

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 ACNAN SYED
9

10 FEBRUARY 16, 2000
11

12 REPORTER'S OFFICIAL TRANSCRIPT OF PROCEEDINGS
13

14 BEFORE:

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

18 APPEARANCES
19

20 ON BEHALF OF THE STATE:
21

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

ON BEHALF OF THE DEFENDANT:
1

M. CRISTINA GUTIERREZ, ESQUIRE
2

3 RECORDED BY: VIDEO TAPE
4

5 TRANSCRIBED BY:
Diane R. Walker
6 Official Court Reporter
7

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Diane R. Walker
Official Court Reporter

8:30 AM 9-26-00
COURT REPORTER

1 PROCEEDINGS.
2 MS. GUTIERREZ: I'm ready, Judge.
3 THE COURT: All right, very well. Can we
4 bring in the jury, Mr. White. Thank you.
5 (Whereupon, the jury entered the courtroom,
6 after which the following proceedings ensued:)
7 THE COURT: Ladies and gentlemen, welcome
8 back this morning. We're going to resume with the
9 testimony of Ms. Pusateri. Witness was with you, Ms.
10 Gutierrez.
11 MS. GUTIERREZ: Thank you, Your Honor.
12 CONTINUED CROSS EXAMINATION
13 BY MS. GUTIERREZ
14 Q Ms. Pusateri yesterday --
15 THE COURT: Before you do that, let me
16 remind you, Ms. Pusateri, that you're still under
17 oath and I believe we're on a new tape this morning.
18 So why don't we have you resworn in. Restand up,
19 please. Am I on the record, Mr. White? Has it
20 started?
21 THE CLERK: Yes.
22 THE COURT: Okay, very well. Raise your
23 right hand and listen to Mr. White.
24 JENNIFER PUSATERI.
25 a witness produced on call of the State, having

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1 previously been duly sworn, according to law, was
2 examined and testified as follows:
3 THE CLERK: Please keep your voice up.
4 State your name and your address for the record.
5 THE WITNESS: Jennifer Pusateri, [REDACTED]
6 [REDACTED]
7 BY MS. GUTTERRIEZ
8 Q Ms. Pusateri, we were talking about several
9 times you spoke to the police yesterday. The first
10 time of which was when you rolled down your window
11 and you spoke to them through your window?
12 A Yes.
13 Q Is that correct, while you were in K [REDACTED]
14 [REDACTED]'s car?
15 A Yes.
16 Q Is that right? And at that time you
17 weren't under oath, were you?
18 A No.
19 Q And before you saw them you thought that
20 they were the police because of the kind of car that
21 they were driving?
22 THE COURT: Ms. Gutierrez, I hate to
23 interrupt you and I don't want us to go off, but
24 yesterday and you can start anywhere you want in your
25 cross examination, but yesterday when we stopped, we

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1 were at the police headquarters.

2 MS. GUTIERREZ: Yes, Judge, I know. I'll
3 get there.

4 THE COURT: And MacGillivary was beckoning
5 for her to come in the door.

6 MS. GUTIERREZ: Yes.

7 THE COURT: That's where we stopped off.
8 So if we go back, you know, I don't want you to be
9 upset if I sustain any objections to repeat
10 testimony.

11 MS. GUTIERREZ: No, Judge, that's fine.

12 THE COURT: All right.

13 Q Anyway when you rolled down the window you
14 weren't required to take any oath, were you?

15 A No.

16 Q And when you went down to police "Cathy"
17 headquarters that night on Friday February 26th when
18 you were accompanied by K [REDACTED], you weren't
19 required to take any oath when Detective MacGillivary
20 brought you to another place than the lobby?

21 A No.

22 Q And the following day when you showed up in
23 the late afternoon with the lawyer and with your
24 mother, or your mother came along because she wanted
25 to come along, you weren't required to take any oath,

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Page 7

1 were you?

2 A No.

"Cathy"

3 Q Now on Friday the 26th when Detective
4 MacGillivary took you from Ms. [REDACTED] or from the
5 place where the two of you were that you thought was
6 a lobby or looked like a lobby, nobody else was
7 there?

8 A There was other people that worked there.

9 Q People that worked there meaning worked for
10 the Police Department?

11 A Yes.

12 Q But nobody else was with you?

13 A No.

14 Q No lawyer?

15 A No.

16 Q Not your mother?

17 A No.

18 Q Ms. [REDACTED] stayed in the lobby?

19 A Yes.

20 Q And you didn't bring or arrange to bring
21 anybody else, right?

22 A No.

23 Q And on that night when you got to the place
24 was it a room?

25 A Yes.

1 Q Where you spoke to Detective MacGillivary,
2 did he have a tape recorder with him?

3 A No, not that I could see.

4 Q Not that you could see?

5 A Right.

6 Q And did he ever ask your permission to tape
7 record what you said to him?

8 A No, not that night.

9 Q And did you observe that he took notes of
10 what you said?

11 A Yes.

12 Q And did he ask your permission to do so?

13 A No.

14 Q He identified himself as a Homicide
15 detective before he started talking to you, did he
16 not?

17 A Yes, back at my house.

18 Q And you believed him when he said that
19 that's what he was, didn't you?

20 A Yea, he had I.D.

21 Q And before he started asking you questions,
22 he identified that the subject of the inquiry was the
23 death of Hae Min Lee?

24 A No.

25 Q At some point, did he?

1 A I don't remember.

2 Q And at some point you came to understand
3 that, did you not?

4 A Yes.

5 Q That night? On the 26th you came to
6 understand that what he was investigating was the
7 death of Hae Min Lee?

8 A He was a Homicide detective and he asked me
9 questions about Hae Min Lee so, yes.

10 Q Okay. And he took notes throughout the
11 time he questioned you, did he not?

12 A Yes.

13 Q And he had questioned you about the events
14 of January 13th, did he not?

15 A Yes.

16 Q And he questioned you about phone calls
17 that day, did he not?

18 A Yes.

19 Q And, in fact, he had records of phone calls
20 that day, did he not?

21 A Yes.

22 Q And, in fact, it was him telling you,
23 showing you these records, that triggered you into
24 the 13th?

25 A Right.

1 Q Was it not? Because you didn't
2 independently remember that that was the day?
3 A Right.
4 Q Or what day of the week it was?
5 A Right.
6 Q And it was only by him drawing your
7 attention through the records that you understood
8 that he was asking about the date of January 13th?
9 A Right.
10 Q You had no independent recollection of what
11 day these things occurred?
12 A No, I didn't know.
13 Q And Jay calling you on any day would not
14 have been an unusual event?
15 A Right.
16 Q And when Jay called you, as he invariably
17 did almost everyday, you, of course, would not have
18 known where he was just by the act of calling you?
19 A Right.
20 Q Unless he told you where he was, right?
21 A Right.
22 Q And then you would be dependent upon the
23 truth of what he said?
24 A Well, I would know where he's calling from
25 because I have caller I.D. So most of the time I

1 Q Right. Where it was being used to call
2 you?
3 A Right.
4 Q And you really of your own knowledge would
5 have no way of knowing whether it was a land line or
6 a cell line, would you?
7 A If it's a -- I mean, yea, I can tell on the
8 caller I.D., a Maryland phone. It's only a cell
9 phone that comes up that way.
10 Q So your belief is that you could tell by
11 your caller I.D.?
12 A Right, yep.
13 Q Is that right?
14 A Yes.
15 Q And do you have caller I.D. at work?
16 A No.
17 Q And do you have a cell phone?
18 A No.
19 Q And do you have a pager?
20 A Not right now.
21 Q No. But you did then?
22 A Yes.
23 Q Yes. And on your pager if somebody tried
24 to reach you on your pager, can you answer, or could
25 you answer it?

1 would know where he's calling from.
2 Q So at home you would know where he was
3 calling from?
4 A Right.
5 Q Well, what you would get from caller I.D.
6 is a phone number, right?
7 A And a name.
8 Q And a name that it was registered to?
9 A Yes.
10 Q And even if it was a cell phone?
11 A It would just say Maryland.
12 Q It would say?
13 A Maryland. Maryland.
14 Q Maryland?
15 A Yes.
16 Q The state?
17 A Yes.
18 Q Right? It wouldn't give you a name?
19 A No.
20 Q And it wouldn't give you a location?
21 A No.
22 Q And if it was a number with which you were
23 not familiar, you, of course, would have no way of
24 knowing where that phone was?
25 A Right.

1 A By calling back?
2 Q On the phone.
3 A No.
4 Q No. You'd have to call them back, right?
5 A Right.
6 Q And so if someone tried to page you, they
7 could leave a message, right?
8 A Yes.
9 Q And then at some point later you could get
10 that message, right?
11 A Right.
12 Q And do you have caller I.D. that gives you
13 an idea where a person called from when they left you
14 a pager message?
15 A No.
16 Q No. And what they actually showed you was
17 what appeared to be phone records?
18 A He didn't show me anything that night.
19 Q But he told you?
20 A Yes.
21 Q And he told you that they had records that
22 involved your phone number?
23 A Right.
24 Q Right? And your pager number?
25 A Right.

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1 Q And did you then explain to Detective
 2 MacGillivray on that night, Friday night on the tape
 3 recorder -- and the tape recorder was not on, right?
 4 A Right.
 5 Q Or at least that you saw, right?
 6 A Right.
 7 Q But he was taping us -- did he explain to
 8 you where those records came from?
 9 A No.
 10 Q Or whose phone they were?
 11 A Whose phone?
 12 Q That the records --
 13 A No.
 14 Q -- belonged to? No. And on that night did
 15 you explain to them that you spoke to Jay Wilds
 16 almost everyday?
 17 A Probably, yes.
 18 Q And did you ever explain to them that you
 19 had no idea, unless you checked, where he would be
 20 when he would be calling?
 21 A What?
 22 Q Well, what I've just asked you, unless he
 23 told you you might be able to get a number off of
 24 your land line, right?
 25 A Right.

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1 Q And at the time you didn't have a cell
 2 phone, right?
 3 A Right.
 4 Q But you had a pager, right?
 5 A Yes.
 6 Q And off the pager you could only get the
 7 message?
 8 A Right.
 9 Q You didn't have a caller I.D.?
 10 A No, if they leave a message --
 11 Q Not on the pager?
 12 A Right.
 13 Q So it would be only be if the person
 14 calling you left a number that they were calling
 15 from, not expecting to leave a number that you should
 16 call back, would you know anything about the number
 17 from which the person was calling, right?
 18 A Right.
 19 Q And you weren't asked about all of that
 20 that night, were you?
 21 A No.
 22 Q And you didn't volunteer that information,
 23 did you?
 24 A No.
 25 Q And when they directed your attention to

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1 the 13th and indicated that your phone number was
 2 implicated on records from that day, that's the only
 3 thing that focused your attention on the 13th, was it
 4 not?
 5 A Yes.
 6 Q But you didn't independently recall that
 7 date?
 8 A No.
 9 Q And to your knowledge, you were aware on
 10 that day that your friend, your very, very good
 11 friend Jay Wilds didn't own a car, right?
 12 A No, my friend Jay did not own a car.
 13 Q And that he often borrowed other people's
 14 cars?
 15 A Yes.
 16 Q And some of which cars you knew, right?
 17 A Right.
 18 Q But of some which cars you didn't know?
 19 A Right.
 20 Q And you described for us on Friday that you
 21 -- I mean, yesterday that you remembered the cell
 22 phone because he put it on the table in your house,
 23 correct?
 24 A Right.
 25 Q And you didn't know he was calling from the

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1 cell phone until you saw that, did you?
 2 A Right.
 3 Q And that wasn't the only time he had
 4 somebody else's cell phone, was it?
 5 A I don't know.
 6 Q He could have?
 7 A Sure.
 8 MS. MURPHY: Objection.
 9 MS. GUTIERREZ: The issue of --
 10 THE COURT: Well, go ahead. Sustain the
 11 objection as to what could have happened.
 12 Q The issue of what phone he might have been
 13 calling from had really never come up to you, had it?
 14 A No.
 15 Q It had never had any importance to you to
 16 establish?
 17 A No.
 18 Q And as far as you were concerned on that
 19 date, did the fact that he called you on the cell
 20 phone make any difference to you?
 21 A No.
 22 Q It really wasn't an important matter to
 23 you, was it?
 24 A No.
 25 Q And when he came to your house that day you

1 were already there, were you not?
 2 A I think so, yes. I can't quite remember.
 3 Q So maybe you were there and maybe you
 4 weren't there?
 5 A Right.
 6 Q When you spoke to Detective MacGillivary on
 7 Friday the 26th you told him that you were already
 8 there that day before he got there, were you not?
 9 A Yes.
 10 Q Yes. And when you spoke to him on the next
 11 day, I think sometime after four or right before four
 12 in the afternoon, you were asked that question, were
 13 you not?
 14 A Yes.
 15 Q And you recall that you told them that --
 16 by them it was more than Detective MacGillivary there
 17 that second day, wasn't it?
 18 A Yes.
 19 Q And that included Detective MacGillivary,
 20 did it not?
 21 A Yes.
 22 Q It included another police officer by the
 23 name of Sergeant Lehmann?
 24 A Yes.
 25 Q And was Detective Ritz there?

1 Q But you didn't have to raise your hand and
 2 take an oath like you did this morning?
 3 A Right.
 4 Q Or like you did yesterday?
 5 A Right.
 6 Q Okay. And it was with your permission that
 7 the tape recorder was on the entire time, was it not?
 8 A Yes.
 9 Q Except for a short little break when
 10 everybody went to use the facilities and get coffee
 11 or drinks?
 12 A Right.
 13 Q Is that right? And so that everything you
 14 said to them that night was tape recorded?
 15 A To my knowledge, yes.
 16 Q Okay. Or to at least what you observed,
 17 right?
 18 A Right.
 19 Q And you, of course assumed that it was one
 20 of these little hand held tape recorders?
 21 A No, it was a larger one.
 22 Q It was a larger one. Was it a reel to reel
 23 or did it have a cassette?
 24 A A cassette.
 25 Q A cassette. And you could see the cassette

1 A Yes.
 2 Q Yes. And your lawyer was there?
 3 A Yes.
 4 Q And was present throughout all of the time
 5 he asked you questions, right?
 6 A Yes.
 7 Q And your mother was there the whole time,
 8 was she not?
 9 A Yes.
 10 Q Were there other police officers or
 11 detectives?
 12 A No, not in the room.
 13 Q All right. And unlike the day before when
 14 Detective MacGillivary brought you into the room by
 15 yourself, he did ask you about a tape recorder, did
 16 he not?
 17 A Yes.
 18 Q And the tape recorder was visible, was it
 19 not?
 20 A Yes.
 21 Q And you could see it, could you not?
 22 A Yes.
 23 Q And he asked your permission if he could
 24 tape it, could he not?
 25 A Yes.

1 moving, could you not?
 2 A I didn't look at it.
 3 Q But when they told you they were turning it
 4 on you assumed that it was on?
 5 A Yes.
 6 Q And when they asked you about your day you
 7 told them what you knew, did you not?
 8 A Yes.
 9 Q And what you told them was that you got to
 10 your house first that day?
 11 A Okay.
 12 Q Is that okay meaning yes?
 13 A Yes.
 14 Q Okay. And that Jay arrived afterwards?
 15 A Yes.
 16 Q And that day after Detective MacGillivary
 17 took you in the room, how long did that questioning
 18 take place?
 19 A Awhile. Like maybe about an hour.
 20 Q And during that hour the only questions
 21 that were discussed were questions about January 13th
 22 and things that occurred afterwards related to that?
 23 A Yes.
 24 Q Isn't that right? There was no other
 25 topic?

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1 A No.
 2 Q On the table?
 3 A No.
 4 Q You all didn't talk about anything else?
 5 A Not on the tape.
 6 Q So all of the questions that you were asked
 7 related to what you knew about the death of Hae Min
 8 Lee?
 9 A Yes.
 10 Q And about the involvement of Jay Wilds?
 11 A Yes.
 12 Q And about any involvement you might have?
 13 A About my day, yes.
 14 Q Yes. And what you might know?
 15 A Right.
 16 Q And during that time you've told us
 17 yesterday you lied to them?
 18 A Yes.
 19 Q About certain things?
 20 A Not on the tape, not that I remember. I
 21 remember things differently now.
 22 Q Well, wasn't there a tape on --
 23 MS. MURPHY: Objection.
 24 THE COURT: Overruled.
 25 Q There wasn't a tape on Friday night, right?

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1 A Right.
 2 Q So however you lied to them is not caught
 3 on tape?
 4 A Right.
 5 Q It would only be caught if they wrote it
 6 down in their notes, in Detective MacGillivary's
 7 notes, right?
 8 A Right.
 9 Q Did Detective Ritz come into the room?
 10 A No.
 11 Q Not on Friday night?
 12 A No.
 13 Q So it was just you and Detective
 14 MacGillivary, correct?
 15 A Yes.
 16 Q And did you lie to them about what you did
 17 in the day?
 18 A No.
 19 Q Did you lie to them about anything Jay may
 20 have said to you?
 21 A No.
 22 Q Did you lie about the order in which events
 23 occurred?
 24 A Perhaps. I can't remember them exactly
 25 anymore. I don't know.

1 Q You can't remember exactly what lie you
 2 told them when you --
 3 A No, I can't remember in what order the
 4 events occurred so --
 5 Q Well, if you told --
 6 MS. MURPHY: Objection.
 7 THE COURT: Wait one moment, Ms. -- So go
 8 ahead you can finish your answer.
 9 THE WITNESS: So I don't remember exactly
 10 in what order the events occurred. So I don't know
 11 if I lied to them about what happened that day.
 12 Q Well, yesterday you told us that you knew
 13 that you lied?
 14 A Yea, I did lie to them about what I knew.
 15 Q And what you knew about these events all
 16 came from Jay Wilds?
 17 A Yes.
 18 Q And what you observed with your interaction
 19 with Jay Wilds that day?
 20 A Right.
 21 Q And the next couple days?
 22 A Right.
 23 Q And at any other occasion between that day
 24 the 13th and the 27th, it's actually the 26th, that
 25 Friday night when you were in that room with

1 Detective MacGillivary; is that right?
 2 A Right.
 3 Q And you didn't mention Jay Wilds' name, did
 4 you?
 5 A Yes, I did.
 6 Q On Friday night?
 7 A Yes, I did.
 8 Q And did you give his address?
 9 A Probably the road he lives on, yes.
 10 Q The road he lives on?
 11 A Where he works at.
 12 Q Because you didn't know his exact address?
 13 A Right.
 14 Q Your very, very good friend you didn't know
 15 his exact address?
 16 A Right.
 17 MS. MURPHY: Objection.
 18 A Right, I don't know the number.
 19 THE COURT: Overruled.
 20 Q And did you mention K [REDACTED], your
 21 friend's name?
 22 A I don't remember.
 23 Q Did you advise them that the woman sitting
 24 out in the lobby may have knowledge about the same
 25 events?

