
 8 Clerk of the Court or Ms. Connelly, can you assist me
 9 in speaking with counsel.
 10 MS. BENAROYA: Thank you.
 11 THE COURT: Thank you. All right, Ms.
 12 Gutierrez, I apologize for the interruption.
 13 Q I was asking you about the activity that
 14 you generally do there; is that right?
 15 A Yes, ma'am.
 16 Q It's smoking weed, is it not?
 17 A Yes, ma'am.
 18 Q We discussed a little bit of this I believe
 19 the other day. When you smoke weed, it affects you,
 20 does it not?
 21 A Some.
 22 Q And it alters you physically, does it not?
 23 A Some.
 24 Q And that's generally in a good way as far
 25 as you're concerned?

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1 that you had smoked weed?
 2 A On the way home when Ms. Pusateri dropped
 3 me off.
 4 Q That was on the 13th?
 5 A Yes, ma'am.
 6 Q No, I meant prior to that day and I did not
 7 make that clear. Prior to that day when was the last
 8 time you recall you had smoked?
 9 A Three days before.
 10 Q So would it be fair to say, sir, since it
 11 was an illegal substance that smoking it every fourth
 12 day, was this your regular practice?
 13 A Not every fourth day.
 14 Q So some days you smoked it sooner than
 15 every four days, right?
 16 A Yes.
 17 Q Some days you smoked it every fourth day or
 18 more?
 19 MR. URICK: Objection.
 20 THE COURT: Sustained.
 21 Q It would be fair to say however many days
 22 was in between you smoking weed, sir, that back in
 23 January of 1999 you smoked it regularly?
 24 A Pertaining to everyday?
 25 Q I'm sorry, regularly?

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1	A Define that for me.	
2	Q I didn't hear you.	
3	A Define your definition of regularly.	
4	Q On a regular basis, however often it was?	
5	A I'm not understanding.	
6	Q Well, sir, smoking weed was not a rare event for you back in January '99, was it?	
7	A Not really, no.	
8	Q The search for weed was not a rare search for you back in January of 1999?	
9	MR. URICK: Objection.	
10	THE COURT: Sustained.	
11	Q On January 13th you went to your friend, your good friend Kristi's house three times, did you not?	
12	A Yes, ma'am.	
13	Q And back then because it was a regular habit of yours, usually when you went to her house you smoked weed, did you not?	
14	A To Ms. [REDACTED]?	
15	Q Yes.	
16	A Yes.	
17	Q And that was almost every occasion you visited, didn't you?	
18	A Not every, no.	
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1	Q Well, sir, that included times when Ms. Vinson was by herself, right?	
2	A Once or twice.	
3	Q And times when Ms. Pusateri was there also?	
4	A Yes, ma'am.	
5	Q And times when her boyfriend Jeff [REDACTED] was there also?	
6	A Yes.	
7	Q And it also included times when others were there, correct?	
8	A Yes.	
9	Q And now on that particular day, though you may not have told the police this right up front, you were there three separate occasions, correct?	
10	A Yes, ma'am.	
11	Q One occasion you've told us about when you arrived in late afternoon, early evening with Mr. Syed; is that right?	
12	A Could you ask the question again?	
13	Q One of those occasions was the time that you told us about on the 13th when you arrived late afternoon or early evening with Mr. Syed, correct?	
14	A Upon retrieving him from practice?	
15	Q Pardon?	
16	A Upon retrieving him from practice?	
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1	Q Yes.	
2	A Yes.	
3	Q And another occasion was when you went there after you hooked up with Jen Pusateri, much later in the evening and you and she went there, right?	
4	A Yes.	
5	Q And a third occasion was that you had already been there in the earlier afternoon by yourself?	
6	A Correct.	
7	Q But you didn't tell the police about that time at first, did you?	
8	A I don't believe so.	
9	Q And if Jen Pusateri says that you and she were there twice, would that be correct?	
10	A Yes, ma'am.	
11	Q So then there were actually four times that you went --	
12	A No, ma'am.	
13	Q -- to Kristi's?	
14	A No, ma'am.	
15	Q Just three?	
16	A Just three.	
17	Q One by yourself?	
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1	A Yes, ma'am.	
2	Q One with Adnan?	
3	A Yes, ma'am.	
4	Q And one with Jen Pusateri?	
5	A Yes, ma'am.	
6	Q Not two times with Jen Pusateri?	
7	A She may have been there on two occasions but I did not go there with her.	
8	Q So the answer to my question is no, just once with Ms. Jen Pusateri?	
9	A Yes, ma'am.	
10	MR. URICK: Objection.	
11	THE COURT: Sustained.	
12	Q You didn't first tell the police about the first time you went there alone?	
13	MR. URICK: Objection.	
14	THE COURT: Sustained.	
15	Q When you went there the first time that was without Adnan?	
16	MR. URICK: Objection.	
17	THE COURT: Sustained.	
18	Q When you went there without Adnan the first time, sir, did you smoke marijuana?	
19	MR. URICK: Objection.	
20	THE COURT: Sustained.	
21	Q When you went there without Adnan the first time, sir, did you smoke marijuana?	
22	MR. URICK: Objection.	
23	THE COURT: Sustained.	

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1 MS. GUTIERREZ: May we approach the bench?
 2 THE COURT: This area has been covered
 3 previously.
 4 MS. GUTIERREZ: Not with whether or not he
 5 smoked.
 6 THE COURT: Yes, it was. In fact --
 7 MS. GUTIERREZ: Not as to this visit.
 8 THE COURT: It was covered in previous
 9 questions on cross examination.
 10 MS. GUTIERREZ: On the second --
 11 THE COURT: So please ask a new question.
 12 Q On the second time you went to Ms. [REDACTED]
 13 house with Adnan did you smoke marijuana?
 14 MR. URICK: Objection.
 15 THE COURT: Sustained.
 16 Q Did anyone smoke marijuana?
 17 MR. URICK: Objection.
 18 THE COURT: As to anyone, you may answer
 19 that question.
 20 THE WITNESS: Yes.
 21 Q And who was that?
 22 A I myself, Ms. Pusateri, and Jeff. I
 23 myself, Ms. Pusateri and Jeff, I'm sorry.
 24 Q Let me make sure I clarify. I was asking
 25 you about the second time that you went and that's

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1 the time you told us only you and Adnan went, right?
 2 A Only I and Adnan went there. Ms. Pusateri
 3 may have already been there.
 4 Q Pardon?
 5 A Ms. Pusateri may have already been there.
 6 Q Well, sir, was she or wasn't she?
 7 A I do not recall.
 8 Q When you arrived with Adnan, you mean Jen
 9 Pusateri may have already been present?
 10 A Yes.
 11 Q So that on the time that you have described
 12 after you picked him up at the track practice or
 13 after track practice was over, right?
 14 A Yes, ma'am.
 15 Q It was you and Adnan?
 16 A Yes, ma'am.
 17 Q And Ms. [REDACTED] ?
 18 A Yes.
 19 Q And her boyfriend Jeff [REDACTED] ?
 20 A Yes, sir.
 21 Q And maybe Jen Pusateri?
 22 A Yes, ma'am.
 23 Q You just don't recall?
 24 A No, ma'am.
 25 Q She could have been there?

1 A Yes, ma'am.
 2 Q Because she's there all of the time, isn't
 3 she?
 4 A Yes, ma'am.
 5 Q For the expressed purpose of smoking weed?
 6 MR. URICK: Objection.
 7 Q Isn't that right?
 8 THE COURT: Sustained.
 9 Q Now, sir, you didn't go to Ms. [REDACTED]
 10 house in any way to help out Adnan, did you?
 11 A Absolutely not.
 12 Q And you didn't go there in any way to seek
 13 assistance when you buried the body, did you?
 14 A Uh-uh.
 15 Q From either questions by you, right?
 16 A Pardon me? I'm not understanding you, I'm
 17 sorry.
 18 Q You didn't go there because you cared for
 19 information about burying the body, right?
 20 A No, ma'am.
 21 Q Or any suggestions about where to do so?
 22 A No, ma'am.
 23 Q Or how to do it?
 24 A No, ma'am.
 25 Q Or what was necessary?

1 A No, ma'am.
 2 Q Or what was the best location?
 3 A No, ma'am.
 4 Q And you never said to Adnan come on we're
 5 going to go to my good friend Kristi [REDACTED] and
 6 she'll help us figure out what to do now, right?
 7 A No, ma'am.
 8 Q Because according to you the body was still
 9 in the car, right?
 10 A Yes, ma'am.
 11 Q As far as you knew, right?
 12 A Yes, ma'am.
 13 Q And to your knowledge you had had Adnan's
 14 car since then?
 15 A Yes, ma'am.
 16 Q Right?
 17 A Yes, ma'am.
 18 Q And except for the time that you dropped
 19 him off when he was out of your sight at practice you
 20 knew where he was, right?
 21 A I assumed where he was, yes.
 22 Q And you believed, sir, that the body was
 23 still in the trunk of the car where you had last seen
 24 it; is that right?
 25 A Yes, ma'am, that's what I believed.

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1 Q And you didn't go over to Kristi [REDACTED]
 2 to get Jeff [REDACTED] advice, did you, about where to
 3 bury the body?