1 A I don't know.
 2 Q Or may be able to back up your story?
 3 A No.
 4 Q No. And the police never went out to talk
 5 to K [REDACTED], did they?
 6 A No.
 7 Q Did they even ask who she was?
 8 A No.
 9 Q And you didn't volunteer it, did you?
 10 A No.
 11 Q And Ms. [REDACTED] stayed in the lobby the
 12 whole time, did she not?
 13 A Yes.
 14 Q And then took you home?
 15 A Yes, no took me to her house.
 16 Q Took you to her house?
 17 A Yes.
 18 Q Which is where you were planning to go when
 19 you were parked in your car parallel to the road, is
 20 that right?
 21 A Right.
 22 Q And to your knowledge, you said you could
 23 see to where she was, could you not?
 24 A Not while I was in the room. The door was
 25 shut.

1 Q Oh, the door was shut. If the door was
 2 open, you could see the lobby, right?
 3 A Probably, yes.
 4 Q But you didn't stop and talk to K [REDACTED]
 5 [REDACTED], did you?
 6 A When?
 7 Q Friday night during the time you were in
 8 the room with the detectives?
 9 A No, we didn't stop, no, not to talk.
 10 Q And you never asked to go speak to K [REDACTED]
 11 [REDACTED], did you?
 12 A No.
 13 Q And to your knowledge Detectives
 14 MacGillivary or Ritz didn't go do that, did they?
 15 A Right.
 16 Q They never excused themselves, did they?
 17 A No.
 18 Q They stayed in the room the whole time?
 19 A Just MacGillivary, yes.
 20 Q MacGillivary. And you; is that right?
 21 A Yes.
 22 Q And you answered all of his questions, did
 23 you not?
 24 A Yes.
 25 Q And did you tell him you didn't remember

1 certain things?
 2 A Yes.
 3 Q And you knew at the time from the
 4 conversation and the questions that they had not
 5 spoken to your good friend Jay Wilds, did you not?
 6 A Yes.
 7 Q Did they tell you that?
 8 A No.
 9 Q No. But you could tell by what questions
 10 they asked you?
 11 A I assumed that, yes.
 12 Q And did you tell them everything that Jay
 13 had said?
 14 A No.
 15 Q No. And did you tell them anything that
 16 Jay said?
 17 A About what? Just anything, yes. I told
 18 them that --
 19 Q About these events?
 20 A I told them that Jay said go down and see
 21 him.
 22 Q Because you had spoken to Jay before you
 23 had gone down to see them that night, had you not?
 24 A Yes.
 25 Q And that was after they had identified

1 THE COURT: Overruled.
 2 A Yes.
 3 THE COURT: Did you ask him what to do?
 4 Q You asked him what to do, did you not?
 5 A Yes.
 6 Q About the fact that the detectives wanted
 7 to talk to you, right?
 8 A Right.
 9 Q Because prior to that day your very, very
 10 good friend Jay Wilds had asked you to keep it all to
 11 yourself, had he not?
 12 A Yes, my friend Jay said that.
 13 Q Jay said that. And you had kept it to
 14 yourself, had you not?
 15 A Not completely, no.
 16 Q You hadn't called the police?
 17 A No.
 18 Q To tell them what you knew?
 19 A No.
 20 Q Although later the next day you told them
 21 that you really thought about that, did you not?
 22 A Yes.
 23 Q You thought about ways to do that
 24 anonymously is what you told them?
 25 A Yes.

1 Q And you thought about ways to do that up
 2 front, did you not?
 3 A I know how to do it up front.
 4 Q But you told them that you thought about
 5 doing it?
 6 A I thought about it.
 7 Q Did you not?
 8 A Yes.
 9 Q Even though your friend Jay Wilds had asked
 10 you to keep quiet about the whole thing?
 11 A Right.
 12 Q And on Friday night all you said to the
 13 police about Jay Wilds was go see him?
 14 A Yes.
 15 Q And did you tell them that you had gone to
 16 speak to your friend Jay Wilds before coming down to
 17 see them?
 18 A No.
 19 Q And you, of course, did not let them know
 20 while you were still at your house that you might
 21 come down?
 22 A Right.
 23 Q And you hadn't made an appointment?
 24 A No.
 25 Q And you hadn't indicated to them that

1 although they requested to speak to you that day that
 2 you, in fact, were going to show up, did you?
 3 A No.
 4 Q And at the video store you all stayed in
 5 the video store?
 6 A For a moment.
 7 Q And you spoke to Jay Wilds inside that
 8 store?
 9 A Yes.
 10 Q And how long did that take?
 11 A About five to ten minutes.
 12 Q And did K [REDACTED] come in the store
 13 with you?
 14 A Yes.
 15 Q And she was present when you spoke to Jay
 16 Wilds?
 17 A Yes.
 18 Q And K [REDACTED] had heard the police ask
 19 to speak to you, right?
 20 A Right.
 21 Q And you, of course, rode over with K [REDACTED]
 22 [REDACTED] in the car because it was her car and she
 23 drove, right?
 24 A Right.
 25 Q And did you tell her what your concerns

1 were?
 2 A Yes.
 3 Q And that they concerned your mutual friend
 4 Jay Wilds?
 5 A Yes.
 6 Q And so she was present during the
 7 conversation you had with Jay Wilds in which he said
 8 tell them to come by and see me?
 9 A Right.
 10 Q Okay. And did she participate in that
 11 conversation?
 12 A No.
 13 Q Did she have anything to offer?
 14 A No.
 15 Q Did she have any questions to ask?
 16 A Yes.
 17 Q It was a pretty serious matter for you, was
 18 it not, Ms. Pusateri, the police requesting to see
 19 you?
 20 A Yes.
 21 Q About events that your very, very good
 22 friend had asked you to be quiet about?
 23 A Yes.
 24 Q And it was pretty scary, was it not?
 25 A A little bit.

1 Q Jay Wilds thought it was a good idea for
2 you to go to talk to the police, did he not?
3 A Yes.
4 Q Because you really went to him to ask for
5 his permission, did you not?
6 A No, not permission.
7 Q You had promised to keep quiet, had you
8 not?
9 A Yes.
10 Q And you had assured him before that day
11 that you would do so?
12 A Yes.
13 Q And he knew that?
14 A Yes.
15 Q And you had done so, had you not?
16 A I told a few friends, a friend.
17 Q And those two friends were?
18 A Nicole and Josh.
19 Q And Nicole is a friend from?
20 A Work.
21 Q And that's at Garland's?
22 A Yes.
23 Q That's where you also work?
24 A Yes.
25 Q Garland's is a garden shop?

1 Q And did Nicole, was she also a mutual
2 friend of Ms. [REDACTED]?
3 A Yes.
4 Q And Ms. [REDACTED] also hung out with the three
5 of you and others, did she not?
6 A Yes.
7 Q And it was not unusual for your mutual
8 friends to hang out at K [REDACTED]'s, was it?
9 A No.
10 Q Another place that you all hung out
11 together was a place named Champs?
12 A Yes.
13 Q That's like a bar restaurant?
14 A Yes.
15 Q And you've hung out there with Jay, had you
16 not?
17 A Yes.
18 Q And with Ms. [REDACTED]?
19 A Yes.
20 Q With Nicole?
21 A Yes.
22 Q Yes. And Ms. [REDACTED]'s house is a place
23 that you and Jay and other friends hang out
24 regularly, do you not?
25 A It was, yes.

1 A Yes.
2 Q At Ingleside Road, below -- I guess right
3 before Ingleside meets Johnnycake Road?
4 A Yes.
5 Q Yes. And you had worked there for a long
6 time?
7 A Yes.
8 Q And Nicole wasn't also a mutual friend of
9 Jay's, was she?
10 A She has hung out with Jay before but --
11 Q Because he's hung out with you?
12 A Right.
13 Q So she's met him through you, right?
14 A Yes.
15 Q So you would call her sort of a mutual
16 friend?
17 A Yes.
18 Q It wouldn't be unusual for the three of you
19 to hang out together?
20 A More than just the three of us.
21 Q Okay. Along with other people?
22 A Yes.
23 Q And that the hanging out together included
24 socializing, did it not?
25 A Yes.

1 Q It was. It's no longer?
2 A No.
3 Q She is no longer a friend?
4 A Yes, she's still a friend.
5 Q But you no longer hang out there?
6 A Not as much, no.
7 Q Back then in January of 1999 it would
8 regularly occur when you hung out at Ms. [REDACTED]
9 that everyone would smoke weed, would they not?
10 A Sometimes, yes.
11 Q Sometimes yes. That would not be an
12 unusual occurrence?
13 A No.
14 Q And people knew that it was okay to smoke
15 weed at her house?
16 A Sure, it was fine.
17 Q Now, the other person that you told --
18 incidentally, did you tell Nicole that Jay told you
19 that he was involved in the murder of Hae Lee?
20 A No.
21 Q Or that he was involved in the burial of
22 Hae Lee?
23 A No.
24 Q Or in hiding any evidence relating to
25 either of those events?

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1 A No, Jay never told me any of that. So I
2 never told Nicole that.
3 Q You never told. All you really told Nicole
4 was that you knew that Hae Min Lee was dead?
5 A Yes.
6 Q And another thing that Jay had told you was
7 that he didn't know where the body was?
8 A Right.
9 Q That he had been asked by Adnan to help
10 bury the body, right?
11 A Right.
12 Q But that he had adamantly refused to do
13 so?
14 A Right.
15 Q And another thing was that you spoke to
16 Detective MacGillivray first on Friday the 26th and
17 then also on the tape on the 27th you said and
18 explained that one of the reasons why you couldn't go
19 to the police was that you didn't think you had
20 enough information?
21 A Right.
22 Q Was that right?
23 A Yes.
24 Q Those were your words, were they not?
25 A Yes.

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1 Q And that the lack of information included
2 that, well, we meaning Jay and I, we didn't even know
3 where the body was, right?
4 A Right.
5 Q Because you were sure that he didn't know
6 where the body was?
7 A Right.
8 Q Because that's what he told you?
9 A Yes.
10 Q Isn't that right?
11 A (Indicating.)
12 Q The only -- is that a yes?
13 A Yes.
14 Q And the only information that he gave you
15 was what he says Adnan said; is that right?
16 A What he says Adnan said about what?
17 Q About those events?
18 A And about when he was there with Adnan.
19 Q Okay. But what he said happened while he
20 was there didn't include the burial of the body?
21 A Right.
22 Q Right. What Jay told you is that he had no
23 idea where the body was buried, right?
24 A Right.
25 Q And that was the critical piece of

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1 information that was lacking that prevented you from
2 going to the police?
3 A Right.
4 Q Even though you thought about it?
5 A Right.
6 Q And you told that to Detective MacGillivray
7 on Friday night, the 26th of February?
8 A I don't remember. I told him on the 27th.
9 Q You did tell them on the 27th; is that
10 right?
11 A (Indicating.)
12 Q And when Jay told you that he didn't know
13 where the body was buried you believed him, did you
14 not?
15 A Yes.
16 Q Now, during the tape recording of your
17 statement on the 27th the police kept referring to
18 the person whom -- although you knew you did not
19 consider yourself to be a close friend of, was the
20 man we now call Adnan Syed, do you remember that?
21 A Yes.
22 Q And throughout the statement that you made
23 to Detective MacGillivray while the tape recorder was
24 on, both you, Detective MacGillivray, Sergeant
25 Lehmann, and Detective Ritz referred to that person

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1 by the name of Adenar, did you all not?
2 A I called him Adnan.
3 Q You called him Adnan?
4 A Yes.
5 Q But they called him Adenar, did they not?
6 A I don't remember, I guess.
7 Q And would you be surprised to know that the
8 transcript for everybody says that you all called him
9 Adenar?
10 A No, I saw that. I saw that.
11 Q You saw that. Because you've looked at the
12 transcript of what you said?
13 A Yes.
14 Q On more than one occasion?
15 A Yes.
16 Q Before testifying today?
17 A No.
18 Q You haven't looked at it before you
19 testified today?
20 A No, not today. I haven't had time.
21 Q I didn't say today. Before you testified
22 today?
23 A Oh, before?
24 Q Yes.
25 A Yes.

1 Q On more than one occasion?
 2 A Yes.
 3 Q On other days?
 4 A Yes.
 5 Q In order to prepare for your testimony?
 6 A To make sure that what was transcribed was
 7 what I said.
 8 Q Okay. And you had an opportunity to review
 9 the transcript, did you not?
 10 A Yes.
 11 Q And did you make any changes to the
 12 transcript?
 13 A On my copy.
 14 Q On your copy?
 15 A Yes.
 16 Q Were there things that were wrong?
 17 A No.
 18 Q And did you look at the tape? Did you
 19 listen to the tape?
 20 A No.
 21 Q Did you ask for the tape?
 22 A No.
 23 Q And did you do anything about whatever
 24 errors you may have found?
 25 A No.

1 A Discussions about what I would say.
 2 Q Today and yesterday?
 3 MS. MURPHY: Objection.
 4 THE COURT: Wait a minute, I'm not sure I
 5 understand the question. So if you would --
 6 MS. GUTIERREZ: I will rephrase it.
 7 THE COURT: Thank you.
 8 Q Ms. Pusateri, you had some preparation
 9 sessions in regard to your testimony, have you not?
 10 A No, I wouldn't call them preparation
 11 sessions. There was questions asked.
 12 Q And was that over the telephone or in
 13 person?
 14 A Both.
 15 Q Both. And was that with Ms. Murphy?
 16 A Yes.
 17 Q And Mr. Urick?
 18 A Yes.
 19 Q Other than the two times that you've spoken
 20 about, have you spoken with Detectives MacGillivray,
 21 Ritz, or Lehmann on any other occasion?
 22 A Yes.
 23 Q Yes. And was that also in relationship to
 24 preparing for your testimony in this trial?
 25 A Yes.

1 Q And you were provided a copy of the
 2 transcript of what you said on the 27th by?
 3 A My lawyer.
 4 Q Your lawyer. Is that because that person
 5 has remained your lawyer, right?
 6 A My what?
 7 Q That person that appeared with you on the
 8 27th has remained your lawyer, correct?
 9 A Right.
 10 Q So you've reviewed this transcript with
 11 your lawyer?
 12 A No, he just sent me a copy.
 13 MS. MURPHY: Objection.
 14 THE COURT: Overruled.
 15 Q He sent you a copy?
 16 A Yes.
 17 Q And did you know what the purpose was?
 18 A I guess there was a little note that said
 19 please read over.
 20 Q And you did so?
 21 A Yes.
 22 Q And you had some sessions where you
 23 discussed what you would say?
 24 A With my lawyer.
 25 Q Did you not?

1 Q Yes. And now going back to the 26th of
 2 February, did they ask you questions or did you just
 3 volunteer information?
 4 A They asked questions.
 5 Q They asked specific questions, did they
 6 not?
 7 A Yes.
 8 Q And you answered all of their questions?
 9 A Both nights?
 10 Q I'm just talking about the 26th?
 11 A The 26th, no.
 12 Q No. You refused to answer some questions,
 13 did you not?
 14 A I kind of half answered them, yes.
 15 Q And then, in fact, did you inquire of them
 16 might you not be entitled to a lawyer?
 17 A No, I did not ask.
 18 Q Did you tell them you were going to get a
 19 lawyer?
 20 A No.
 21 Q And who stopped the session that Friday
 22 night?
 23 A MacGillivray.
 24 Q MacGillivray stopped?
 25 A Yes.

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1 Q MacGillivray indicated to you that he
 2 thought you were not being quite as forthcoming as
 3 you should, did he not?
 4 A By his gestures but not directly.
 5 Q But you understood that, did you not?
 6 A I knew that I knew more than what I was
 7 saying, so I knew that I was lying to him about that.
 8 Q You could tell by what you observed that he
 9 thought you were lying, too, did he not?
 10 A Because of something that I had said
 11 earlier in our questioning that led him to believe
 12 that I knew more than what I was telling.
 13 Q Okay. And what was the thing that you
 14 said?
 15 A I had said that she had been strangled.
 16 Q She meaning Hae Min Lee?
 17 A Yes.
 18 Q At that point did they ask you if you had
 19 strangled her?
 20 A No.
 21 Q And did they ask you how you knew she was
 22 strangled?
 23 A Yes.
 24 Q And did you tell them, oh, my good friend,
 25 my very good friend Jay told me?

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1 you had gone down there of your own consent, right?
 2 A Right.
 3 Q Based on the advice of your very, very good
 4 friend Jay Wilds who felt that that would be a good
 5 idea, right?
 6 A My friend Jay, yes.
 7 Q Well, he is your very, very good friend, is
 8 he not?
 9 A He's my friend.
 10 Q Well, that night they asked you about what
 11 that relationship was, did they not?
 12 A Yes.
 13 Q And they asked you to describe exactly what
 14 the relationship was, did they not?
 15 A Yes.
 16 Q And they seemed very interested in what
 17 that relationship was, did they not?
 18 A Yes.
 19 Q In fact, they asked you were you girlfriend
 20 and boyfriend, did they not?
 21 A Yes.
 22 Q You answered their question. Do you recall
 23 this? Sergeant Lehmann said how would you describe
 24 your relationship with Jay, and you answered Jay, I'd
 25 say we're very close, very close, do you recall that?

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1 A No.
 2 Q No. And --
 3 A Because of his reaction I told him.
 4 Q Pretty visceral, wasn't it?
 5 MS. MURPHY: Objection.
 6 THE COURT: Overruled -- sustained. I'm
 7 sustaining it only to the extent that the witness may
 8 finish her answer before the next question. Will you
 9 finish your answer.
 10 THE WITNESS: Yes.
 11 THE COURT: You were saying?
 12 THE WITNESS: Because --
 13 THE COURT: Only because I said earlier in
 14 the conversation that she was strangled and he?
 15 THE WITNESS: Yea, the way that he reacted
 16 when he was asking me how did I know that she was
 17 strangled because that information was never released
 18 by the police.
 19 Q And you could see his reaction on that,
 20 could you not?
 21 A Yes, he said that.
 22 Q But you could also see his reaction, could
 23 you not?
 24 A Sure.
 25 Q And now up until that point, Ms. Pusateri,

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1 A Uh-huh.
 2 Q Is that a yes?
 3 A Yes.
 4 Q And Sergeant Lehmann went on to say
 5 boyfriend girlfriend type, did he not?
 6 A Yes.
 7 Q And you recall him asking that, do you not?
 8 A Yes.
 9 Q And you answered no, not like, you know --
 10 well, not really, but I mean we're close like I love
 11 Jay as a friend. I mean with all my heart. Jay is,
 12 like I trust Jay with my life?
 13 A Not anymore.
 14 Q But then that's what you told Sergeant
 15 Lehmann?
 16 A That's what I said, but it was a bit of a
 17 -- it's not really like that.
 18 Q It's not really like that?
 19 A No.
 20 Q That wasn't really like that then?
 21 A No.
 22 Q But that's how you described it when
 23 Sergeant Lehmann asked you?
 24 A Yes.
 25 Q And that was while the tape recorder was

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1 on, was it not?
 2 A Yes.
 3 Q That was on the occasion on late Saturday,
 4 February 27th in the late afternoon after which Jay
 5 sort of told you it was okay to tell them, to send
 6 them in his way?
 7 A Right.
 8 Q And you, of course, took that as a pass on
 9 his earlier request that you keep it all to yourself?
 10 A Right.
 11 Q Right? According to the permission your
 12 good friend had given you, you could now tell them
 13 what he had earlier said keep to yourself?
 14 MS. MURPHY: Objection.
 15 THE COURT: Overruled. Can you answer
 16 that?
 17 THE WITNESS: Yes, I didn't ask Jay for
 18 permission to speak to anyone. So I went on my own.
 19 It had nothing to do with -- I did ask Jay what I
 20 should do, but I did not ask permission to do
 21 anything and what he said had no -- nothing on what
 22 I was going to do.
 23 Q What he said about it's okay to send them
 24 to him had no bearing on your decision to go down and
 25 talk to the police?