4 A No.

5 Q Or what to do about it?

6 A Pertaining to?

7 Q Pardon?

8 A Pertaining to?

9 Q What to do about the body?

10 A Oh, no, ma'am.

11 Q No. And you didn't go over there in the
 12 hope that you might see your good friend Jen
 13 Pusateri, did you?

14 A No, ma'am.

15 Q And you didn't go over there seeking her
 16 advice?

17 A No, ma'am.

18 Q Or seeking once you got there to call her
 19 over there, right?

20 A No, ma'am.

21 Q On all of the occasions you had been there
 22 with Jen Pusateri that was a place where you
 23 comfortably smoked weed; is that right?

24 A Not on all occasions.

25 Q But on most?

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1 moment. Do you need to use the facilities?

2 THE WITNESS: Yes, ma'am.

3 THE COURT: Wait one moment, and you may
 4 also take a break. I'm going to direct the clerk if
 5 you could see that Mr. Wilds walks to the men's room
 6 once the jurors go back and if you'll bring him back
 7 I would appreciate it. And while you are there, you
 8 can use the facilities if you'd like to. This Court
 9 stands in recess until the jurors return.

10 (Whereupon the Court recessed, following
 11 which the proceedings in this matter resumed:)

12 THE COURT: One second.

13 MS. GUTIERREZ: In relationship to time
 14 just so I can plan --

15 THE COURT: Well, we can take a break
 16 because I note that Mr. Wilds has indicated that he
 17 would like to speak to his attorney; is that correct,
 18 Mr. Wilds?

19 THE WITNESS: Yes, ma'am.

20 THE COURT: And you want to speak to your
 21 attorney about some questions that they've posed to
 22 you at this point?

23 THE WITNESS: No, ma'am.

24 THE COURT: You just want to talk to her
 25 generally?

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1 MR. URICK: Objection.

2 THE COURT: Sustained.

3 Q And so there may have actually been two
 4 separate occasions that you were at Kristi [REDACTED]
 5 house while Jen Pusateri was there?

6 MR. URICK: Objection.

7 THE COURT: Sustained.

8 Q Now --

9 THE COURT: One moment, Ms. Gutierrez. The
 10 jurors need a brief facilities break and we will take
 11 just that. I'm going to ask the deputy sheriff if
 12 you will kindly walk the jurors over. Make sure they
 13 have no contact with anyone. Allow them to do that.
 14 Once they have all used the facilities, walk them
 15 back. This is not a long recess. This is just for
 16 the benefit of the jurors.

17 Ladies and gentlemen, I ask you that you
 18 leave your notepads face down, that you not have any
 19 conversations about the witnesses or any other
 20 witnesses, that you not talk to each other about this
 21 case or anything related to this matter because you
 22 have not heard all of the witnesses and you may go
 23 with the deputy sheriff at this time. As you heard,
 24 he will bring you back.

25 Mr. Wilds, you may stay put for just a

1 THE WITNESS: Yes, ma'am.

2 THE COURT: About this proceeding?

3 THE WITNESS: No, ma'am.

4 THE COURT: About just something else?

5 THE WITNESS: Yes.

6 THE COURT: Unrelated?

7 THE WITNESS: Not anything as far as
 8 anything we've discussed, nothing.

9 THE COURT: Okay.

10 MS. GUTIERREZ: I just want to know if it
 11 was related to the proceeding.

12 THE COURT: He just said it was not related
 13 to this proceeding, correct?

14 THE WITNESS: It is related, but nothing
 15 that we have discussed.

16 THE COURT: No questions that have been
 17 posed by counsel, just on some unrelated matter?

18 THE WITNESS: I would guess so. I mean,
 19 not totally unrelated but --

20 THE COURT: But it's something else other
 21 than Ms. Gutierrez's questions?

22 THE WITNESS: Yes.

23 THE COURT: Okay. It's his attorney and I
 24 guess she didn't walk in the door. She is present
 25 and here and you did not -- you needed an opportunity

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1 to speak with her anyway.

2 MS. GUTIERREZ: Yes.

3 THE COURT: At least you already indicated
4 that.

5 MS. GUTIERREZ: Yes.

6 THE COURT: So this might be an appropriate
7 time to take a break.

8 MS. GUTIERREZ: That's fine.

9 THE COURT: I'm going to have the jurors --

10 MS. GUTIERREZ: Because I do have two other
11 areas that I really rather not get into them unless I
12 can finish at least one of them.