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1 Q Not very close friends?
 2 A We're good friends, friends.
 3 Q Less friends than you described to Sergeant
 4 Lehmann?
 5 A Yes.
 6 Q So when you told Sergeant Lehmann that you
 7 trusted Jay with your life you didn't mean it?
 8 A In certain situations.
 9 Q So that wasn't entirely accurate?
 10 A Not a hundred percent.
 11 Q And so was that a lie?
 12 A It wasn't the truth.
 13 Q It was not the truth?
 14 A Right.
 15 Q But it wasn't quite a lie?
 16 A Right.
 17 Q Was it like a half lie?
 18 A I guess, yes, an exaggeration.
 19 Q An exaggeration of what really was?
 20 A Right.
 21 Q So back in January of 1999, although it
 22 would not have been unusual to see and/or to speak
 23 Jay almost on a daily basis?
 24 A Right.
 25 Q You weren't quite as good of friends as you

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1 A Right.
 2 Q On Friday night the 26th?
 3 A Right.
 4 Q And you just went on your own?
 5 A Well, after I spoke to him I went.
 6 Q Now, when you spoke to them again on the
 7 26th, they asked you to describe your relationship
 8 with Jay, did they not?
 9 A Yes.
 10 Q And did you do so?
 11 A Yes.
 12 Q Did you lie about that?
 13 A No.
 14 Q No. But now you're telling us what you
 15 said to Sergeant Lehmann not really, was not really
 16 the way it was?
 17 A Right.
 18 Q Right.
 19 A We're just friends.
 20 Q That he wasn't really --
 21 A We're just friends, me and Jay.
 22 Q Just friends?
 23 A Just friends.
 24 Q Not very close friends.
 25 A No, home boys, whatever.

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1 had intimated?
 2 A As it may have appeared, right.
 3 Q As you made it appear to Sergeant Lehmann?
 4 A Right.
 5 Q Had Jay suggested to you that you do that?
 6 A No.
 7 Q And was there anything important to you
 8 about portraying your relationship with Jay to
 9 Detectives MacGillivray, Ritz, and Lehmann, or anyone
 10 else who was there, including your lawyer?
 11 A No.
 12 Q No. You didn't have any hidden motive to
 13 declare Jay a better friend than he actually was?
 14 A No.
 15 Q But you did so anyway?
 16 A It's just -- I just believe that what you
 17 all are reading into when I say very close friend is
 18 more than what I really meant.
 19 Q Well, Ms. Pusateri, you answered my
 20 question and you recalled saying those words to
 21 Sergeant Lehmann, did you not?
 22 A Right.
 23 Q And this is the time the tape is on, right?
 24 A Right.
 25 Q And your lawyer's there, right?

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1 A Right.
 2 Q And your mother's there?
 3 A Right.
 4 Q Right? Isn't that right?
 5 A Yes.
 6 Q And you were doing this consensually, were
 7 you not?
 8 A Yes.
 9 Q You weren't being forced, were you?
 10 A No.
 11 Q And you hadn't been threatened, had you?
 12 A No.
 13 Q And you hadn't been charged with any crime,
 14 had you?
 15 A No.
 16 Q But you chose to exaggerate your
 17 relationship with Jay?
 18 A Yes.
 19 Q And did you feel, Ms. Pusateri, that they
 20 were trying to make more out of your relationship
 21 than there really was?
 22 A What?
 23 Q Did you feel then on the 27th of February
 24 with your lawyer there, with your mother there, that
 25 someone was trying to make more out of your

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1 Q And what was that?
 2 A Everyone's a suspect and no one's a
 3 suspect.
 4 Q Everyone you thought included you, did it
 5 not?
 6 A Sure.
 7 Q And before then you weren't scared?
 8 A No.
 9 Q No. Nothing scary about going down on a
 10 Friday night to Police Headquarters to be asked about
 11 a murder?
 12 A Yes.
 13 Q So you were scared or do you remember?
 14 A Once the police came to my house, yes, but
 15 before then, no.
 16 Q So you were still scared when you went down
 17 and spoke to Detective MacGillivary?
 18 A Yes.
 19 Q And is that why you lied or told a half
 20 truth?
 21 A Yes.
 22 Q Yes. And when Detective MacGillivary ended
 23 the conversation, had he asked you all of the
 24 questions he wanted?
 25 A I don't know.

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1 relationship with Jay than there really was?
 2 A No.
 3 Q No. So you chose those words?
 4 A Yes.
 5 Q Nobody put them in your mouth?
 6 A No.
 7 Q And there wasn't any hidden agenda that you
 8 could tell that somebody wanted to make more out of
 9 it than there was?
 10 A Right.
 11 Q But you chose to make more out of it than
 12 there was?
 13 A Right.
 14 Q Is that right? And at that point in time
 15 you had corrected the lie or lies or half truths that
 16 you had told them the day before?
 17 A Yes.
 18 Q On February 26th when you were in the room
 19 with Detective MacGillivary, were you ever threatened
 20 of being charged?
 21 A No.
 22 Q Were you afraid of being charged?
 23 A Yes.
 24 Q Yes. Because of something they said?
 25 A The last thing he said when I left.

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1 Q Well, you didn't end the interview?
 2 A Right.
 3 Q You were very willing to answer questions
 4 he asked even though you elected to at least withhold
 5 some of the truth?
 6 A Right.
 7 Q Is that right? You weren't the one who
 8 said, oh, I have to go now, I have a very important
 9 engagement?
 10 A Right.
 11 Q Right? And in that hour or so your friend
 12 K ██████ remained there?
 13 A Yes.
 14 Q And after -- and then you left?
 15 A Yes.
 16 Q And you went to her house?
 17 A Yes.
 18 Q Directly to her house?
 19 A Yes.
 20 Q And on the way home you spoke to your good
 21 friend K ██████?
 22 A Huh?
 23 Q On the way home to her home you spoke to
 24 her?
 25 A Yes.

1 Q You spoke to her?
 2 A Yes.
 3 Q And I'm sure she had questions about what
 4 you all were doing at the Police Headquarters in
 5 Baltimore City Homicide on Friday night, did she not?
 6 A Yea.
 7 Q She wanted to know what questions they had?
 8 A No, she just wanted to know what was going
 9 on.
 10 Q What was going on, but she didn't ask you
 11 any questions about what the police asked you?
 12 A No.
 13 Q And what it concerned?
 14 A She knew that it concerned Hae Lee.
 15 Q Because of what she heard?
 16 A Earlier.
 17 Q Earlier while she was still in the car
 18 right before you left?
 19 A And because we talked.
 20 Q And because?
 21 A We talked on the way down to the police
 22 station, right.
 23 Q And on the way down did you tell her things
 24 that she didn't appear to know?
 25 A That she what?

1 Q Did not appear to know?
 2 A Yes, that she did not know.
 3 Q So you filled her in?
 4 A Right, she didn't -- right.
 5 Q About your mutual friend Jay?
 6 A About the events that happened on the 13th.
 7 Q And on the way down -- do you recall Ms.
 8 Pusateri you answered me that until they focused your
 9 attention on the 13th you wouldn't have remembered
 10 what day?
 11 A Right.
 12 Q Right. So on the way down since you didn't
 13 remember, you couldn't have said, by the way, K [REDACTED]
 14 remember January 13th?
 15 A Right, I didn't say the date.
 16 Q You didn't say that, right?
 17 A Right.
 18 Q And you didn't focus her on the importance
 19 of the 13th, right?
 20 A Not the date.
 21 Q And you didn't focus her on the importance
 22 that she was in there somewhere as to things that
 23 involved her on that same day, did you?
 24 A I'm not sure what you asked.
 25 Q Well, Ms. Pusateri, what you told us on

1 direct is that that date which you now remember is
 2 the 13th, at the end of the evening after you said
 3 you picked Jay up at the parking lot closest to Value
 4 City in Westview; is that right?
 5 A Yes.
 6 Q And after you took Jay to the F & M off
 7 Baltimore National Pike and went behind there and
 8 went to the dumpster?
 9 A Right.
 10 Q Right. That ultimately you landed at
 11 K [REDACTED] s house?
 12 A No, we didn't -- no, I didn't take Jay to F
 13 & M until the day after the 13th.
 14 Q That's what you tell us now?
 15 A That's what I've been saying from the
 16 beginning.
 17 Q And --
 18 A The shovels --
 19 Q At some point you told them --
 20 THE COURT: I'm sorry, one moment. The
 21 shovels?
 22 THE WITNESS: The shovels were behind
 23 Westview Mall parking lot. Then we went to K [REDACTED] s
 24 the night of the 13th.
 25 Q All right, on the night of the 13th, okay?

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1 A He stayed there.
 2 Q Well, you used the term lived in the
 3 transcript, did you not?
 4 A Yes, but he didn't actually live there. It
 5 wasn't his residence.
 6 Q So that was like a half truth, too?
 7 A I mean it seems as if he lived there. He
 8 would stay there a lot, but it's not his residence.
 9 It's not his address, not where his mail is sent.
 10 Q And, in fact, that is K [REDACTED]'s address,
 11 right?
 12 A Yes.
 13 Q And she was present on that occasion,
 14 right?
 15 A Yes.
 16 Q And Jeff, whether he lived there or stayed
 17 there or whatever you call it, he was present, right?
 18 A Yes.
 19 Q And you stayed there with Jay for a little
 20 bit of time, did you not?
 21 A Uh-huh.
 22 Q And is that a yes?
 23 A Oh, yes.
 24 Q And during that time you told Detective
 25 MacGillivray on the 27th while the tape was running

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1 that you were acting pretty strange?
 2 A Yes.
 3 Q And that your friend K [REDACTED] noticed how
 4 strange you were acting?
 5 A Yes.
 6 Q And that Jay was acting pretty strange?
 7 A Yes.
 8 Q And that your friend K [REDACTED] noticed?
 9 A K [REDACTED], but yes.
 10 Q K [REDACTED] noticed?
 11 A Yes.
 12 Q Is that right?
 13 A Yes.
 14 Q That's what you told them, right?
 15 A Yes.
 16 Q But on the 26th of February when you were
 17 riding down to the police station having spoken to
 18 Jay about whether or not you should go --
 19 A I didn't --
 20 Q -- you spoke to K [REDACTED], K [REDACTED] about these
 21 events, did you not?
 22 A Yes, I spoke to K [REDACTED].
 23 Q Okay. But at that time you had no idea
 24 that the events occurred --
 25 A On the 13th.

1 Q -- on the 13th, right?
 2 A Right.
 3 Q So you couldn't have reminded her that, oh,
 4 you remember the night I was acting strange, could
 5 you of?
 6 A She asked me after the detectives spoke
 7 about Hae Lee at the car, she asked me if it had
 8 anything to do with the night that Adnan was at her
 9 house.
 10 Q You weren't there when Adnan was at her
 11 house?
 12 A Right.
 13 Q And you had not spoken to her about Adnan
 14 being there, had you?
 15 A Yes.
 16 Q You had?
 17 A I was on the phone with --
 18 Q You remember that date?
 19 A I was on the phone with her when Adnan was
 20 at the house.
 21 Q When Adnan was there?
 22 A Yes.
 23 Q And she told you he was there?
 24 A Yes.
 25 Q And she told you he acted strange?

1 A Yes.
 2 Q Okay. Later that evening when you got
 3 there with your friend Jay after having attended the
 4 sorority party, you had further conversations with
 5 her about that day?
 6 A No.
 7 Q No. Now, on the way down then was she the
 8 initiator of the conversation or were you? On the
 9 way down to the police station on Friday the 26th
 10 after leaving the porn store?
 11 A She asked me about -- she asked me if what
 12 the detective was talking about was when Adnan came
 13 over and then that's when I went to tell her about --
 14 Q Had the detectives --
 15 THE COURT: Wait a minute, I went to tell
 16 her about?
 17 THE WITNESS: That's when I went on to tell
 18 her about the -- about Jay's involvement and what
 19 happened to Hae Lee and what Jay had told me.
 20 Q All right. Now, as to Jay's involvement,
 21 according to what you told the detectives, what he
 22 had told you was that he had nothing to do with
 23 killing Hae Lee?
 24 A Right.
 25 Q Right? That he wasn't present, right?

1 A Right.
 2 Q That he hadn't done anything ahead of time,
 3 right?
 4 A Right.
 5 Q And that although he had been asked to help
 6 bury the body he hadn't done a thing?
 7 A Right.
 8 Q And according to him as to what he told
 9 you, he didn't have any involvement, right?
 10 A Right, he just drove Adnan around and
 11 picked him up and dropped him off at different
 12 places.
 13 Q But that he had nothing to do with killing
 14 her or burying her, right?
 15 A Right.
 16 Q He didn't assist Adnan other than to drive
 17 him around, right?
 18 A Right.
 19 Q But he had no knowledge of what happened to
 20 Hae before it happened, right?
 21 A Right.
 22 Q But when asked to assist after he had
 23 knowledge he had refused?
 24 A Right.
 25 Q And you told them that you believed him,

1 A Just normal conversation.
 2 Q Unrelated to these events?
 3 A Right.
 4 Q And was your good friend K [REDACTED]
 5 scared for you?
 6 A Yes.
 7 MS. MURPHY: Objection.
 8 THE COURT: Overruled.
 9 A Yes, we spoke.
 10 THE COURT: Was she scared for you?
 11 THE WITNESS: We spoke about the events
 12 that occurred because I had told K [REDACTED] that I had
 13 lied to the police, right, and she was concerned and
 14 said that yea I should probably go get a lawyer in
 15 the morning.
 16 Q Get a lawyer?
 17 A Right, because I had lied.
 18 Q And that's what you discussed with her?
 19 A Right.
 20 Q Because you decided after you left, that if
 21 you had lied you'd better get a lawyer?
 22 A Right.
 23 Q Because you were scared of the consequences
 24 of lying, right?
 25 A Right.

1 right?
 2 A Yes.
 3 Q And that he told you he had no idea where
 4 the body was?
 5 A Right.
 6 Q Because he had refused --
 7 MS. MURPHY: Objection.
 8 Q Because he had told you he had refused to
 9 help do anything with the body?
 10 MS. MURPHY: Objection.
 11 THE COURT: Sustained.
 12 Q And what else did you talk about with your
 13 friend K [REDACTED] --
 14 MS. MURPHY: Objection.
 15 Q -- on the way down?
 16 THE COURT: Sustained.
 17 Q On the way back over to her house did you
 18 tell her what the detectives had asked you?
 19 A No.
 20 Q And did you tell her about what Jay had
 21 said?
 22 A I told her on the way down, not on the way
 23 back.
 24 Q On the way back. And was there any other
 25 topic of conversation on the way back?

1 Q You weren't scared of the consequences of
 2 being charged in these events?
 3 A I didn't have anything to do with them.
 4 Q And you were certain that the police
 5 believed you?
 6 A No.
 7 Q As to that?
 8 A No.
 9 Q Were you not?
 10 A No.
 11 Q You said that you were scared in part
 12 because of the last thing that Detective MacGillivray
 13 said, right?
 14 A Right.
 15 Q His statement about everybody being a
 16 suspect?
 17 A Right.
 18 Q You included yourself in that category, did
 19 you not?
 20 A Yes.
 21 Q Did you express that fear to your good
 22 friend K [REDACTED]?
 23 A I couldn't hear you.
 24 Q Did you express that fear to your good
 25 friend K [REDACTED]?

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1 A No, not like that.
 2 Q In any way?
 3 A I told her that I was scared because I had
 4 lied. That's it.
 5 Q Because you had lied?
 6 A Right.
 7 Q You didn't tell her you were also scared
 8 because MacGillivary was considering everybody,
 9 including you, a suspect in the homicide of Hae Min
 10 Lee?
 11 A Right.
 12 Q And now when you left that office had you
 13 made plans to speak to MacGillivary again?
 14 A No.
 15 Q Had you told him that you thought that
 16 perhaps you should get a lawyer?
 17 A No.
 18 Q In order to speak to him?
 19 A No.
 20 Q Had you ever during that evening told him
 21 -- well, did he ask you to use a tape recorder that
 22 evening?
 23 A No.
 24 Q Did you ever tell him that you had some
 25 difficulty in answering some of his questions?

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1 in the afternoon you brought a lawyer with you?
 2 MS. MURPHY: Objection.
 3 THE COURT: Sustained.
 4 Q Now, Ms. Pusateri, when you came down there
 5 the second day, did you call Detective MacGillivary
 6 and let him know you were coming?
 7 MS. MURPHY: Objection.
 8 THE COURT: Sustained. We've been over
 9 this, Ms. Gutierrez. Please move on.
 10 Q Prior to arriving, not the night of the
 11 26th when you said you hadn't made an appointment,
 12 did you make any arrangements for a specific time to
 13 be there?
 14 MS. MURPHY: Objection.
 15 THE COURT: Sustained.
 16 Q Now, when you arrived they asked your
 17 permission to turn on the tape recorder, right?
 18 MS. MURPHY: Objection.
 19 THE COURT: Sustained.
 20 Q When you began the statement they began
 21 asking questions, did they not?
 22 MS. MURPHY: Objection.
 23 THE COURT: Overruled.
 24 A Yes.
 25 Q And they began asking questions by saying

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1 A No.
 2 Q Or that you hadn't told him the whole
 3 truth?
 4 A Did I ever tell him that?
 5 Q Yes.
 6 A No.
 7 Q That you lied?
 8 A No.
 9 Q And there was no appointment set, was
 10 there?
 11 A No.
 12 Q And there had been no discussion about a
 13 lawyer?
 14 A Right.
 15 Q And he hadn't threatened you with being
 16 charged --
 17 MS. MURPHY: Objection.
 18 THE COURT: Sustained.
 19 Q When your friend K█████████████████████ discussed
 20 with you and suggested it might be a good idea to go
 21 get a lawyer you acted on that, did you not?
 22 MS. MURPHY: Objection.
 23 THE COURT: Sustained.
 24 Q And when you arrived down at the police
 25 station on February 27th sometime around four o'clock

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1 that this office was currently investigating a
 2 homicide, the victim's name is Hae Min Lee, she was
 3 found missing on the 13th of January, now, what, if
 4 anything, can you tell us about this event, did they
 5 not?
 6 A Yes.
 7 Q They threw it back to you, did they not?
 8 A Yes.
 9 Q And you then told them in a very lengthy
 10 way all that you knew, isn't that correct?
 11 A Yes.
 12 Q And you said that you heard all about the
 13 event from an individual by the name of Jay, right?
 14 A Right.
 15 Q And that he had told you that at around
 16 eight o'clock that evening that Adenar, Hae's
 17 ex-boyfriend, had killed her, did you not?
 18 A It was eight o'clock when I had found out,
 19 not that it happened at eight o'clock but that it was
 20 eight o'clock when Jay had told me about it.
 21 Q But the transcript reads Jay told me around
 22 eight o'clock that evening that Adenar, Hae's
 23 ex-boyfriend, had killed her?
 24 MS. MURPHY: Objection.
 25 A Right.

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1 Q Does it not?
 2 THE COURT: Sustained.
 3 Q And you told them about Adnan's car, right?
 4 A Yes.
 5 Q And that Jay had told you it was Adnan's
 6 car, right?
 7 A I don't remember.
 8 Q You weren't friendly with Mr. Syed in
 9 school, were you?
 10 A No, we weren't good friends.
 11 Q You barely knew him, did you not?
 12 A So, so, enough to speak.
 13 Q Had you ever gone on a social occasion with
 14 him?
 15 MS. MURPHY: Objection.
 16 THE COURT: Overruled. I think her answer
 17 was enough to speak. Your next question.
 18 Q Had you ever gone on a social occasion with
 19 him?
 20 A No.
 21 Q Had he ever visited your house?
 22 A No.
 23 Q Other than this day had he ever called your
 24 house?
 25 A No.

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1 Q Had you ever called him?
 2 A No.
 3 Q Had you ever met him with a group of others
 4 to socialize?
 5 A Only at school.
 6 Q Only at school?
 7 A Yea.
 8 Q Physically at school?
 9 A Yes.
 10 Q And you were a year ahead of him?
 11 A Yes.
 12 Q Now, you knew that he was friends with
 13 Stephanie, did you not?
 14 A Yes.
 15 Q And you knew Stephanie [REDACTED] to be
 16 Jay's good friend?
 17 A Jay's girlfriend.
 18 Q And you knew that from Jay, did you not?
 19 A And Stephanie.
 20 Q And you told us that independently you had
 21 a relationship with Stephanie, did you not?
 22 A In what?
 23 Q Independently you had a relationship --
 24 A Oh, yes.
 25 Q -- with Stephanie, right?

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1 A Yes.
 2 Q Because of softball, was it?
 3 A Yes.
 4 Q Is that right?
 5 A Yes.
 6 Q And you said Stephanie wasn't really a
 7 problem, did you not?
 8 A Right.
 9 Q And do you recall them asking you about
 10 Stephanie?
 11 A Yes.
 12 Q And do you recall telling them you didn't
 13 really like Stephanie?
 14 A That we don't always see eye to eye on
 15 everything.
 16 Q You don't always see eye to eye?
 17 A Right.
 18 Q So with Stephanie your relationship was one
 19 in which there were disagreements?
 20 A Right.
 21 Q And did some of those disagreements concern
 22 Jay?
 23 A No.
 24 Q No. About other things?
 25 A Yes.

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1 Q But you knew from both Stephanie and from
 2 Jay that Adnan Syed was very, very close with
 3 Stephanie, did you not?
 4 A From Jay, yes.
 5 Q From Jay. And you didn't object to that,
 6 did you?
 7 A No.
 8 Q No. That night while you were there you
 9 answered all of their questions, did you not?
 10 A Yes.
 11 Q And they asked you questions about the
 12 chronology of events, did they not?
 13 A Yes.
 14 Q And they asked you whether or not you were
 15 at Stephanie's house, did you not?
 16 A Yes.
 17 Q And then you recalled that you thought you
 18 had taken Jay there, did you not?
 19 A Yes.
 20 Q And that you stayed in the car?
 21 A Yes.
 22 Q While he went to visit his girlfriend?
 23 A Yes.
 24 Q It took about fifteen minutes?
 25 A Yes.

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- 1 Q And then you saw him go inside?
 2 A Yes.
 3 Q He didn't remain at the curb, did he?
 4 A No.
 5 Q He actually left your car, walked up, and
 6 went inside her house?
 7 A Yes.
 8 Q You could see that?
 9 A Yes.
 10 Q But you didn't go in?
 11 A No.
 12 Q And you were also asked about that occasion
 13 whether you saw a birthday present?
 14 A Right.
 15 Q And you said no?
 16 A I don't remember seeing one.
 17 Q That's what you told them, is that right?
 18 A Yes.
 19 Q And you had no further discussions with
 20 Stephanie, did you?
 21 A No.
 22 Q Not about any of these events?
 23 A Later or that night?
 24 Q That night.
 25 A Ever?

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- 1 lots of questions to describe how Jay acted, were you
 2 not?
 3 A Yes.
 4 Q In addition to what he said, right?
 5 A Right.
 6 Q And in addition to the chronology of
 7 events; is that correct?
 8 A Yes.
 9 Q And you described for them that you saw him
 10 first sometime after 1:30 or about 1:30 or 1:00
 11 o'clock or on another occasion you said after 12:30.
 12 You then stayed with him or he stayed with you at
 13 your house up until the time when you left, right?
 14 A Right.
 15 Q And the time you left you pinned it about
 16 3:45, did you not?
 17 A Yes.
 18 Q And you pinned that time because you had to
 19 leave your house a little bit before 4:30?
 20 A Right, around 4:15.
 21 Q Because of your obligation to pick up your
 22 parents, correct?
 23 A Correct.
 24 Q And that was your daily routine, correct?
 25 A Correct.

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- 1 Q Yes.
 2 A That night, no. Ever, yes.
 3 Q Later?
 4 A Yes.
 5 Q Yes you had discussions with Stephanie?
 6 A Yes, we have.
 7 Q After the 13th?
 8 A Yes.
 9 Q When did those discussions take place?
 10 A I don't know.
 11 Q Would it have been in March?
 12 A It could have been anywhere from now --
 13 from March until today.
 14 Q Until today. You don't know?
 15 A No.
 16 Q And where were you when those discussions
 17 took place?
 18 A I don't even remember.
 19 Q And that was after Jay Wilds talked to the
 20 police, was it not?
 21 A Yes.
 22 Q And that was during the time that Stephanie
 23 was still Jay Wilds' girlfriend?
 24 A Right.
 25 Q Correct? Now, on that night you were asked

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- 1 Q So you were clear he arrived at your house
 2 after you did, is that right?
 3 A Right.
 4 Q And left before you got --
 5 A Yes.
 6 Q And you described him during that time as
 7 not being quite himself?
 8 A Right.
 9 Q Being upset?
 10 A Just not himself.
 11 Q Not himself. You had a hard time
 12 describing it then, right?
 13 A Right.
 14 Q And you used words like well he was sort of
 15 hyper?
 16 A Right.
 17 Q And that he was uptight?
 18 A Right.
 19 Q Is that right? But that he was not like he
 20 normally is?
 21 A Right.
 22 Q In how he acted; is that right?
 23 A Right.
 24 Q And you told them that you formed an
 25 opinion and when he left you had made plans to see

1 him again, correct?
 2 A Correct.
 3 Q In fact, you had a certain time?
 4 A Sometime after six. I don't know if it was
 5 specific.
 6 Q But you told the police there was a certain
 7 time, didn't you?
 8 A I guess, yea.
 9 Q And you had a certain place to meet, did
 10 you not?
 11 A Yes.
 12 Q The place you were supposed to meet was the
 13 park?
 14 A Right, I didn't give that information until
 15 after I spoke to Jeff on the phone when Adnan and Jay
 16 were at K [REDACTED]'s house.
 17 Q And when you spoke to -- you spoke to Jeff
 18 on the phone?
 19 A I spoke to Jeff and K [REDACTED].
 20 Q And K [REDACTED]. Who first?
 21 A K [REDACTED].
 22 Q And did you tell K [REDACTED] how concerned you
 23 were about how odd your mutual friend Jay was?
 24 A Yes, we were talking about it because she
 25 thought that he was acting strange as well.

1 A No reason to.
 2 Q And you never mentioned that it was really
 3 him and Jay playing the video games?
 4 A We played video games.
 5 Q Meaning you, Jay, and your brother Mark?
 6 A Yes.
 7 Q And you were then how old Ms. Pusateri?
 8 A Nineteen.
 9 Q And that was the day after your very good
 10 friend's birthday, right?
 11 A Yes.
 12 Q And he was how old?
 13 A He would have turned twenty, nineteen,
 14 nineteen.
 15 Q And your brother --
 16 A No, I was eighteen at that time and Jay was
 17 turning nineteen.
 18 Q And your brother Mark was?
 19 A Fifteen.
 20 Q And his name never appears in the
 21 transcript that you've reviewed of your tape recorded
 22 statement that was obtained on the 28th, was it?
 23 A Right.
 24 Q Well, what does appear is your direct
 25 observation that before Jay left he was not acting

1 Q That Jay was acting strange?
 2 A When they were at her house.
 3 Q Okay. And strange, you understood that to
 4 mean different than normal?
 5 A Right.
 6 Q And that confirmed what you had seen
 7 earlier, right?
 8 A Yes.
 9 Q And during that, by the way, whatever that
 10 period of time was 12:30 to 12:45 or 1:30 to 3:45,
 11 you told them that you and he played video games, did
 12 you not?
 13 A Him and Mark and me.
 14 Q Well, you never mentioned Mark in your
 15 statement to Detective McGillivary on February 28th,
 16 did you?
 17 A They asked what we did, and I said we
 18 played video games and with my dog, and we hung out,
 19 meaning me, my brother, and Jay.
 20 Q And you meant to include your brother,
 21 right?
 22 A Meaning we, yes.
 23 Q But you never mentioned his name, did you?
 24 A I had no reason to.
 25 Q And you never mentioned that he was there?

1 normal?
 2 A Right.
 3 Q And that you had formed a conviction that
 4 you were going to get out of him what was going on?
 5 A No, my -- was not to get anything out of
 6 Jay. I was going to ask him what was going on. If
 7 he told me, he told me. If he didn't, he didn't.
 8 Q Well, you told Detective McGillivary that
 9 you weren't letting him back in your car unless you
 10 got answers to your concerns, did you not?
 11 A Right.
 12 Q That your good friend wasn't going to be
 13 allowed to get back into the car that he had ridden
 14 in many times, is that right?
 15 A I was going to let him back in. That's
 16 just what I told McGillivary.
 17 Q And was that a half truth?
 18 A That's how I felt at the time but I really
 19 wouldn't stick with that. I really wouldn't be like
 20 you really can't get in the car if you really don't
 21 tell me what's going on. I wouldn't be like that
 22 with my very good friend Jay.
 23 Q Now, at the time you're referring to, the
 24 time you're speaking to Detective McGillivary on
 25 February 28th?

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1 A February, I thought it was the 26th.
 2 Q Oh, I'm sorry. Actually, it's the 27th
 3 when the tape recorder was on?
 4 A Right, the 27th.
 5 Q So at the time you mean that's how you felt
 6 then?
 7 A The night of the 13th of January when I
 8 spoke to K [REDACTED] on the phone I had decided, from what
 9 she had told me how Jay and Adnan were acting at her
 10 house, I had decided that it would be in my best
 11 interests to find out what was going on before I
 12 allowed Jay to get in the car and that's what I told
 13 the detective on the 27th.
 14 Q Well, in fact, you mentioned to the
 15 detective when asked about that you were concerned
 16 because you never knew with Jay?
 17 A Right.
 18 Q Did you not?
 19 A Right.
 20 Q You never knew what would have gone on,
 21 right?
 22 A Right.
 23 Q You never knew what might be upsetting him?
 24 A Right.
 25 Q Or making him act abnormal?

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1 A Right.
 2 Q Now, you were one who back then had smoked
 3 weed often with Jay, had you not?
 4 A Yes.
 5 Q And you could tell when he was high, could
 6 you not?
 7 A Yes.
 8 Q And that night when the tape recorder was
 9 on, you never said to Detective MacGillivary, oh, I
 10 thought he was high by how he was acting, did you?
 11 A No.
 12 Q You never suggested that that might account
 13 for what it was that was making him act not the
 14 normal way he was?
 15 A Weed wouldn't make him act like he was
 16 acting.
 17 Q Huh?
 18 A I said weed wouldn't make him act like he
 19 was acting. So it wasn't because he was high.
 20 Q And you're saying that from experience,
 21 correct?
 22 A Yes.
 23 Q Because you've observed him when he's high,
 24 right?
 25 A Yea.

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1 Q So you could tell that day whether or not
 2 he was high?
 3 A I can't tell all of the time, no.
 4 Q But generally you can?
 5 A I don't examine him. I mean, I know that
 6 he's high when I'm high because if we smoke together
 7 then that's when I know.
 8 Q You know --
 9 A But if we haven't smoked together, then no
 10 I couldn't tell you if he was high or not.
 11 Q And you hadn't asked him if he was high?
 12 A No.
 13 Q You and he hadn't smoked in that time
 14 period that early afternoon, had you?
 15 A I don't know, probably not.
 16 Q But maybe so?
 17 A Maybe so.
 18 Q But if you had, that wasn't what gave rise
 19 to your concern, was it?
 20 A No.
 21 Q So even if he was high that wasn't the
 22 thing that led you to tell, to tell Detective
 23 MacGillivary that you never know with Jay, was it?
 24 A Right.
 25 Q Your remark that you never know with Jay

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1 was based on your experience with him?
 2 A Right.
 3 Q What might upset him?
 4 A Right.
 5 Q What he might be involved with?
 6 A What would upset him, I mean, yea, would he
 7 be involved with.
 8 Q Now, again, I'm asking you about the 28th
 9 after --
 10 A The 27th.
 11 Q The 27th after the tape recorder was on,
 12 they were asking again about the time between 1:30
 13 and the 3:45 time that you say he left, right? You
 14 told them that he had told you he was waiting for a
 15 phone call, right?
 16 A Right.
 17 Q And you couldn't recall -- you recalled
 18 that phone calls came in, right? Is that right?
 19 A Yes.
 20 Q But you couldn't tell whether those phone
 21 calls came in on your land line, right?
 22 A I don't remember.
 23 Q Or the cell phone, right?
 24 A Right.
 25 Q So what you told them is that the calls

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- 1 that you heard coming in could have come in either on
 2 the land line, right?
 3 A Right.
 4 Q Or on the cell phone?
 5 A Right.
 6 Q Is that right?
 7 A Right.
 8 Q But that you back then on the 27th couldn't
 9 remember which?
 10 A Right.
 11 Q Is that right? And they asked you did he
 12 appear anxious or nervous waiting for that phone
 13 call, did they not?
 14 A Yes.
 15 Q And you recall that you answered, hum, I
 16 could tell, I could tell that there was something
 17 wrong?
 18 A Right.
 19 Q Is that not right?
 20 A That's right.
 21 Q Clearly your sense was not that there was
 22 something right that you didn't know about, right?
 23 A Right.
 24 Q But whatever it was that you didn't know
 25 about that caused your good friend Jay to act

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- 1 abnormal was something wrong; is that right?
 2 A What I believed, yes.
 3 Q And those were the words that you chose to
 4 describe your friend's behavior back on September --
 5 I mean, February 27th; is that right?
 6 A Yes.
 7 Q Now, they asked you a number of other
 8 questions about that day and it included what
 9 happened after the time you picked him up at a
 10 location that you described as the Value City parking
 11 lot on Westview Mall?
 12 A Yes.
 13 Q Now, Jay's house you said you know the road
 14 it's on, right?
 15 A Yes.
 16 Q But not the number, right?
 17 A Right.
 18 Q But you know where the location is, right?
 19 A Right.
 20 Q You've been there before, have you not?
 21 A Yes.
 22 Q And Jay's house is not Westview Mall, is
 23 it?
 24 A No.
 25 Q It's not inside of Westview Mall?

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- 1 A No.
 2 Q It's not off of the parking lot, is it?
 3 A No.
 4 Q And Value City is at one of the end of the
 5 mall, is it not?
 6 A Yes.
 7 Q And where Value City is, right beyond the
 8 end of it is the beginning of an underground parking
 9 lot, right?
 10 A Yes.
 11 Q And that's where you told the police you
 12 went that night?
 13 A No, I told the police I was parked under a
 14 light and it got transcribed wrong. I never said I
 15 was parked underground because I didn't park
 16 underground anything.
 17 Q But you parked near Value City, did you
 18 not?
 19 A Under a light in front of Value City by
 20 Westview Mall parking lot, yes.
 21 Q So the transcriber made a mistake?
 22 A Yes.
 23 Q And that, of course, is one of the mistakes
 24 that you observed?
 25 A Yes.

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- 1 Q And that you never brought to anybody's
 2 attention?
 3 A No.
 4 Q In any event, where you were was in close
 5 proximity to the Value City that is connected to
 6 Westview Mall?
 7 A Yes.
 8 Q The mall that's off of Route 40/Baltimore
 9 Baltimore National Pike?
 10 A Right.
 11 Q And that's where you picked?
 12 A Jay up.
 13 Q Jay up; is that right?
 14 A Yes.
 15 Q And that you got there first, right?
 16 A Yes.
 17 Q And you waited about fifteen minutes; is
 18 that right?
 19 A I don't believe it was quite fifteen
 20 minutes. I don't know how long it was.
 21 Q Not a long time?
 22 A Right.
 23 Q Right? And that ultimately Jay came up in
 24 a car?
 25 A Yes.

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1 Q You were asked to remember and you really
 2 couldn't, in fact, you said something, I sort of want
 3 to say Adnan was driving but you really couldn't
 4 remember, could you?
 5 A Right.
 6 Q That that's where you picked him up?
 7 A Yes.
 8 Q And you described what he was wearing, did
 9 you not?
 10 A What I thought he could have been wearing
 11 but I really don't know.
 12 Q You really weren't sure?
 13 A Right.
 14 Q All you really did was describe what he
 15 wore a lot of, right?
 16 A Right.
 17 Q What you call dickey outfits?
 18 A Yep.
 19 Q And you described that he wore black pants;
 20 is that right?
 21 A Uh-huh.
 22 Q Not jeans?
 23 A Right.
 24 Q And you actually described the description
 25 of his outer coat?

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1 A Yes.
 2 Q It was plaid?
 3 A From what I think, yea.
 4 Q Okay. And so you were just sort of
 5 guessing at it?
 6 A Yes.
 7 Q Because you really didn't notice his
 8 clothes?
 9 A Right.
 10 Q And they asked you if they appeared dirty,
 11 did they not?
 12 A Right.
 13 Q And you said well, I really don't know but
 14 I didn't notice anything, right?
 15 A Right.
 16 Q They even asked you if you saw dirt on his
 17 hands?
 18 A Right.
 19 Q And, again, you told them I didn't really
 20 notice?
 21 A Right, I didn't examine him.
 22 Q Now from that point -- and you were asked
 23 to describe his boots, were you not?
 24 A Yea.
 25 Q And you said they weren't really

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1 Timberland's but they looked like Timberland's?
 2 A Right.
 3 Q And those were the boots you knew him to
 4 wear all of time?
 5 A Those are the boots that I remember seeing.
 6 Q Seeing?
 7 A Yea, I remember seeing them.
 8 Q That night?
 9 A You're saying like -- I remember them.
 10 Q Again, you didn't describe anything out of
 11 the ordinary?
 12 A Right.
 13 Q After you picked him up before you took him
 14 home for the last time sometime after midnight, which
 15 would be the 14th, right?
 16 A Right.
 17 Q Did you take him home?
 18 A Yes.
 19 Q Before then?
 20 A Oh, in between?
 21 Q Yes.
 22 A I don't think so, no.
 23 Q You don't think so. And you didn't
 24 describe doing so, did you?
 25 A No.