13 THE COURT: Sure. Then why don't we take a
14 recess at this point? I'd like to have the jury
15 brought in. They were still using the facilities so

16 --

17 MS. GUTIERREZ: Well, there's a lot of
18 them, and only two facilities.

19 THE COURT: I'm going to ask that counsel
20 -- also, be advised that I'm going to have -- first
21 Mr. Wilds, you can step down. I remind you that you
22 are still under oath. However, you may talk to your
23 attorney about any matters unrelated that Ms.
24 Gutierrez has questioned and if you have a question
25 about a question that she has posed to you, if you

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1 could just tell me what the question is and I would
2 be happy to assist you. You may go out in the
3 hallway at this time and speak with her.

4 THE WITNESS: Thank you.

5 THE COURT: Before you leave for the day,
6 I'd like you to come back though, all right?

7 THE WITNESS: Yes, ma'am.

8 THE COURT: So I can tell you what time to
9 be here tomorrow. The status of my jury is? Still
10 using the facilities, okay. What I would like to do
11 then is I can recess you all if you'd like and then
12 when they come back just direct them to be back here
13 tomorrow.

14 MS. GUTIERREZ: I will wait.

15 THE COURT: All right, you will wait. Very
16 well. Have a seat. They're ready. No, they're not
17 ready.

18 MS. GUTIERREZ: I wouldn't want the jury
19 speculating as to why we're not here.

20 THE COURT: I'm sorry?

21 MS. GUTIERREZ: I wouldn't want the jury
22 speculating as to why we're not here since we're
23 always here.

24 THE COURT: They're still using the
25 facilities. Perhaps, the clerk could tell me how

1 many cases I have on my docket for tomorrow. Two
2 cases. Are they related cases? Unrelated cases.
3 Since they are not co-defendant cases, I would think
4 that probably ten-thirty.

5 MS. GUTIERREZ: Okay.

6 THE COURT: That's how we've been going the
7 last couple days. We have not been able to get under
8 way at the earliest ten-thirty. So I would ask that
9 you all resume tomorrow at ten-thirty and I will
10 direct Mr. Wilds to be here at ten, ten-fifteen.

11 MS. GUTIERREZ: Judge, there is a matter.
12 My associate called me to remind me. I have a case
13 in District Court.

14 THE COURT: In District Court at
15 eight-thirty.

16 MS. GUTIERREZ: Yes, and Judge just to know
17 the facts of the case are my associate can't handle
18 it for two reasons. She's a witness.

19 THE COURT: That's all right.

20 MS. GUTIERREZ: A witness of fact.

21 THE COURT: You can go there at
22 eight-thirty and handle the case. It's in Baltimore
23 City, correct?

24 MS. GUTIERREZ: Yes, but it's going to be a
25 trial so what I would like is a call. I do not want

1 to be caught up in the position where a judge makes
2 me --

3 THE COURT: What court is it in front of?

4 MS. GUTIERREZ: They called me with all of
5 the information. I don't remember if it is Wabash or
6 North Avenue, but the reason that I'm concerned is
7 that it's a case that was postponed once before about
8 thirty days ago because I was just getting in the
9 case and I wasn't there. I was starting --

10 THE COURT: Ms. Gutierrez, I will call the
11 judge if you'll just leave the information.

12 MS. GUTIERREZ: Okay, just that I have to
13 be back here by ten-thirty so that --

14 THE COURT: Well --

15 MS. GUTIERREZ: If they can call it right
16 away, fine but I don't think --

17 THE COURT: I don't have a problem doing
18 that. I just need the name of the judge.

19 MS. GUTIERREZ: Okay.

20 THE COURT: And I must add that I've done
21 this a couple of times already for you.

22 MS. GUTIERREZ: Yes.

23 THE COURT: But I just need the judge's
24 name and I can tell you you can be there and if we
25 are running a little late --

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1 MS. GUTIERREZ: I'll call.
 2 THE COURT: Yes, that will be fine.
 3 MS. GUTIERREZ: But I just want the Court
 4 to convey because sometimes --
 5 THE COURT: 10:45 at the latest.
 6 MS. GUTIERREZ: You will make that clear.
 7 THE COURT: 10:45 at the latest.
 8 MS. GUTIERREZ: You will make that clear.
 9 THE COURT: You need to be back here by
 10 10:45 at latest. That gives you two hours and
 11 fifteen minutes --
 12 MS. GUTIERREZ: Right.
 13 THE COURT: -- to try the case and it's a
 14 district matter. It shouldn't take more than two
 15 hours and fifteen minutes.
 16 MS. GUTIERREZ: You'd better be careful
 17 about saying that I've had court trials that could
 18 take days.
 19 THE COURT: Well, they could always
 20 continue it to another day. Start it and then
 21 continue it to another day. Mr. Clerk, can you find
 22 out if Ms. Benaroya is out in the hallway? If she
 23 is, can you ask her to come in and have a seat on the
 24 front row. Is there an attorney out there, Ms.
 25 Benaroya?