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1 Q You described everything else you did,
 2 didn't you?
 3 A Yes.
 4 Q In fact, you described going places at
 5 Jay's direction, did you not?
 6 A Yes.
 7 Q And one of the places where you went was to
 8 a dumpster?
 9 A Yes.
 10 Q And you knew why you were going there, did
 11 you tell them that on the 28th?
 12 A On the 27th?
 13 Q On the 27th.
 14 A I told them we were going to the dumpster
 15 because Jay told me that he knew where the shovels
 16 were that Adnan used to bury the body.
 17 Q That Adnan used?
 18 A Right.
 19 Q Not Jay?
 20 A Right, that's what Jay told me.
 21 Q Jay never told you that he might have used
 22 the shovels?
 23 A Right, he told me he didn't.
 24 Q That he did not?
 25 A Right.

1 Q Affirmatively he told you that?
 2 A He told me he didn't help bury the body so
 3 I guess he wouldn't use a shovel.
 4 Q And what he told you was that those were
 5 the shovels and you connected them to Adnan, is that
 6 right?
 7 A Right.
 8 Q But then he drove you to the place where he
 9 told you the shovels were?
 10 A I drove him, yes.
 11 Q I'm sorry, you drove him, right? He told
 12 you where to go, did he not?
 13 A Yes.
 14 Q And you took him there, right?
 15 A Yes.
 16 Q And on that day, on the 28th when you're
 17 telling this, you were aware because you used the
 18 same words to describe the relationship as Jay had,
 19 that Jay and Adnan were mere acquaintances, did you
 20 not?
 21 A Yes.
 22 Q That's how you described them, right?
 23 A From my knowledge, yes.
 24 Q From your knowledge. And you had pretty
 25 good knowledge about Jay's time, did you not?

1 A Right.
 2 Q You saw him sometimes everyday, right?
 3 A Right.
 4 Q And you had never hung out with him and
 5 Adnan, right?
 6 A Right.
 7 Q And you knew that Adnan was not a close
 8 friend?
 9 A Right, of mine or Jay's, right.
 10 Q And when Jay had told you about what he
 11 says Adnan said, did he express concern about helping
 12 conceal the crime to cover up for Adnan?
 13 A How to help to cover up for Adnan?
 14 Q Yes.
 15 A No.
 16 Q Did he express any concern?
 17 A For Adnan?
 18 Q About Adnan?
 19 A No.
 20 Q And did he express any sentiment that he
 21 should help cover up this crime?
 22 A No.
 23 Q Now, when you went to the location that
 24 location was back at Westview, right?
 25 A Yes.

1 Q And you went back there because you had
 2 already left the Westview Mall parking lot, had you
 3 not?
 4 A Yes.
 5 Q And he asked you to go back, right?
 6 A Right.
 7 Q And after he told you, oh, I know where the
 8 shovels are that Adnan used, right?
 9 A He didn't say it like that, no.
 10 Q But he said that's why?
 11 A He wanted me to take him to Westview Mall.
 12 Q Is that right?
 13 A Yes.
 14 Q He said what?
 15 A Why he wanted me to take him back to
 16 Westview Mall.
 17 Q Okay. And you did so, right?
 18 A Yes.
 19 Q And he got out of the car, did he not?
 20 A Yes.
 21 Q And he went to a dumpster, did he not?
 22 A Yes.
 23 Q You could see that from the car, could you
 24 not?
 25 A I saw him walk in the direction of the

1 dumpsters.
 2 Q Was there anything else there other than
 3 the dumpster?
 4 A A fence, a wall maybe. I don't remember.
 5 Q Did you watch him?
 6 A No.
 7 Q You never got out of the car, did you?
 8 A No.
 9 Q And he ultimately -- and he asked you to
 10 keep a lookout, did he not?
 11 A Yes.
 12 Q In case somebody else came around the back,
 13 right?
 14 A Well, he didn't ask me to keep a lookout.
 15 I guess -- well, maybe he asked, but I just would
 16 because it's not where I should be.
 17 Q And you knew that?
 18 A Yea.
 19 Q In the back of Westview?
 20 A Right.
 21 Q Right? While your friend went to a
 22 dumpster, right?
 23 A Right.
 24 Q And you kept a lookout so that you could
 25 warn him if anybody came around?

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1 A I kept a lookout so I could move if
2 security came.
3 Q That you could move?
4 A Yea.
5 Q To protect yourself?
6 A Yea.
7 Q And you would have just taken off and left
8 your friend there?
9 A Probably not.
10 Q But maybe?
11 A Whatever had to happen.
12 Q Now, he then -- could you see him getting
13 near the dumpster that you could see?
14 A Yes.
15 Q Did he reach into the dumpster?
16 A No.
17 Q Did you see shovels?
18 A No.
19 Q Did you see him do anything?
20 A No, I wasn't watching him.
21 Q Well, were you aware from any source, your
22 own observations or what you were told, that he was
23 wiping off shovels?
24 A That's why he wanted to go to the shovels
25 was to wipe them off because he said the shovels were

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1 Q Not Adnan's prints off?
2 A Right.
3 Q Because you would not have seen him as
4 doing something to protect his mere acquaintance
5 Adnan?
6 A Right.
7 Q You made the assumption whatever prints
8 that were there were old prints?
9 A Sure.
10 Q Because he had indicated to you that he
11 didn't even touch the shovels that day?
12 A Right.
13 Q But he identified them as his shovels?
14 A Right.
15 Q Is that correct? And then after you did
16 that -- and no security came by, right?
17 A Right.
18 Q So you never had to face that issue, right?
19 A Right.
20 Q And after he came back from the dumpster,
21 did he?
22 A Yes.
23 Q And did he say, oh, yea, I got the prints?
24 A No.
25 Q And did he say he had wiped the shovels?

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1 his and he didn't want any of his old prints on the
2 shovels.
3 Q His old prints?
4 A Right.
5 Q So as far as what he said, he would not
6 have touched the shovels that day?
7 A Right. Well, I mean I guess giving them to
8 Adnan he might have.
9 Q Is that a guess?
10 A He might have touched them.
11 Q Is that a guess or is that something you
12 remember he said?
13 A Remember him saying what? I remember him
14 saying that he wanted to wipe down the shovels to get
15 his prints off.
16 Q To get his, meaning Jay's prints off the
17 shovel?
18 A Right. Well, I just assumed -- he said he
19 wanted to go wipe the shovels down because they were
20 his shovels. That's what he said.
21 Q And you assumed it was to wipe his prints
22 off?
23 A Right.
24 Q Jay's prints off?
25 A Right.

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1 A No.
2 Q Did he say he had found the shovels?
3 A No.
4 Q Did he appear less agitated than he
5 appeared before?
6 A No.
7 Q And after that you then went to the
8 sorority party?
9 A Yes.
10 Q That had been pre-planned, had it not?
11 A Yes.
12 Q It wasn't something that you found out
13 about?
14 A I knew about it probably that day. I don't
15 know when I found out about it. It was Mike's
16 party. It wasn't a sorority party.
17 Q And Mike was a friend of yours, was he not?
18 A Yes.
19 Q Well, the word sorority is a word that you
20 used while the tape was on, was it not?
21 A The detectives thought -- yea, because some
22 of my sorority sisters live in the apartment where
23 the birthday party was for Mike.
24 Q But you used the term sorority party, did
25 you not?

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- 1 Q And did he ever indicate to you that he knew about it ahead of time?
 3 A No.
 4 Q Did you ask him after he left the dumpster, well, why were you upset before 1:30 in the afternoon?
 7 A No.
 8 Q No. And did you ask him any more questions about going -- about what he had said?
 10 A I didn't ask Jay any questions.
 11 Q Ever?
 12 A No, not really.
 13 Q After he told you whatever it was he told you, right?
 15 A Right.
 16 Q And when you got to K████'s and Jeff's, did you ask him any questions there?
 18 A No.
 19 Q Did you tell them what had happened?
 20 A No.
 21 Q And did you ever explain why you were acting so weird?
 23 A Not until after the 26th when the police came to my house when K████ was there.
 25 Q Which was at least six weeks after the

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- 1 Q And he had clothes with him, right?
 2 A Right.
 3 Q And you don't remember whether they were in a bag or not? In fact, you told the detective you weren't sure. You thought not because you could see that they were clothes; is that right?
 7 A Right.
 8 Q And that he had identified them as the clothes that he had on the night before; is that right?
 11 A I assumed they were the clothes he had on the night before. He didn't tell me.
 13 Q Based on what he said about them though, right?
 15 A He didn't tell me nothing about the clothes. I didn't ask him anything about the clothes.
 18 Q On the 14th when you picked him up he had those clothes with him, did he not?
 20 A Yes.
 21 Q Not on his body?
 22 A Right.
 23 Q He wasn't dressed in these clothes?
 24 A Right.
 25 Q He was dressed, right?

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- 1 night that you're saying that all of this occurred, right?
 3 A Right.
 4 Q And did they that night the 13th ask you directly why you were acting so weird?
 6 A No.
 7 Q Neither of them?
 8 A No.
 9 Q You stayed there for quite awhile; is that right?
 11 A Awhile.
 12 Q And then you left out and then you drove Jay home; is that right?
 14 A Yes.
 15 Q Is that right?
 16 A Yes.
 17 Q And you've told us that the next day you hooked back up with Jay?
 19 A Yes.
 20 Q And when you hooked up with him he had his boots?
 22 A Yes.
 23 Q You could see, right, the Timberland boots that you say you recall at some point him wearing?
 25 A Right.

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- 1 A Right.
 2 Q In different clothes than he had on the day before when you had seen him?
 4 A I don't remember what he wears.
 5 Q And you then went some place, did you not?
 6 A Yes.
 7 Q You went to a different dumpster than you had been the day before?
 9 A Right.
 10 Q Right. This dumpster was at least close to F & M?
 12 A Yes.
 13 Q And behind F & M?
 14 A Yes.
 15 Q And you once again parked close there, did you not?
 17 A Yes.
 18 Q And Jay got out?
 19 A Yes.
 20 Q And he threw the clothes and the boots in the dumpster, did he not?
 22 A Yes.
 23 Q The same dumpster? I mean, the boots and the clothes together in the same dumpster?
 25 A I think there was only one dumpster there

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1 so yes.
 2 Q And you watched him, did you not?
 3 A Yes.
 4 Q And once again you were on the lookout in
 5 case somebody came around, right?
 6 A I was just watching him. I mean, he had
 7 trash.
 8 Q I mean, you came back?
 9 A It wasn't as big of a deal.
 10 Q He had trash?
 11 A I mean, he didn't have trash, but like it
 12 wasn't late at night. It wasn't as big of a deal if
 13 we were behind F & M as it was when we were behind
 14 Westview Mall.
 15 Q This is in broad daylight?
 16 A It was daytime, yes.
 17 Q And this was the 14th?
 18 A Yes.
 19 Q If those events occurred on the 13th,
 20 right?
 21 A Right.
 22 Q But in any event, the day after the events
 23 we talked about?
 24 A Right.
 25 Q And you drove to that dumpster because Jay

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1 killing of Hae Min Lee?
 2 A Right.
 3 Q And he indicated he had never been in her
 4 car, right?
 5 A I never asked. He never said that he was
 6 not in the car, no.
 7 Q And did you ask him why he had to hide the
 8 clothes if he had nothing to do with it?
 9 A No, I don't ask questions.
 10 Q You did have a conversation with him about
 11 his boots though, did you not?
 12 A A conversation about the boots?
 13 Q Yes.
 14 A Hmm, I don't know.
 15 Q Well, do you recall that you told Detective
 16 MacGillivray about the boots, that he threw them away
 17 because he didn't want any question of his
 18 footprints?
 19 A Right.
 20 Q Footprints of his boots would show up in
 21 Adnan's car?
 22 A Dirt prints, anything. I'm saying he just
 23 told me, the night of the 13th he told me that he was
 24 going to get rid of his boots. That's all. I don't
 25 ask questions.

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1 told you to do so or asked you to do so?
 2 A Yea.
 3 Q He picked out the dumpster?
 4 A Yes.
 5 Q You didn't?
 6 A No.
 7 Q You had no discussion about what was the
 8 best place to conceal clothes that he had on?
 9 A No, it was nothing about concealing
 10 anything.
 11 Q Up until this point he still maintained to
 12 you that he had no idea where the body was?
 13 A Right.
 14 Q And he still maintained to you that he had
 15 nothing to do with the burial of the body, although
 16 he had been asked to do so?
 17 A You mean up until today?
 18 Q No, up until then this day?
 19 A Right, right.
 20 Q This day you were at the dumpster?
 21 A Right, right, right, right.
 22 Q He had still maintained the same thing,
 23 right?
 24 A Right.
 25 Q And that he had nothing to do with the

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1 Q On the 27th when you were asked questions
 2 by Detectives MacGillivray, Sergeant Lehmann or
 3 Detective Ritz, you recalled that he told you why he
 4 wanted to get rid of his boots though, did you not?
 5 A Right.
 6 Q And you related to them that you did have a
 7 conversation with Jay and he said he didn't want any
 8 footprints of his boots found in Adnan's car, isn't
 9 that right?
 10 A Yea.
 11 Q And did you tell them that you didn't ask
 12 any questions of your good friend Jay Wilds?
 13 A Yes.
 14 Q Excuse me. And then after you then left
 15 that dumpster with him?
 16 A Yes.
 17 Q And did you say, by the way, Jay, what are
 18 you afraid of?
 19 A No.
 20 Q You didn't have anything to do with it,
 21 right, did you?
 22 A No, I didn't say that to him.
 23 Q And you asked him no other questions?
 24 A No.
 25 Q And you had no other conversation regarding

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- 1 why he had to throw away the clothes that he had on?
- 2 A No.
- 3 Q On a day in which he had told you he had
- 4 done nothing wrong?
- 5 A No questions.
- 6 Q Now, you also were asked about and you
- 7 described that Jay at some point had told you the
- 8 events that Adnan had spoken about had started out at
- 9 Best Buy, is that not correct?
- 10 A Yes.
- 11 Q And you told Detective MacGillivary that
- 12 according to Jay, Jay wasn't there, right?
- 13 A Right.
- 14 Q That he had just been told that?
- 15 A Right.
- 16 Q Correct? And you described for Detective
- 17 MacGillivary that you did have a subsequent
- 18 conversation with Jay about a video camera on top of
- 19 Best Buy, did you not?
- 20 A Right.
- 21 Q That you brought that to Jay's attention?
- 22 A Yes.
- 23 Q Correct?
- 24 A Yes.
- 25 Q And the conversation in which that took

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- 1 A Right.
- 2 Q And Jay never mentioned the place down on
- 3 Edmondson Avenue, did he?
- 4 A He said some places in the city.
- 5 Q In the city?
- 6 A Yes.
- 7 Q He never mentioned the city as the location
- 8 of what Adnan said or where Adnan said the death of
- 9 Hae Min Lee had occurred, did he?
- 10 A I don't know where Adnan said anything.
- 11 Q You only know what Jay told you?
- 12 A Right.
- 13 Q Is that right? And Jay told you on the
- 14 13th that the location was the Best Buy?
- 15 A Yea.
- 16 Q And you knew where it was that he was
- 17 talking about, did you not?
- 18 A I assumed that it was the Best Buy by
- 19 Woodlawn.
- 20 Q By Woodlawn. Off of Security Boulevard?
- 21 A Security Boulevard, yes.
- 22 Q That faces Security Mall?
- 23 A Yes.
- 24 Q And you then brought up the camera to him?
- 25 A Yes.

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- 1 place took place when?
- 2 A When Jay told me that he did it in Best Buy
- 3 parking lot, the 13th, the night when I picked Jay up
- 4 at Westview Mall.
- 5 Q And according to what Jay told you that
- 6 camera should have been able to pick up what would
- 7 have happened on the Best Buy?
- 8 A I brought up the camera. I'm not even sure
- 9 if it was a camera out there but I think there is.
- 10 Q But you brought it up, right?
- 11 A Yes.
- 12 Q And you brought it up out of concern that
- 13 the camera would have shown what happened; is that
- 14 right?
- 15 A Right.
- 16 Q And according to what Jay told you what
- 17 that would have shown would have been Adnan, correct?
- 18 A Jay told me that Adnan was going to get
- 19 caught because he did it in Best Buy parking lot and
- 20 that's all we even talked about Best Buy.
- 21 Q Well, you brought up the video camera,
- 22 right?
- 23 A Right.
- 24 Q So there was more than what Jay said. You
- 25 said, oh, there's a video camera there, right?

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- 1 Q Did he respond to that?
- 2 MS. MURPHY: Objection.
- 3 A I don't remember.
- 4 THE COURT: Overruled.
- 5 A I don't remember.
- 6 Q You don't remember whether or not he
- 7 responded?
- 8 A I don't know what he said.
- 9 Q That evening after he was -- did he tell
- 10 you all of these things all at once or was it over a
- 11 course of time?
- 12 A He told me a lot that night and we talked
- 13 about it a couple of days afterwards. Information
- 14 came out the whole time, I don't know.
- 15 Q And you don't remember when what came out.
- 16 do you?
- 17 A What?
- 18 Q You don't remember when what came out?
- 19 A Right.
- 20 Q Now, at the end of that night before you
- 21 dropped him off at his house was he acting normal
- 22 then?
- 23 A At the end of the 13th?
- 24 Q Yes.
- 25 A No.

1 Q No. And on the 14th when you picked him up
2 you picked him up at his house again, right?

3 A Yes.

4 Q Because he didn't have somebody else's car,
5 right?

6 A Right.

7 Q And when you picked him up then was he
8 acting normal?

9 A No, not yet.

10 Q No, not yet. At any time during the 14th
11 did he start acting normal?

12 A I mean, it was something that was on both
13 of our minds for awhile. So, I mean, we didn't act
14 as strange as on the night of the 13th, but I mean to
15 say that we were normal, no.

16 Q That took some time, right?

17 A Right.

18 Q And did you see him again on the 15th?

19 A I don't know, probably so.

20 Q That's a guess?

21 A Yes.

22 Q And on the 16th?

23 A Probably so.

24 Q Now, after those events there were other
25 occasions when and you Jay discussed these things,

1 right?

2 A Right.

3 Q One of those occasions that you told
4 Detective MacGillivary about was an occasion in which
5 you were in Champs, correct?