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1 THE SHERIFF: There is one attorney.
 2 THE COURT: Ask her to come in and have a
 3 seat on the front row. Mr. Wilds, tomorrow morning
 4 at 10:15 you need to return here. You are a
 5 witness. You may not discuss your testimony with the
 6 State or the defense at this time. You're a sworn
 7 witness at this time, do you understand? 10:15, and
 8 Ms. Benaroya if you would have a seat right there for
 9 me, please. No right there on the front row. That's
 10 fine, thank you. And you're free to go at this time
 11 unless you want to speak with your attorney again,
 12 all right. You're free to go. Ask that you return
 13 -- remember the spot that I had you.

14 Mr. Wilds, remember that spot where you
 15 were sitting, the same place, the same time tomorrow,
 16 10:15 tomorrow. Very well, thank you.

17 THE WITNESS: May I have a chair tomorrow?

18 THE COURT: A chair? You don't have a
 19 chair over there?

20 THE WITNESS: No, ma'am.

21 THE COURT: There's nowhere for you to sit
 22 in that hallway.

23 MS. GUTIERREZ: There's a bench.

24 THE COURT: It's a bench. Oh, you don't
 25 like the bench? It's too hard.

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1 THE WITNESS: Yes.
 2 THE COURT: Very well. We'll see if we can
 3 get a chair for you.

4 THE WITNESS: Thank you.

5 THE COURT: You have a good day. Please
 6 bring the jury in for me.

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

9 THE COURT: You can wait right there. You
 10 don't have to go all of the way back to your seat.
 11 Just right there is good. I'm going to send you
 12 home. I just wanted everyone to come back. I see
 13 it's quarter of five so I wanted to speak with
 14 everyone. You don't have to go back to your seats.
 15 Just everyone step inside. Is everyone present?

16 Ladies and gentlemen, it's quarter of five
 17 and what we're going to do is send you home now. Let
 18 me tell you first I wanted to express my apologies.
 19 This morning I had a great number of cases. One
 20 defendant had eight cases alone, and I had a number.
 21 So it took me awhile to get to this case and I
 22 apologize.

23 I don't always know how long it's going to
 24 take and I try my best to try to get back to this
 25 case. I have to ask you though that I know you get

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1 irritable and I know you get antsy and you want out
 2 of that room. And when I know it's going to be
 3 awhile, I have said go get tea, go get coffee, come
 4 back. But I can't have you peeking out the door.

5 Now, Ms. Connelly is charged with making
 6 sure that you stayed in the room and she told me
 7 every time you stuck your heads out and tried to peek
 8 outside and she's my spy, so to speak, but I have to
 9 ask you not to do that because we don't know where
 10 you are. We don't know when you're wandering the
 11 halls, except when I say go get coffee and go get
 12 tea, and I do that when I know there isn't anyone in
 13 the hall that you might bump into or run into, and so
 14 I must ask you and tell you that I do try very hard
 15 to not have you sit one place when I know it's going
 16 to be awhile.

17 Every now and then I think I'm going to get
 18 to you and then it doesn't turn out that way.

19 Tomorrow, I have two cases and if I'm good at this
 20 tomorrow by ten-thirty I should be able to get back
 21 to you. I've had all counsel told to be here by
 22 10:15, 10:30 but if by about 10:15 I find that
 23 everyone is not here, I'll let you go get some coffee
 24 or tea. But I must tell you if you want to get
 25 coffee or tea tomorrow, you're free to do so. I'm

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1 going to ask you though to arrive between 9:00 and
 2 9:30 and get paid.

3 But you won't have to be in that jury room
 4 until 10:15. So if you want to wander a little bit
 5 or go to the canteen or McDonald's or wherever and
 6 bring the food back and be there by 10:15, that's
 7 okay. But jury assembly can only accommodate paying
 8 you tomorrow between 9:00 and 9:30. You'll be due in
 9 that jury room by 10:15. That's the best I can do
 10 for you tomorrow and I'd ask that you go home now and
 11 have a restful evening, a safe travel home. I know
 12 everybody is trying to get out.

13 Don't talk about this case with your
 14 friends and neighbors, relatives, and the like.
 15 Don't discuss this case amongst yourselves and I'll
 16 see you tomorrow at 10:15. Have a good evening.
 17 Good night.

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

21 THE COURT: All right, now, ladies and
 22 gentlemen, I also must advise you, Ms. Benaroya is on
 23 the front row. Ms. Benaroya, for the record, you
 24 attempted to pass something to my clerk this morning
 25 in an effort to file something in this case; is that

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1 sequestered witness on the witness stand. I did not
 2 prohibit you from talking to him. In fact, he said
 3 he wanted to talk to you and he was permitted to come
 4 out in the hallway this afternoon to talk to you.

5 MS. BENAROYA: He had said to me earlier
 6 that he wasn't permitted to speak to me.

7 THE COURT: Without asking me first. I
 8 needed to be advised when he was going to talk to you
 9 so that there was no interference with what was going
 10 on in this case, and also the fact that you were told
 11 and I was advised that you would be a witness in this
 12 case and to ensure that you're being a witness in
 13 this case was not going to violate his being a
 14 witness on the stand, I just wanted to be advised
 15 when he wanted to talk to you. That was all. I did
 16 not prohibit him from having a conversation with
 17 you. I just needed to know when it was that he was
 18 requesting it.

19 MS. BENAROYA: So this was more time,
 20 place, and manner.

21 THE COURT: Exactly, a time, place, and
 22 manner as opposed to any substance. If at some time
 23 he said I want to talk to her and it in my view was
 24 relative to a particular question that had been posed
 25 that involved you, personally involved you, then

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1 correct?

2 MS. BENAROYA: That's correct, Your Honor I
 3 --

4 THE COURT: What is it titled?

5 MS. BENAROYA: This is a motion for
 6 appropriate relief regarding the (inaudible)
 7 statement of Jay Wilds.

8 THE COURT: Is it under this case number?

9 MS. BENAROYA: No, it's under that case
 10 number with the present case number where we have
 11 standing. However, the point is that it's
 12 sequestration, the Court's order precluding me from
 13 discussing anything with Mr. Wilds denies him the
 14 right to counsel.

15 THE COURT: That is not what the motion is
 16 and that is not what the order of this Court is. I
 17 only advised him that if he wanted to speak to you
 18 about this case that he need only let me know that
 19 first. I did not prohibit him from having any
 20 conversations with you.

21 MS. BENAROYA: I misspoke. I meant,
 22 (inaudible) I was not initiating.

23 THE COURT: The only thing I asked you to
 24 do is if you wanted to talk to him about the case
 25 that you let me know that first, since he's a

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1 there might have been a problem, but that has not
 2 occurred.

3 MS. BENAROYA: Your Honor, my other -- the
 4 other --

5 THE COURT: Well, my next question to you
 6 was did you provide a copy of that motion to
 7 counsel?

8 MS. BENAROYA: I was trying to. Your
 9 Honor, I just now arrived at the courthouse. I gave
 10 five copies to your clerk because I couldn't come in
 11 the courtroom, but I gave enough copies to your
 12 clerk.

13 THE COURT: Now, wait a minute, you filed a
 14 motion in this case and you gave five copies of the
 15 motion to my clerk?

16 MS. BENAROYA: When I arrived in court
 17 today, I have not date stamped it and filed it with
 18 the officer because it was closed. I came here
 19 directly. I asked the clerk, simply as a matter of
 20 finding out how to do this. I asked the clerk should
 21 I bring this to the court, a courtesy copy and serve
 22 everyone now. How should I deal with this? Mr.
 23 Urick is not allowed to talk to me. I don't know
 24 what's going on. So I asked the clerk.

25 THE COURT: I apologize. I told and

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1 informed my clerk that if you wanted to file
 2 something that you should do so with the Clerk of
 3 Court. I told her and I apologize if this was not
 4 conveyed to you that if you had a courtesy copy of
 5 what you were filing that I would be happy to see a
 6 date stamped copy of that courtesy item that you had
 7 filed and it was my concern that whatever you were
 8 filing that a copy be provided to defense counsel and
 9 to the State.

10 MS. BENAROYA: There's a certificate of
 11 service and everything on it.

12 THE COURT: All right. If you have a copy
 13 of that with you, I would appreciate you're giving it
 14 to both counsel and I also appreciate receiving a
 15 courtesy copy, but that in no way affects your filing
 16 anything with the Clerk of the Court and my clerk
 17 does not substitute as filing something with the
 18 Clerk of the Court.

19 MS. BENAROYA: I understand that. I'm not
 20 trying to be informal --

21 THE COURT: I understand.

22 MS. BENAROYA: It's the fact that I'm not
 23 really -- I'm sort of not really here.

24 THE COURT: I understand.

25 MS. BENAROYA: At this point, Your Honor,

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1 MS. BENAROYA: The other matter was I've
 2 only recently -- as I said before, this case was
 3 tried the last time.

4 THE COURT: I don't want to -- I understand
 5 you have some specific concerns and what I need to
 6 find out from you first before you start in, I need
 7 to know whether or not your questions or concerns are
 8 relative to your appearing as a witness?