6 A Right.

7 Q And Jay was there, correct?

8 A Correct.

9 Q And you described for Detective
10 MacGillivary that somehow on the news it then came
11 out that Hae was missing; is that right?

12 A Right.

13 Q And you described that that upset you, did
14 you not?

15 A Yes.

16 Q And that that upset Jay?

17 A Yes.

18 Q And Detective MacGillivary said, but you
19 already she was dead according to you, didn't you?

20 A Yea.

21 Q And he was surprised that event upset you,
22 wasn't he?

23 A It wasn't upsetting. It was like reality,
24 I guess. A shock more so, like I don't know, you
25 know.

1 Q Because starting on the 13th there really
2 wasn't reality that hit you?

3 A Right. I mean, when Jay first told me I
4 didn't even really believe him at first.

5 Q You didn't believe it had happened?

6 A Right.

7 Q And you didn't conduct any independent
8 investigation, right?

9 A No.

10 Q And nobody had spoken to you or brought it
11 up to you, other than you and Jay, up until the time
12 you first saw Detective MacGillivary and Ritz --

13 A Right.

14 Q -- on the street on the 26th, right?

15 A Well, I had heard that she hadn't been in
16 school.

17 Q And so you just didn't believe these
18 things?

19 A Well, I mean -- I wasn't --

20 Q That didn't surprise you though, did it?

21 MS. MURPHY: Objection.

22 THE COURT: Sustained. One second. You
23 may finish your answer. Were you finished with your
24 answer?

25 THE WITNESS: Yes.

1 THE COURT: All right, your next question.

2 Q The fact that your friend, your very good
3 friend about whom you've commented, you never know
4 about with Jay, that he would tell you something that
5 wasn't true was not a surprise to you, was it?

6 A Oh. Yea, he would usually tell the truth.

7 I really don't have reason to doubt.

8 Q Well, you said you didn't believe it?

9 A Well, not completely. It's not something
10 that I would hear everyday and be like, you know what
11 I mean. It was shocking.

12 Q After you heard from whatever source you
13 heard it from that Hae wasn't in school, did you go
14 confront your friend Jay and say, by the way, why did
15 you tell me that horrible story that upset me so that
16 your friend told you that he had killed someone?

17 A Did I? No.

18 Q Did you ever have a conversation akin to
19 that?

20 A No.

21 Q Did you ever go to your good friend Jay and
22 say, hey, I've heard that Hae's alive, so why did you
23 need to go to the dumpster about the shovels?

24 A No, because I never heard that. So I never
25 went to him and said that.

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1 Q You just told us that you heard that Hae
2 was in school?
3 A Hadn't been in school.
4 Q Had not been in school?
5 A Had not been in school.
6 Q So it really wasn't a surprise to you at
7 all when that night at Champs it came out on the news
8 that Hae was missing?
9 A Not like a surprise, more like a scare. I
10 don't know what that means like now the police are
11 involved, you know what I mean.
12 Q And the police being involved made things
13 different?
14 A Yes.
15 Q For you?
16 A Yes.
17 Q And for Jay?
18 A Sure.
19 Q You described that as a scare?
20 A Yes.
21 Q On the day that you went to the police with
22 your good friend K [REDACTED] on the 26th of
23 February, after you left did you speak to your good
24 friend Jay?
25 A I couldn't even hear what you said.

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1 Q Did you go to the porn store?
2 MS. MURPHY: Objection.
3 THE COURT: Sustained.
4 Q Did you know, based on your conversations
5 on the 27th, that the police were going to speak to
6 Jay?
7 A No.
8 Q Did you tell them what Jay said?
9 MS. MURPHY: Objection.
10 THE COURT: Sustained.
11 Q Did you tell them that Jay said that he
12 said just send them, meaning the police, to him?
13 MS. MURPHY: Objection.
14 THE COURT: Sustained.
15 Q Did you on the 27th give his phone number?
16 MS. MURPHY: Objection.
17 THE COURT: Sustained.
18 Q Did you give them his address?
19 MS. MURPHY: Objection.
20 THE COURT: Ms. Gutierrez, sustained.
21 Q Did you give them his whole name?
22 MS. MURPHY: Objection.
23 THE COURT: Sustained.
24 Q The park that you described, there is a
25 park that you and Jay go to often?

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1 Q On the 26th of February when you went down
2 to police headquarters when your friend K [REDACTED]
3 drove you, after you left that evening or the early
4 morning hours of the 27th, did you speak to your
5 friend Jay?
6 A I don't know.
7 MS. MURPHY: Objection.
8 THE COURT: Sustained.
9 Q And did you have an occasion to tell him
10 what had occurred while the police were questioning
11 you?
12 MS. MURPHY: Objection.
13 THE COURT: Sustained.
14 Q On the 27th after you left -- there came a
15 time when you left, right?
16 A Uh-huh, yes.
17 Q That night, that Saturday night?
18 A When I left the police station, yes.
19 Q At that time did you speak to your friend
20 Jay?
21 MS. MURPHY: Objection.
22 THE COURT: Sustained.
23 Q Did you telephone him?
24 MS. MURPHY: Objection.
25 THE COURT: Sustained.

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1 A Sometimes, yes.
2 Q Is that Gilston Park?
3 A Gilston.
4 Q And how do you spell that?
5 A G-i-l-s-t-o-n.
6 Q And is that located off of Crosby and
7 Chesworth?
8 A I believe so, yes.
9 Q Is that a park that you go at times with
10 your friend Jay and your dog?
11 A Yes.
12 Q And its location if you can describe it
13 from the intersection of Rolling Road and Route
14 40/Baltimore National Pike?
15 A Yes.
16 Q Can you describe that for us? Where is it
17 in relationship to that intersection?
18 A Right on Rolling Road and a right, I guess
19 it's Chesworth. I don't know the name of it.
20 Q If you made a right would that take you
21 more towards Security Mall?
22 A Yes.
23 Q In that direction?
24 A Yes.
25 Q And then after you go on Rolling Road, then

1 you take another right; is that right?
 2 A Right.
 3 Q And that was the location -- was that a
 4 location you visited with Jay on the 13th?
 5 A No.
 6 Q No. And was that a location that you
 7 visited with Jay the day before these events --
 8 A I don't know.
 9 Q -- the 12th? You don't know?
 10 A Uh-huh.
 11 Q Was there an occasion when you visited
 12 Gilston Park with your good friend Jay on the 12th or
 13 any other day before the 13th in which he told you
 14 that he believed Adnan was going to kill his
 15 girlfriend?
 16 A No.
 17 Q And since that didn't happen, of course,
 18 you never mentioned that to the detectives?
 19 A Right.
 20 Q If it had happened you, of course, would
 21 have done so?
 22 A If they -- yes.
 23 Q You had no advanced notice --
 24 A No.
 25 Q -- that these events would have happened?

1 A No.
 2 Q And if you had had advanced notice, would
 3 you have done anything different on the 13th?
 4 MS. MURPHY: Objection.
 5 THE COURT: Sustained.
 6 Q You told us in direct that in regard to
 7 meeting up with Jay you could not quite understand
 8 what the message was about where it was to meet him
 9 or where you were to pick him up?
 10 A Right.
 11 Q And that's why you made an attempt to call
 12 him?
 13 A Right.
 14 Q Did your lack of being able to understand,
 15 is that related to that his message wasn't
 16 understandable?
 17 A No, he sounded clear. It was just there
 18 was a -- Jay never told me to pick him up at Gilston
 19 Park. I got that message from Jeff.
 20 Q From Jeff [REDACTED]?
 21 A Right.
 22 Q The boyfriend of K [REDACTED]?
 23 A Right.
 24 Q And did you get that message while you were
 25 talking to --

1 A While I was speaking to Jeff, Jeff told me
 2 to go to Gilston Park that Jay -- when Jay and Adnan
 3 were at his house, Jay had told him that I was
 4 supposed to pick Jay up at Gilston Park.
 5 Q Okay.
 6 A But that was not -- right.
 7 Q That conversation with Jeff took place at a
 8 time when Jay was not there?
 9 A Right, Jay was out in a car in front of
 10 K [REDACTED]'s house.
 11 Q Out in a car and had already left there,
 12 right?
 13 A They sat in the car for awhile. That's
 14 what they told me on the phone.
 15 Q That's what they meaning K [REDACTED] --
 16 A And Jeff.
 17 Q And Jeff, right?
 18 A Yes.
 19 Q Because on that occasion you didn't speak
 20 to Jay?
 21 A I might have spoke to Jay before he left
 22 out of the house. I don't remember.
 23 Q When he left out of your house about 3:45,
 24 you didn't know exactly where he was going, did you?
 25 A No.

1 Q He didn't tell you where he was going, did
 2 he?
 3 A No.
 4 Q But the two of you were supposed to hook up
 5 --
 6 A Later.
 7 Q -- later; is that right?
 8 A Yes.
 9 Q Sometime after six?
 10 A Yes.
 11 Q Right? And six o'clock would be when,
 12 according to your routine that you told us about, you
 13 would really just be returning from picking up your
 14 parents from their respective work places?
 15 A Right.
 16 Q But that you didn't have a firm place to
 17 meet Jay; is that right?
 18 A Right.
 19 Q But you called K [REDACTED]'s house looking for
 20 him, didn't you?
 21 A No, I called K [REDACTED]'s house just to talk to
 22 K [REDACTED]
 23 Q But Jeff gave you a message from Jay?
 24 A Uh-huh.
 25 Q That message wasn't clear to you?

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1 A No, I understood what Jeff was saying but
 2 then when Jay called and left a message on my pager
 3 there was some conflicting things. I didn't
 4 understand it. So I felt it necessary to try and
 5 contact Jay.

6 Q Well, in regard to Jay's message was it
 7 garbled?

8 A I don't know. I don't remember.

9 Q But it didn't make sense to you?

10 A Right.

11 Q It conflicted with other information you
 12 had?

13 A There was some confusion so I felt it
 14 necessary to call the cell phone. I don't know what
 15 it was from.

16 Q Did you know at the time that you got the
 17 message whether or not Jay had smoked weed while he
 18 was at K [REDACTED] s house?

19 A No, I did not know.

20 Q And did you know whether or not Jay was
 21 high?

22 A No, I did not know.

23 Q After he left you?

24 A No.

25 Q And back at Westview where you tell us that

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1 you picked up Jay and he was riding in the car with
 2 Adnan --

3 A Yes.

4 Q -- you were asked to describe Adnan's
 5 behavior, were you not?

6 A Yes.

7 Q And you told Detective MacGillivary on the
 8 28th that he acted just normal, didn't he?

9 A Sure.

10 Q Sure --

11 A Yes.

12 Q -- does that mean yes that's what you told
 13 him?

14 A Yes.

15 Q You chose the word normal, did you not?

16 A Yes.

17 Q And by normal you meant just the way you
 18 had always seen him act before?

19 A Right.

20 Q You were asked how he was dressed, were you
 21 not?

22 A Yes.

23 Q And you described that he always dresses
 24 nice?

25 A Usually, yes.

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1 Q Usually. Every time you had seen him?

2 A Yes.

3 Q And you didn't describe that there was
 4 anything out of the ordinary in how he appeared to
 5 you, right?

6 A Right.

7 Q Not in how he acted?

8 A No.

9 Q Not in how he was dressed?

10 A No.

11 Q You didn't observe or express that you
 12 observed any dirt on him?

13 A I didn't see him that well to see if there
 14 was dirt. I didn't observe any dirt, right.

15 Q They asked you about that, didn't they?

16 A Yes.

17 Q All right. And you were also asked about
 18 every detail that you could remember about what Jay
 19 said?

20 A Right.

21 Q Right. And one of the details you
 22 described was that Jay made a reference to going down
 23 into the city?

24 A Uh-huh, yes.

25 Q Now, Ms. Pusateri, are you familiar with

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1 the term strip?

2 A Yes.

3 Q And that means a place where you buy drugs?

4 A Yes.

5 Q Does it not?

6 A It can.

7 Q And that's a term that has come up in
 8 conversation between you and Jay, has it not?

9 A Yes.

10 Q He refers to strips all of the time, does
 11 he not?

12 A Yes.

13 Q And strips are sort of not necessarily
 14 fixed locations, they might be moving where one would
 15 know where to get drugs?

16 A Right.

17 Q Including marijuana?

18 A Right.

19 Q Including other drugs?

20 A Right.

21 Q And you were asked by Detective

22 MacGillivary about what Jay had said about what
 23 locations in the city, did you not?

24 A Yes.

25 Q And the only thing that you remembered was

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1 that he said that when he dropped him, meaning Adnan
 2 off, that it was at a different broad's house. He
 3 said a different chick's house, right?
 4 A Right.
 5 Q Because that's what you remembered Jay said
 6 to you?
 7 A Right.
 8 Q And you also told them that another thing
 9 that Jay said is that he was downtown with Adnan?
 10 A Yes.
 11 Q Did he not?
 12 A Yes.
 13 Q Those were your words, right?
 14 A Yes.
 15 Q That you told Detective MacGillivary?
 16 A Yes.
 17 Q In answer to his questions; is that right?
 18 A Yes.
 19 Q On the day that you saw on television, the
 20 day that you were at Champs when you heard the news
 21 that Hae Min Lee was missing, you had a conversation
 22 with Jay about what do we do, did you not?
 23 A Yes.
 24 Q Those were Jay's words to you in Champs?
 25 A Yes.

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1 Q Regarding that it was now out in public
 2 that Hae Min Lee was missing?
 3 A Right.
 4 Q Is that right? And at that time you were
 5 still under the impression from Jay that he had
 6 nothing to do with killing Hae, right?
 7 A Yes.
 8 Q And nothing to do with the burial of Hae,
 9 right?
 10 A Yes.
 11 Q After you told the detectives that on the
 12 28th while the tape recorder was running, they asked
 13 you why that was such a surprise to you, was it not?
 14 A Yes.
 15 Q And then they asked you again are you sure
 16 he told you that he didn't know where the body was,
 17 did you not?
 18 A I don't know. I guess so, yes.
 19 Q And then -- well, you remember talking to
 20 them about these events, did you not?
 21 A Yes.
 22 Q And you then told them that if he knew
 23 where the body was that he would have told you?
 24 A Yes.
 25 Q That was your belief then, right?

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1 A Yes.
 2 Q Was that an exaggeration?
 3 A No.
 4 Q Was that a half truth?
 5 A No.
 6 Q Back then you believed that anything that
 7 he knew he would have shared with you?
 8 A Right.
 9 Q Is that right? Now, Ms. Pusateri, would it
 10 surprise you to know that Jay knew where the body was
 11 according to him but that he didn't tell you?
 12 MS. MURPHY: Objection.
 13 THE COURT: Overruled. Would it surprise
 14 you?
 15 THE WITNESS: No.
 16 Q Would there be anything that would surprise
 17 you about Jay?
 18 A No.
 19 Q About anything he said?
 20 A No.
 21 Q Not about anything he did?
 22 A No.
 23 MS. MURPHY: Objection.
 24 THE COURT: Sustained.
 25 Q Then they asked you about -- I forgot to

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1 ask you this. You said you spoke to others about it
 2 and you talked about Nicole, right? Right?
 3 A Yes.
 4 Q There was another person about which you
 5 spoke?
 6 A Yes.
 7 Q And that person, was that Josh?
 8 A Yes.
 9 Q Okay. And Josh's last name is?
 10 A [REDACTED].
 11 Q [REDACTED] Joshua [REDACTED]. Is that someone you
 12 know from school?
 13 A No.
 14 Q Is that someone who knows Jay?
 15 A Yes.
 16 Q Yes. He's met him before?
 17 A Yes.
 18 Q He'd know who he was?
 19 A Yes.
 20 Q And, in fact, you told Detective
 21 MacGillivary that on the night which is a separate
 22 night when you found out the body had been found,
 23 right?
 24 A Right.
 25 Q You had a conversation with Josh about

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1 that, did you not?
 2 A Josh was in the car when I was talking
 3 about it, yes.
 4 Q Okay. And so you did have a conversation
 5 with him?
 6 A Yes.
 7 Q You knew about Leakin Park, did you not?
 8 A Yes.
 9 Q In fact, you told Detective MacGillivary, I
 10 mean dead bodies always gets dumped in Leakin Park --
 11 A Yea.
 12 Q -- did you not?
 13 A Yes.
 14 Q And you told them that Josh had heard your
 15 conversations about those other things?
 16 A Yes.
 17 Q And you were asked for his full name?
 18 A Yes.
 19 Q And his phone number?
 20 A Yes.
 21 Q Yes. And you gave that to them, did you
 22 not?
 23 A Yes.
 24 Q You were asked about what you thought of
 25 the whole thing about Jay throwing away all of his

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1 Q -- that he was paid money?
 2 A Yes, yes.
 3 Q By Adnan?
 4 A Yea.
 5 Q Is that right?
 6 A Yes.
 7 Q In fact, you sort of laughed, didn't you?
 8 A Yea.
 9 Q Because you told them unless Adnan paid Jay
 10 a good sum of money you didn't see him helping?
 11 A Right.
 12 Q Right. And you also told them that you
 13 didn't think that Jay would lie to you at all?
 14 A Right.
 15 Q Didn't you? Because that was your belief
 16 then?
 17 A Right.
 18 Q Although that wasn't really the whole
 19 truth?
 20 MS. MURPHY: Objection.
 21 THE COURT: Sustained.
 22 Q Were you ever asked if you knew a person by
 23 the name of [REDACTED] S [REDACTED] "Mr. S"
 24 A No.
 25 Q Or the stepson of [REDACTED] S [REDACTED]?

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1 clothes and going back to the dumpster to do
 2 something with the shovel, were you not?
 3 MS. MURPHY: Objection.
 4 THE COURT: Sustained.
 5 Q And were you asked about what you observed?
 6 MS. MURPHY: Objection.
 7 THE COURT: Sustained.
 8 Q In that conversation you were asked about
 9 whether or not you thought Jay would lie, were you
 10 not?
 11 MS. MURPHY: Objection.
 12 THE COURT: Sustained.
 13 Q And you were asked about what, if anything,
 14 Jay would have told you --
 15 MS. MURPHY: Objection.
 16 Q -- were you not?
 17 THE COURT: Sustained.
 18 Q You were asked about Jay and money, were
 19 you not?
 20 THE COURT: And I'm sorry, money?
 21 MS. GUTIERREZ: Money.
 22 A I don't remember, yes.
 23 Q Weren't you asked about whether or not Jay
 24 had told you --
 25 A Oh, yes.