9 MS. BENAROYA: Yes, absolutely, they are,
 10 Your Honor.

11 THE COURT: There may be some information
 12 that is about the manner in which you were retained.

13 MS. BENAROYA: I understand.

14 THE COURT: And with regard to those
 15 questions, defense counsel has also indicated that
 16 she may need you as a witness. As an officer of this
 17 Court, I do not know how and under what circumstances
 18 your testimony may be needed, but I must advise you
 19 that you need to make yourself available in the event
 20 that either the Court or Ms. Gutierrez wants you to
 21 be a witness.

22 MS. BENAROYA: Your Honor, I spoke with
 23 your secretary on Friday --

24 THE COURT: And that's why you're here.

25 MS. BENAROYA: (inaudible).

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1 if this motion is going to be withdrawn because it
 2 went specifically to the issue of the Court's order
 3 as I understood it that I was prohibited from
 4 consulting him.

5 THE COURT: No, you are not prohibited from
 6 consulting him. In fact, he said he wanted to talk
 7 to you and he was permitted to do so. What I was
 8 concerned was was the timing of it. If Ms. Gutierrez
 9 or the State had asked a question that involved you
 10 personally, that to allow him to come off the stand
 11 would interfere with the sequestration order, I just
 12 wanted to know what the question was at the time he
 13 asked to see you.

14 MS. BENAROYA: I understand.

15 THE COURT: To know whether or not counsel
 16 would then object to him talking to you with regard
 17 to that specific question that involved you.

18 MS. BENAROYA: Okay, I understand what
 19 you're saying.

20 THE COURT: It's a very -- well, he didn't
 21 have to tell us what he talked to you about.

22 MS. BENAROYA: I understand.

23 THE COURT: I just wanted to let counsel
 24 know, okay, she's going to be asked a question
 25 relative to your question.

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1 THE COURT: And I want to let you know on
 2 the record that I appreciate your responding in the
 3 fashion you have. I understand the difficulty of
 4 having received a summons, potentially a summons or
 5 being told you're a witness in a case in which your
 6 client is also a witness.

7 MS. BENAROYA: Yes.

8 THE COURT: And I do not even know how and
 9 under what circumstances you may be even called, but
 10 when an attorney tells me that she needs to speak
 11 with another attorney who is a witness -- an attorney
 12 for the witness, I must let you know. Now, I think
 13 counsel has a summons.

14 MS. GUTIERREZ: I do, Judge, just to make
 15 sure.

16 THE COURT: And I'm just going to ask and
 17 direct you to sign the summons. I must advise you
 18 also Ms. Benaroya, I have not made a ruling as to
 19 whether or not your testimony is relevant.

20 MS. BENAROYA: Thank you, Your Honor.

21 THE COURT: And so although I am making you
 22 available for counsel, I am not in any way suggesting
 23 that means you're going to testify because I have not
 24 found out why or under what circumstances your
 25 testimony might be relevant.

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1 MS. BENAROYA: Thank you, Your Honor. I
 2 have made those inquiries myself when I first learned
 3 from the process server that fact during the other
 4 trial. I said I'm glad to receive the service.

5 THE COURT: Very well. For the record, Ms.
 6 Benaroya is serving -- signing the summons to appear
 7 in this case and because you are counsel and your
 8 office is not nearby, Ms. Gutierrez, I'd like you to
 9 give her a day's notice.

10 MS. GUTIERREZ: Yes, if she just gives me a
 11 number, I've arbitrarily put on Wednesday.

12 THE COURT: Wednesday you think?

13 MS. GUTIERREZ: It would start then but
 14 obviously --

15 THE COURT: Morning, afternoon?

16 MS. GUTIERREZ: I've put ten o'clock in the
 17 morning.

18 THE COURT: Very well. Do you have a court
 19 appearance, Ms. Benaroya, that would conflict with
 20 your appearing on Wednesday at ten or ten-thirty?

21 MS. BENAROYA: That would on the 16th of
 22 February, I don't have a court appearance.

23 THE COURT: Do you have any other matters
 24 that would interfere with your appearance for which a
 25 court summons or subpoena would not help you?

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1 MS. BENAROYA: I'm involved in a case that
 2 is going to in Anne Arundel County, a civil case that
 3 is taking up a bit of my time. I can make myself
 4 available to be here.

5 THE COURT: We have have a library here if
 6 that's where you would like to go while you await Ms.
 7 Gutierrez calling. There is a library across the
 8 street on the 6th floor. We could let you sit there
 9 and work. I can also tell you that we would
 10 accommodate you in any other like circumstance, as
 11 long as you were nearby on Wednesday at that time.
 12 Would that satisfy you, Ms. Gutierrez?

13 MS. GUTIERREZ: Yes, it does and I'll do
 14 better. I'm sure I will know by Tuesday night. That
 15 way just I will let her know Tuesday.

16 THE COURT: For the record, I'm putting the
 17 bathroom note in the court file, and with that said I
 18 think we have accommodated counsel in that regard
 19 and, again, Ms. Benaroya, I thank you very much for
 20 your appearance and, in fact, I'm glad you did come
 21 because it did serve to clarify you were instructed
 22 not to speak to Mr. Urick and the reason you were
 23 asked not to speak to Mr. Urick at the time we did
 24 not know whether he might not be sequestered. So
 25 that's not going to happen and so that no longer is

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1 at issue and a problem, and so at this point you are
 2 now a witness potentially, which means if you are
 3 going to talk to someone or you feel it in your
 4 professional capacity as Mr. Wilds' attorney if you
 5 need to speak to Mr. Urick, I just would like to
 6 know.

7 MS. BENAROYA: Thank you.

8 THE COURT: I just need you to advise me
 9 that that is what you're going to do and if you do
 10 that I think you'll be able to satisfy us that you're
 11 not discussing a matter for which your testimony
 12 would be needed.

13 MS. BENAROYA: Your Honor, may I advise the
 14 Court now since I do have some things I have not been
 15 able to -- I have not spoken with Mr. Urick or my
 16 client in a few days. So I would like to contact my
 17 client. He was very upset when he left the court
 18 today. I believe that there is probably several
 19 matters that he would like to (inaudible).

20 THE COURT: Yes, you certainly may discuss
 21 that matter with him.

22 MS. BENAROYA: I also believe that he is
 23 going to want to talk to me about how long this trial
 24 is going to take.

25 THE COURT: I don't need to know what you

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1 talked to him about. The only thing I ask is if he
 2 starts to ask you questions where it's about your
 3 being retained or anything like that, I would just
 4 advise you --

5 MS. BENAROYA: Yes.

6 THE COURT: -- that that would be an area
 7 that we believe Ms. Gutierrez wants to talk to you
 8 about and at this stage I do not believe it's
 9 something that would cause a problem, but I would
 10 like to be informed that you're about to talk to him
 11 in a sensitive area, and you don't have to tell Ms.
 12 Gutierrez and you don't have to tell the State. If
 13 you would just advise me and you have numbers where I
 14 can be reached.

15 MS. BENAROYA: Yes, I do.

16 MS. GUTIERREZ: Will you be around for a
 17 little while now, Judge?

18 THE COURT: At five o'clock? I would like
 19 not to be around but if counsel needs me to be around
 20 I certainly will make myself available.

21 MS. GUTIERREZ: I would like to make sure
 22 because I'm not sure Ms. Benaroya understands that
 23 she can speak to me now, that she's not precluded
 24 from speaking to me.

25 THE COURT: Ms. --

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1 MS. GUTIERREZ: -- about the inquiries that
 2 I want to make and that was part of the reason --
 3 THE COURT: Ms. Gutierrez.
 4 MS. GUTIERREZ: -- I called her today.
 5 THE COURT: I'll be happy to advise her.
 6 Ms. Benaroya, like any witness, you have an absolute
 7 right to talk to Ms. Gutierrez or Mr. Urick at this
 8 point. And if you choose not to, you have an
 9 absolute right not to talk to her.

10 MS. BENAROYA: I think the issue is -- I
 11 have already asked Ms. Gutierrez if she would tell me
 12 why I was subpoenaed.

13 THE COURT: Well --

14 MS. GUTIERREZ: That was at the first
 15 trial.

16 THE COURT: Also, may I add that as you
 17 know as an attorney and an officer of this Court,
 18 that you as Mr. Wilds' counsel have certain
 19 privileges, and please be advised he has not waived
 20 those privileges. He's not waived those privileges,
 21 all right. So with that said, all right, is there
 22 anything further I can do?

23 MS. BENAROYA: Nothing.

24 THE COURT: Thank you. I want everyone and
 25 I do mean everyone to have a pleasant Valentine's Day

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1 and I will see you tomorrow at 10:30. This Court
 2 stands in recess.

3 CONCLUSION OF PROCEEDINGS

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CERTIFICATE

2

3 This is to certify that the proceedings in
 4 the matter of State of Maryland versus Adnan Syed,
 5 indictment numbers 199103042, 43, 45, 46 held on
 6 February 14, 2000 were recorded by means of video
 7 tape.

8 I do hereby certify that the foregoing 187
 9 pages constitute the official transcript as
 10 transcribed by me from said videotaped proceedings to
 11 the best of my ability in a complete and accurate
 12 manner.

13 In Witness Whereof, I have hereunto
 14 subscribed my name this 14th day of August, 2000.

15
16 Diane R. Walker

17 Official Court Reporter

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