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1 A Who?
 2 Q The stepson of [REDACTED] S [REDACTED]?
 3 A No.
 4 Q Were you ever shown a picture of the person
 5 who found the body?
 6 A No.
 7 Q Were you ever asked if you knew the person
 8 who found the body?
 9 A No.
 10 Q You never went to the Super Fresh, did you,
 11 with Jay on the 13th?
 12 A Not that I remember, no.
 13 Q Long before today you've been asked to
 14 remember those events, right?
 15 MS. MURPHY: Objection.
 16 THE COURT: Sustained.
 17 Q At the time that you were on the recorder
 18 on the 27th of February you didn't volunteer anything
 19 about the Super Fresh, did you?
 20 A No.
 21 Q And you didn't go to another dumpster that
 22 you haven't spoken to us about?
 23 A No.
 24 Q You told us on the record that when you
 25 spoke with Jay before you went down to speak with

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1 them on the 26th that he told you it's okay to send
 2 them to him, right?
 3 MS. MURPHY: Objection.
 4 THE COURT: Sustained.
 5 Q You also told us that he told you to go
 6 down there and tell them enough to keep me, meaning
 7 Jay Wilds, out of trouble?
 8 A Not meaning Jay Wilds, me meaning myself.
 9 Q Tell them enough to keep you Jen Pusateri
 10 out of trouble?
 11 A Right.
 12 Q So your lies, although they included lying
 13 about Jay, were designed to help you?
 14 MS. MURPHY: Objection.
 15 THE COURT: Overruled.
 16 A The only thing I lied about was what I
 17 knew. Detective MacGillivary asked me -- after I had
 18 told her -- after I told him that I knew that the
 19 body was strangled, he asked me did I know anything
 20 else. I told him no and that is the only lie. It
 21 had nothing to do to protect myself. I mean, yea, to
 22 protect -- yea, I told him no.
 23 Q To protect yourself?
 24 A Right, so I didn't have to be involved.
 25 Q Wasn't it also designed to protect your

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1 very good friend Jay?
 2 A I wasn't thinking about Jay at that time,
 3 no.
 4 Q You were only thinking about yourself?
 5 A Yea.
 6 MS. GUTIERREZ: That's all.
 7 THE COURT: Do you have any brief questions
 8 or are you going to be awhile?
 9 MS. MURPHY: I have a few. I can probably
 10 do it in about ten minutes worth if you want to take
 11 a break or whatever.
 12 THE COURT: At this time we would normally
 13 take an hour lunch break until two o'clock. So I
 14 suggest that we do that at this time. It is one and
 15 we've been sitting for sometime. I'm going to ask
 16 that ladies and gentlemen you put your note pads --
 17 MR. URICK: May we approach before we
 18 break?
 19 THE COURT: I know what you're going to say
 20 that there is a scheduling problem.
 21 MR. URICK: Yes, which we brought to the
 22 Court's attention Friday.
 23 THE COURT: It has already been brought to
 24 my attention and there's nothing we can do about it.
 25 We are now at one o'clock and if there are -- is a

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1 scheduling problem you will have to accommodate
 2 whatever that problem is because we're going to take
 3 a lunch break until two o'clock.
 4 And at two o'clock we're going to come back
 5 and we're going to resume with this witness. I'm
 6 assuming the scheduling problem was something that
 7 Ms. Murphy brought to my attention before we started
 8 today and there's nothing I can do about that because
 9 we're going to take a luncheon recess until two
 10 o'clock.
 11 My staff and I have been going since early
 12 this morning to resolve our docket and I think it's
 13 getting to be inhuman for me, inhumane for me to make
 14 them go beyond an hour. I mean, beyond one o'clock
 15 at this time and the jury has been sitting. So we
 16 are going to take a luncheon recess until two
 17 o'clock.
 18 Ladies and gentlemen, I'm going to try to
 19 start this case just as close to two o'clock. In
 20 fact, be advised that I will be sitting on this bench
 21 at two o'clock. Now, I don't know where everyone
 22 else is going to be at two o'clock, but I'm going to
 23 be sitting right here at two o'clock and at that time
 24 I know that I'm going to turn on that little button
 25 and it will record who else is present at two o'clock

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1 when I am here at two o'clock.
 2 And with that said, ladies and gentlemen,
 3 I'm going to ask that you have a wonderful lunch and
 4 ask that you be back just a moment or two before two
 5 o'clock because at that time I would like to start
 6 this case again.
 7 Leave your notepads face down. Please do
 8 not discuss the testimony that you have heard today
 9 and please be advised that I would like to go until
 10 4:45 because at 5:00 o'clock I do have another
 11 hearing and I'm going to ask that you return to the
 12 jury room and as soon as we are ready to go at two
 13 o'clock, we will resume this case. Have a wonderful
 14 lunch. I will see you back at two o'clock.
 15 Ms. Pusateri, let me advise you that you
 16 are still a witness. You're on the stand and I know
 17 there have been some scheduling difficulties but
 18 there's nothing the Court could do and I have no idea
 19 what time we're going to finish with you today. It
 20 could be good news for you. It could be bad news but
 21 I do not know. With that said, I must tell you you
 22 are ordered to be back here at two o'clock at which
 23 time you are welcome to come into the courtroom and
 24 have a seat on that witness stand so that I will know
 25 at least you're here and we will resume.

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1 You cannot discuss your testimony with the
 2 State or the defense or with anyone else because you
 3 are still a sequestered witness. Do you understand?

4 THE WITNESS: Yes.

5 THE COURT: Very well. You are excused to
 6 lunch until two o'clock.

7 MS. MURPHY: With regard to the scheduling
 8 problem, Your Honor, would the Court be willing to
 9 assist us in perhaps making a phone call so that
 10 someone does not suffer --

11 THE COURT: Yes, Ms. Pusateri, if you would
 12 like me to make a phone call to your professor or
 13 anyone else regarding any exam you may have --

14 THE WITNESS: Yes.

15 THE COURT: -- you let me know when you
 16 need me to make that call. I will tell you I will
 17 recess court to make the call or I will make the call
 18 over my lunch break.

19 THE WITNESS: Yes, if you would do that.

20 THE COURT: If you go around to Judge
 21 Gordy's chambers, Cindy is seated there. She is the
 22 the secretary. You can give her the name and the
 23 information or if you'd like there's a pad and pen
 24 right at the end of this table.

25 THE WITNESS: I have to go get the

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1 information. It's in my car.

2 THE COURT: If you will return to that
 3 room, can you remember this, room 343?

4 THE WITNESS: 343.

5 THE COURT: That is my chambers. That's on
 6 the third floor.

7 THE WITNESS: With the information.

8 THE COURT: With the information I'll be
 9 there.

10 THE WITNESS: Yes.

11 THE COURT: Very well.

12 MS. MURPHY: Thank you very much, Your
 13 Honor.

14 THE COURT: This Court stands in recess
 15 then until 2:00 o'clock and, Officer Gilmore, I am
 16 going to advise you that I will be here at two
 17 o'clock and if you bring Mr. Syed here at two
 18 o'clock, that would make me very happy. This Court
 19 will stand in recess then until two o'clock.

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

22 THE COURT: We're on the record now.

23 MS. GUTIERREZ: Judge, I am going to object
 24 to the predistribution to the jury prior to Ms.
 25 Murphy beginning the redirect of this witness.

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1 THE COURT: You don't mind making this
 2 objection outside the presence of your client?

3 MS. GUTIERREZ: No, Your Honor.

4 THE COURT: Who is on his way --

5 MS. GUTIERREZ: Yes.

6 THE COURT: -- here?

7 MS. GUTIERREZ: Yes. We discussed this
 8 before. There may be evidentiary issues that I raise
 9 outside of his presence. He has consented to that.
 10 I will note that they want predistribution of State's
 11 Exhibit 34 which is --

12 THE COURT: Well, actually it's not State's
 13 Exhibit 34. It is a blank copy of the --

14 MS. GUTIERREZ: Right.

15 THE COURT: Because State's Exhibit 34 is
 16 is in evidence and it has writing on it.

17 MS. GUTIERREZ: Yes, but they want
 18 distributed blank copies that the jurors may or may
 19 not have notes on them --

20 THE COURT: Right exactly.

21 MS. GUTIERREZ: I believe they numbered
 22 them. It has been distributed to them on occasions
 23 when both the State has used that exhibit --

24 THE COURT: Exactly.

25 MS. GUTIERREZ: -- and we've used that

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1 exhibit. I would object to it on the scope grounds
 2 of the cross examination of this witness. I will
 3 note that I asked no questions using this exhibit. I
 4 remember I asked some questions related to did she
 5 have a cell phone and most of the questions that I
 6 asked were related to did -- you know, when she saw
 7 the cell phone which were covered on direct, but I
 8 don't believe that there's any question that I asked
 9 that related to this. So I would not want it
 10 presumptively given to the jurors by it being passed
 11 out that there's something important there and then,
 12 in fact, if the scope objection is granted the jurors
 13 getting the mistaken misleading impression that
 14 something is being hidden from them since I haven't
 15 heard anything. Those are my grounds for objection.

16 THE COURT: Ms. Murphy.

17 MS. MURPHY: Your Honor, the reason for
 18 using this exhibit at this point would be to clarify
 19 some points that were brought up on cross examination
 20 regarding pages to Ms. Pusateri and whether the calls
 21 came to her house or to her pager and the use of the
 22 caller I.D. Because the witness is present, I'm not
 23 going to proffer what I believe she would say but I
 24 think the use of the exhibit will help make it
 25 clear. I do believe this issue was raised on cross

1 A That's Jay's number.
 2 Q Okay. And 31?
 3 A That's my home number.
 4 Q Okay. And any others?
 5 A 30, 26, they're both home. 23, that's a
 6 friend of mine and Jay's.
 7 Q Okay. And who is that?
 8 A Patrice.
 9 Q And any others?
 10 A 12.
 11 Q And what number is that?
 12 A My pager.
 13 Q Okay.
 14 A And that's it.
 15 Q Okay. I'll ask you to look at call number
 16 22?
 17 A Yes.
 18 Q Is that call familiar?
 19 A Yes.
 20 Q And what is that?
 21 A That's to my house.
 22 Q Okay. And how about calls 8 and 9?
 23 MS. GUTIERREZ: I'm going to object. These
 24 are leading questions. She has already identified
 25 the numbers that she knows.

1 A Uh-huh.
 2 Q Where were you when you received those
 3 pages?
 4 A Depending on the time I was either at my
 5 house, in the car picking up my parents, or at work.
 6 Q On any other day besides January the 13th
 7 had you ever received a page to the cell phone number
 8 that you called on that day?
 9 A No.
 10 MS. MURPHY: Your Honor, I'm finished with
 11 those exhibits at this point if the Court would like
 12 to --
 13 THE COURT: Ladies and gentlemen, if you
 14 will pass the exhibits back. Ms. Gutierrez, do you
 15 think or anticipate that you'll need them?
 16 MS. GUTIERREZ: No.
 17 THE COURT: Pass them back.
 18 MS. GUTIERREZ: Well, actually yes.
 19 THE COURT: All right. Well, why don't you
 20 still pass them back to the end and we'll give them
 21 back to you. Just rest them in that chair, that's
 22 fine. Pass them up to the front. There's an empty
 23 chair next to alternate number three. He can let
 24 them sit there and if we need them back we can
 25 redistribute them. Thank you very much. Your next

1 THE COURT: All right, sustained as to the
 2 leading nature of the question, but you can reword
 3 the question if you would like.
 4 Q Were there any other numbers, Ms. Pusateri,
 5 that you recognize?
 6 A Starting with which one?
 7 MS. GUTIERREZ: Objection.
 8 THE COURT: The question is do you
 9 recognize any others and if you recognize any others
 10 then you have to indicate to her what they are? You
 11 don't get to ask her questions.
 12 THE WITNESS: All right.
 13 THE COURT: Okay.
 14 THE WITNESS: Well 23, 22, right? 12, 9,
 15 8.
 16 THE COURT: You're using the numbers on the
 17 far left to identify the line?
 18 THE WITNESS: Yes.
 19 THE COURT: Okay.
 20 Q Now, you said 9 and 8. What are those
 21 numbers?
 22 A That's my pager.
 23 Q Now, going back to when Ms. Gutierrez asked
 24 you about the times on January 13th when Jay Wilds
 25 paged you?

1 question, Ms. Murphy.
 2 MS. MURPHY: Thank you, Your Honor.
 3 Q Ms. Pusateri, does your friendship with Jay
 4 Wilds remain the same after January the 13th?
 5 A Pretty much.
 6 Q When you described on cross examination
 7 that you exaggerated the relationship, can you
 8 explain that?
 9 A Just -- like it's just when everyone refers
 10 to him as my very, very close friend, I don't really
 11 feel that that's correct. So I guess when I
 12 exaggerated I meant that he's not necessarily my
 13 very, very, very close friend. He's just a good
 14 friend of mine and that's it.
 15 Q Were your words to the police an
 16 exaggeration?
 17 A No, not exactly. It was just an
 18 explanation to the police.
 19 Q So is it fair to say that your description
 20 that Ms. Gutierrez read to you of your relationship
 21 with Mr. Wilds is pretty accurate?
 22 A Pretty accurate. We're good friends.
 23 Q But he's not your boyfriend?
 24 A No.
 25 Q Never has been?

1 A No.
 2 Q Now, you also testified on cross
 3 examination that you didn't know the date January
 4 13th apart from any other day until the detectives
 5 pointed that day out?
 6 A Right.
 7 Q When you woke up that morning did you know
 8 someone was going to tell you about a murder?
 9 A No.
 10 Q So is it fair to say that you weren't
 11 really keeping track of time as the day went by?
 12 A Yes.
 13 Q Is it fair to say most of your frame of
 14 reference comes from your daily schedule?
 15 A Yes.
 16 Q And you testified earlier that you don't
 17 really know what time Jay got there?
 18 A Right.
 19 Q Do you recall also telling the police that
 20 Jay left anywhere between 2:30 and 4:15?
 21 A Yes.
 22 Q And you simply aren't sure when?
 23 A Not exactly, no.
 24 Q You were also asked on cross examination
 25 whether what you know all came from Jay?

1 A Right.
 2 Q Is it true that when you returned that page
 3 to Mr. Wilds you heard the person you describe answer
 4 that phone with your own ears?
 5 A Yes.
 6 Q It wasn't something Jay Wilds told you
 7 about?
 8 A No.
 9 Q Was the voice clear?
 10 A Yes.
 11 Q Can you describe that voice?
 12 A It was a male's voice, like an older male,
 13 not like a young kid or nothing like that but not
 14 like a --
 15 Q What do you mean by older?
 16 A Like he had a deeper voice than if he was
 17 younger.
 18 Q Well, older and younger are relative
 19 terms. Can you --
 20 A I don't know. I would say someone that I
 21 would like normally talk to around my age.
 22 Q Anything else about that voice?
 23 A Not distinctly, no.
 24 Q Are you certain that it was not Jay Wilds?
 25 A Yes.

1 Q How is that?
 2 A Because I speak to Jay on the phone on a
 3 normal basis and I know what his voice sounds like on
 4 the phone.
 5 Q Now, when Jay came to your house on January
 6 13th you saw the car he was driving with your own
 7 eyes; is that right?
 8 A Yes.
 9 Q And when picked Jay up at Westview Mall
 10 that night you saw that with your own eyes also?
 11 A Yes.
 12 Q And you saw the defendant with Jay Wilds?
 13 A Yes.
 14 Q With your own eyes?
 15 A Yes.
 16 Q And that wasn't something told to you?
 17 A No.
 18 Q Where was the defendant when you saw him?
 19 A In the car.
 20 Q Can you say whether that car was the same
 21 car Jay was driving earlier?
 22 A Yes, it was.
 23 Q How long did that meeting last?
 24 A Not long at all, five, ten minutes.
 25 Q But are you certain that it was the

1 defendant you saw driving it?
 2 A Yes.
 3 Q You testified a little bit on cross
 4 examination about a conversation you had with K [REDACTED]
 5 and Jeff?
 6 A Yes.
 7 Q When Jay and Adnan were at their apartment?
 8 A Yes.
 9 Q Can you tell the ladies and gentlemen
 10 about that conversation?
 11 A Yea, I just called K [REDACTED] just to talk to
 12 her.
 13 Q About what time was that, if you know?
 14 A Oh, it would probably be between 6:30 and
 15 7:00 because I had just eaten dinner. So after I had
 16 eaten dinner, it had to be around 6:30, 7:00
 17 o'clock. I remember K [REDACTED] was watching Judge Judy
 18 and I think that comes on around 6:30. So we were
 19 just talking on the phone.
 20 She had asked me who this guy was that Jay
 21 had brought into her house. She had told me that he
 22 had mentioned something about how to get rid of a
 23 high and he just kind of like came in and laid down
 24 on her floor and she didn't understand what was wrong
 25 with him and he was acting kind of weird and then he

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1 got on a cell phone talking about the police or
 2 something like that she said to me. She said what is
 3 this guy talking about because K [REDACTED] was paranoid a
 4 little bit about some of the activity that was going
 5 on in her house, you know, smoking weed or whatever.
 6 So she didn't really appreciate anyone in her house
 7 on the phone talking about the police. So she was
 8 concerned about that. She wanted to know who this
 9 guy was.

10 Q Did you know who it was?

11 A No, I didn't know like -- I mean, I'm
 12 saying I told her that it was probably Adnan because
 13 Jay had told me that he was with Adnan earlier that
 14 day. So I just assumed. I'm saying like K [REDACTED] gave
 15 me a description of the guy that was in her house and
 16 I just was like, oh, it must be Adnan.

17 Q Were you under the impression this was
 18 happening right about the time you talked to her?

19 A Yea, I'm saying she said that it was
 20 happening at the time that I was talking to her. She
 21 was telling me what was going on in the room while I
 22 was on the phone with her, and then she said that
 23 while me and her were still on the phone Jay and
 24 Adnan just kind of got up and just like left out of
 25 the house very abruptly. I'm thinking that Jay left

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1 his cigarettes and something else there, I believe
 2 she had told me. So she thought that they were
 3 coming back in the house. Then she also said that
 4 for a moment there was a car sitting out front of the
 5 house with people in it, but you know that it -- what
 6 she thought was that they had went out of her
 7 apartment.

8 MS. GUTIERREZ: Objection to what she
 9 thought.

10 THE COURT: Sustained.

11 Q When you spoke to K [REDACTED] on the night of
 12 the 26th --

13 A Uh-huh.

14 Q -- when the Homicide detectives first
 15 approached you, did she make reference to that night?

16 A K [REDACTED]?

17 Q K [REDACTED].

18 A Meaning?

19 MS. GUTIERREZ: The 26th, I would object on
 20 hearsay grounds.

21 THE COURT: Can you restate your question.

22 Q You were asked on cross examination whether
 23 K [REDACTED] questioned you about the detectives coming
 24 to you? What did K [REDACTED] ask you?

25 MS. GUTIERREZ: Objection.

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1 THE COURT: On what date?
 2 MS. MURPHY: On the 26th.
 3 THE COURT: Are you objecting to that?
 4 MS. GUTIERREZ: Yes.
 5 THE COURT: Sustained.
 6 MS. MURPHY: Nothing further, Your Honor.
 7 THE COURT: Thank you very much. Any
 8 recross?

9 MS. GUTIERREZ: Yes, Judge, and I would ask
 10 that these copies be handed out again.

11 THE COURT: If the alternate would be so
 12 kind as to just pass the pile back and if the jurors
 13 would take the one that represents the number of the
 14 copy of exhibit number 34 where you have been making
 15 your notes.

16 RECROSS EXAMINATION

17 BY MS. GUTIERREZ

18 Q Ms. Pusateri, the cell phone that you saw
 19 sitting on the coffee table you had never seen
 20 before, did you?

21 A No.

22 Q And you had no knowledge from yourself and
 23 your own personal knowledge whose phone it was --

24 MS. MURPHY: Objection.

25 Q -- did you?

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1 MS. MURPHY: As to scope.

2 THE COURT: Overruled.

3 Q Did you?

4 A No.

5 Q No. And when you were asked to look at --
 6 let us look down to line 34, that number [REDACTED].
 7 that's your phone, right?

8 A At number 31, yes.

9 Q Is that right? That's your phone?

10 A That's my home line, my parents' phone.

11 Q A land line --

12 A They pay the bills.

13 Q -- is it not?

14 A Yes.

15 Q It's not a cell phone?

16 A No.

17 Q Is it? It's what we call a hard line; is
 18 that right?

19 A Sure.

20 Q And this chart -- and you've identified it,
 21 that call was made at 12:07?

22 A Yes.

23 Q And at 21 seconds?

24 A Yes.

25 Q The next line. That means that if you look

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1 up at the top of the call the duration, so that phone
 2 call was for 21 seconds; is that right?
 3 A Right.
 4 Q From this chart you can't tell who was at
 5 your address?
 6 A No one answered the phone. There was a
 7 message left.
 8 Q Okay. But you can't tell, ma'am, from this
 9 chart if anybody was home?
 10 MS. MURPHY: Objection.
 11 Q Can you?
 12 A From the chart, no.
 13 Q No.
 14 THE COURT: The objection is overruled.
 15 Q And you can't tell if someone was home who
 16 might have answered it, can you?
 17 A Not from the chart, no.
 18 Q Not from the chart. And it doesn't tell
 19 you if that 21 seconds represents a phone call, does
 20 it?
 21 A No.
 22 Q That was actually received by someone?
 23 A Right.
 24 Q In which people actually talked?
 25 A Right.

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1 Q And if they actually talked, who they were?
 2 A Right.
 3 Q And the next line if you go up on 30, that
 4 is also that same hard line that's in 31, is it not?
 5 A Yes.
 6 Q And under the duration column it says one
 7 minute and 21 seconds, right?
 8 A Yes.
 9 Q And you don't know where that one minute
 10 and 21 seconds information came from, do you?
 11 A Where it came from?
 12 Q Yes, ma'am.
 13 A No.
 14 Q You didn't provide that information, did
 15 you?
 16 A No.
 17 Q And as you told us you weren't asked to
 18 ever look at phone records, were you?
 19 A No.
 20 Q Not yours?
 21 A No.
 22 Q Not anyone's?
 23 A No.
 24 Q You were never asked even to produce your
 25 own phone records, were you?

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1 A No.
 2 Q Right. And once again you can't tell from
 3 any information on that chart whether anybody
 4 answered the phone, could you?
 5 A Not from the chart.
 6 Q Not from the chart. And you, of course,
 7 from the chart can't tell if anybody was at your home
 8 when that phone rang, can you?
 9 A Not from the chart, but I know I was there.
 10 Q But you can't tell from the chart?
 11 A Not from the chart.
 12 Q No. Now, ma'am, on line 26 that's again
 13 the hard line, is it not?
 14 A Yes.
 15 Q And that indicates a duration of --
 16 A 42 seconds.
 17 Q 42 seconds?
 18 A Yes.
 19 Q And you didn't provide that information,
 20 did you?
 21 A No.
 22 Q And you don't know where that information
 23 came from, do you?
 24 A No.
 25 Q And once again that's your land line,

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1 right?
 2 A Yes.
 3 Q And nothing in the chart indicates who was
 4 home, does it?
 5 A No.
 6 Q And if it was answered who answered it?
 7 A Right.
 8 Q And if the call was made who made it?
 9 A Right.
 10 Q And if you go up again you identified line
 11 23 as a number that you recognized, right?
 12 A Yes.
 13 Q And you identified it as the number of
 14 Patrice Furlow?
 15 A Yes.
 16 Q There's also Patrick [REDACTED], is there not?
 17 A Yes.
 18 Q And Patrick [REDACTED] is somebody that you and
 19 Jay know, is it not?
 20 A Yes.
 21 Q And that is a person from whom you and Jay
 22 get weed, is it not?
 23 A No, not anymore.
 24 Q Do you recall that day, this day, the 13th,
 25 that this chart appears to indicate some things

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1 happened as a day when you were at all concerned
 2 about getting weed?
 3 A What? Was I worried about getting weed on
 4 that day?
 5 Q On that day, do you recall that?
 6 A No, I don't know if I was trying to get
 7 weed or not.
 8 Q And that's not something that you ever
 9 mentioned to Detective MacGillivary?
 10 A No.
 11 Q Either at the time that he took notes on
 12 the Friday night or on the Saturday night in the tape
 13 recorded statement, right?
 14 A Right.
 15 Q And you also -- you don't recall that you
 16 got lots of calls from Jay in regard to tracking down
 17 some weed?
 18 A No, Jay wouldn't call me to get any weed.
 19 Q Because he knew how to get it on his own?
 20 A Right.
 21 Q And he knew how to get in touch with the
 22 people that you knew that he got weed from, right?
 23 A Right.
 24 Q And he wouldn't call you to track them
 25 down?

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1 A No.
 2 Q And he wouldn't call you to track down
 3 Patrice [REDACTED]?
 4 A No.
 5 Q Or Patrick [REDACTED]?
 6 A No.
 7 Q And if he said that he did, then he
 8 wouldn't be telling the truth would he?
 9 A I don't know.
 10 Q You don't know, okay. Now, if you'd move
 11 up again on line 22. That's again the land line,
 12 right?
 13 A Yes.
 14 Q And the duration says 28 seconds, right?
 15 A Yes.
 16 Q And it says that the call time was 4:12,
 17 does it not?
 18 A Yes.
 19 Q Now, that was as close as it gets to the
 20 time that you always every work day leave to go get
 21 your parents?
 22 A Right.
 23 Q Is it not? Is that not right?
 24 A Right.
 25 Q And this chart doesn't tell you if you were

1 there, does it?
 2 A No.
 3 Q And it doesn't tell you if you answered
 4 that phone, does it?
 5 A No.
 6 Q And it doesn't tell you if anybody answered
 7 that phone, does it?
 8 A Right.
 9 Q Ms. Pusateri, if you would go back up to
 10 12, 9, and 8. That number [REDACTED], that's your
 11 pager number, right?
 12 A Right.
 13 Q And that's the pager as distinct from the
 14 land line in your home, right?
 15 A Right.
 16 Q That's the pager that you can't answer and
 17 speak to, right?
 18 A Right.
 19 Q It has no phone mechanism --
 20 A No.
 21 Q -- attached to it, does it?
 22 A No.
 23 Q All you can do is leave a message on that
 24 pager?
 25 MS. MURPHY: Objection.

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1 Q Isn't that right?
 2 THE COURT: Sustained.
 3 Q Ms. Pusateri, you've told us that you had
 4 made plans with Jay Wilds to meet up with him
 5 sometime after six, right?
 6 A Right.
 7 Q And that you, even though you had this
 8 confusion about the message and where it was you were
 9 going to pick him up or hook up with him, you, in
 10 essence, waited at your house until you got through
 11 and got that stuff settled, right?
 12 A Right.
 13 Q Until you got the alternate information
 14 that you would pick him up at Value City, right?
 15 A Right.
 16 Q And so you would have been available from
 17 the time you returned from picking up your parents at
 18 your home, right?
 19 A Yes.
 20 Q And available on your land line, right?
 21 A Yes.
 22 Q And if someone knew that that's where you
 23 were that's where they would have called you, would
 24 they have not?
 25 A No.

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1 Q They would have called you on your pager?
 2 A Very often I get pages instead of land line
 3 phone calls, yes.
 4 Q All of the phone calls made up to the time
 5 when you went to pick up your parents, every single
 6 one of them that involves you was made on the hard
 7 line, was it not?
 8 A Yea.
 9 Q Okay. And the three telephone calls, one
 10 was made at seven o'clock if you look at 1 and 12?
 11 A Yes.
 12 Q For 23 seconds?
 13 A Yes.
 14 Q This chart can't tell you where you were
 15 when that pager was made --
 16 A Right.
 17 Q -- can it? And it can't tell you on line
 18 nine, the phone call that lasted for 32 seconds,
 19 where you were, right?
 20 A Right.
 21 Q Or the call on line 8 the pager for 13
 22 seconds, it can't tell us where you were, right?
 23 A Right.
 24 Q But all of those times 8:05, 8:04, and 7:00
 25 o'clock were all times from what you just told us

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1 THE COURT: Sustained.
 2 Q Did he tell you that after the 13th?
 3 A That's just how it is.
 4 Q That's just how it is?
 5 A It's never been said.
 6 Q Now, some of the calls that you've been
 7 asked about you told us you remember came from Jay,
 8 right?
 9 A Right.
 10 Q Including the calls on the residence number
 11 that occurred before four o'clock, right?
 12 A Right.
 13 Q You recall talking to K█████ while Judge
 14 Judy was on?
 15 A Right.
 16 Q And that's something that you watch?
 17 A Uh-huh.
 18 Q And were you watching it at the time that
 19 you talked to K█████?
 20 A I don't remember.
 21 Q You don't remember that?
 22 A No.
 23 Q You heard Judge Judy on her phone?
 24 A We were talking about what was going on
 25 with Judge Judy, yea.

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1 today were times when you were at your house, right?
 2 A Right.
 3 Q Waiting to go pick up Jay, right?
 4 A I was getting ready waiting for him to call
 5 me so I could find out when we were going to go out.
 6 Q To call you?
 7 A Right, get in touch with me, let me know
 8 how --
 9 Q You hadn't told him --
 10 A Get in touch with me.
 11 Q -- don't call me on my land line, had you?
 12 A No.
 13 Q You hadn't told him only reach me on my
 14 pager because you won't know where I am, had you?
 15 A He wouldn't know where I was at. So if he
 16 wanted to get in touch with me, he would rather page
 17 me than use the land line.
 18 Q That's what he would rather do?
 19 A Right.
 20 Q And did he tell you that on the 13th?
 21 A No, but that's how it always is.
 22 Q Did he tell you that on the 13th?
 23 A Not on the 13th.
 24 MS. MURPHY: Objection.
 25 Q Did he tell you that after the 13th?

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1 Q Oh, and she mentioned, oh, Judge Judy is
 2 on?
 3 A Yea.
 4 Q Okay. Your recollection is that Judge Judy
 5 came on about 6:30 then?
 6 A I think so, 6:30.
 7 Q 6:30 to 7:00?
 8 A I think it comes on like twice. I think
 9 6:30 to 7:00 and maybe 7:00 to 7:30 or 7:30 to 8:00
 10 or somewhere in between there.
 11 Q So the phone call could have been about
 12 either one of those times?
 13 A No, the phone call was between 6:30 and
 14 7:00.
 15 Q And you're sure about that?
 16 A Yea.
 17 Q Now, the conversation with K█████ was
 18 independent of anything that had happened with Jay?
 19 A Yes.
 20 Q You weren't looking for Jay?
 21 A No.
 22 Q And you weren't so concerned about your
 23 friend's abnormal behavior that you asked her about
 24 that, did you?
 25 A She told me about his behavior.

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1 Q Well, I thought you said she told you about
 2 Adnan's behavior?
 3 A She told me about both of their behavior.
 4 Q And she described it as abnormal?
 5 A Yes.
 6 Q And weird?
 7 A Yes.
 8 Q And did she specifically describe what it
 9 was they did that made her describe it as abnormal?
 10 A Yes.
 11 Q And did she say he was high?
 12 A She said that he asked how to get rid of a
 13 high so --
 14 Q Did she say that he was high, that she
 15 observed that?
 16 A No, I don't think so.
 17 Q Now, the meeting that Ms. Murphy asked you
 18 about when she was asking you about the time at Value
 19 City in Westview Mall, Adnan, did he get out of the
 20 car?
 21 A I don't think so, no.
 22 Q Did he wait while Jay got into your car?
 23 A I don't know.
 24 Q And did you hold a major conversation
 25 through your window to him?

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1 A We spoke. He said hey what's up.
 2 Q He said hey what's up?
 3 A Yea, I said hey, what's up.
 4 Q And you spoke back?
 5 A Yea.
 6 Q You didn't say to him, oh, what's up is
 7 that our friend is really acting weird, did you?
 8 A No.
 9 Q And there wasn't any information conveyed,
 10 was there?
 11 A No.
 12 Q It was really just a greeting, wasn't it?
 13 A That's exactly what it was.
 14 Q It isn't what you would call a meeting,
 15 would it?
 16 A No.
 17 Q You didn't meet with him?
 18 A No.
 19 Q And he answered you or you answered him
 20 when he said what's up?
 21 A Yea.
 22 Q And did you give him any information?
 23 A Information, no.
 24 Q Did you just answer like hi nothing's up?
 25 MS. MURPHY: Objection.

1 THE COURT: Sustained.
 2 Q In your answer to him did you convey any
 3 information?
 4 MS. MURPHY: Objection.
 5 THE COURT: Sustained.
 6 Q About what was up?
 7 MS. MURPHY: Objection.
 8 THE COURT: Sustained.
 9 Q And that's the meeting that you answered
 10 Ms. Murphy took five to ten minutes?
 11 A I'm saying in all of the time between Jay
 12 getting out of the car and coming in and getting in
 13 my car we were probably in the parking lot in the
 14 spot for about five minutes, yes.
 15 Q The whole thing took five minutes?
 16 A Yes.
 17 Q Not just that little part where he said hey
 18 what's up?
 19 A Right.
 20 Q Whether or not you answered?
 21 A What?
 22 Q Whether or not you answered him?
 23 A I answered him.
 24 MS. MURPHY: Objection.
 25 THE COURT: Sustained.

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1 Q Now, whatever time Jay left your house in
 2 the early afternoon and you would agree you told the
 3 detectives several different things, did you not?
 4 A Several different times, yes.
 5 Q Several different times about what time he
 6 left, right?
 7 A Yes.
 8 Q But whatever time he left he came after you
 9 got home, right?
 10 A Yes.
 11 Q And during that time you personally
 12 observed him, did you not?
 13 A Yes.
 14 Q And during the time that you observed him
 15 it was your conclusion that he was not acting normal
 16 based on what you observed?
 17 MS. MURPHY: Objection.
 18 Q Correct?
 19 THE COURT: Sustained.
 20 Q Now, you said and you were asked about the
 21 exaggeration, do you recall that?
 22 A Yes.
 23 Q Okay. And the exaggeration was how you
 24 described your relationship with Jay, right?
 25 A Right.

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- 1 Q When -- well, what you told them was what
2 words you chose?
- 3 A Right.
- 4 Q And when they tried to imply that maybe you
5 were girlfriend and boyfriend with Jay, your answer
6 in the words that you chose was not really?
- 7 A Was no, not really.
- 8 Q No, not really?
- 9 A No, not really.
- 10 Q Those were words that you chose and you
11 spoke, right?
- 12 A Right.
- 13 Q Nobody forced you to say that, did they?
- 14 A No.
- 15 Q Nobody suggested to you what words there
16 should be?
- 17 A No.
- 18 Q You chose the words further to describe him
19 as your very, very, very, very, I think you used
20 four, good friend. Again, those were words that you
21 chose?
- 22 A Yes.
- 23 Q Nobody forced you to?
- 24 A No.
- 25 Q Nobody selected the words for you?

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- 1 Q But once it cuts across it then goes upward
2 so that it actually runs parallel to run 40 for
3 awhile, does it not?
- 4 A Not on my side, no.
- 5 Q On the side where Garland's is, right?
- 6 A Johnnycake is not parallel, perpendicular.
- 7 Q At Garland's, Garland's is right below the
8 intersection of Ingleside, is it not?
- 9 A Yes.
- 10 Q And Johnnycake Road, is it not?
- 11 A Yes.
- 12 Q And at that corner Ingleside Avenue then
13 goes and crosses Route 40, does it not?
- 14 A Yes.
- 15 Q At a perpendicular angle, does it not?
- 16 A Yes.
- 17 Q But Johnnycake is thereupon running in
18 exactly the same direction but in a parallel location
19 to Route 40, is it not?
- 20 A I don't know. I'm confused.
- 21 Q Well, there is an intersection at which
22 Johnnycake and Ingleside are perpendicular to each
23 other, are they not?
- 24 A Yes.
- 25 Q They cross as a straight intersection,

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- 1 A No.
- 2 Q Nobody suggested to you --
- 3 A No.
- 4 Q -- what was the relationship --
- 5 A No.
- 6 Q -- before you described it, did they?
- 7 A No.
- 8 Q And when you chose the words I would trust
9 him with my life, those were your choice of words?
- 10 A Yes.
- 11 Q Nobody threatened you or made you say some
12 words?
- 13 A No.
- 14 Q Nobody suggested what words you would use?
- 15 A No.
- 16 Q So nobody chose whatever exaggeration it
17 might be?
- 18 A Right.
- 19 Q You were asked about [REDACTED] McAdoo you
20 described as between off of Route 40 between, the
21 words you used were Cooks Lane and Johnnycake?
- 22 A Yea.
- 23 Q All right, now, Johnnycake Road cuts across
24 Route 40, does it not?
- 25 A Yes.

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- 1 right?
- 2 A Right.
- 3 Q And Ingleside Avenue goes over so that it
4 is again perpendicular to Route 40, right?
- 5 A Yes.
- 6 Q And that's just like a light away, isn't
7 it?
- 8 A Yes, there's a light in between two lights.
- 9 Q And at that light away that's the bottom of
10 Westview Mall, isn't it?
- 11 A Yes.
- 12 Q So the intersection is like this of
13 Ingleside and Route 40, right?
- 14 A Right.
- 15 Q And the intersection of Ingleside two
16 lights away is Ingleside and Johnnycake, is it not?
- 17 A Ingleside and Johnnycake.
- 18 Q Perpendicular to each other?
- 19 A Yes.
- 20 Q In exactly the same direction in which
21 Route 40 is?
- 22 A Ingleside runs parallel with 40.
- 23 Johnnycake runs perpendicular with 40.
- 24 Q Except that Ingleside ends up being
25 perpendicular to Route 40 at Route 40?

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- 1 A At Route 40.
 2 Q Does it not?
 3 A Yes.
 4 Q And there's an intersection in which
 5 Ingleside and Johnnycake are running entirely
 6 different directions?
 7 A Yes.
 8 Q Right? Just like Route 40 and Ingleside
 9 are running entirely different directions, right?
 10 A Yes.
 11 Q And Cooks Lane is a street that intersects
 12 with Route 40, Baltimore National Pike, does it not?
 13 A Yes.
 14 Q And Cooks Lane at that intersection is
 15 inside of Baltimore City, is it not?
 16 A Yes.
 17 Q And the city line is actually between
 18 Johnnycake and Cooks Lane, is it not?
 19 A Yes.
 20 Q Up above Cooks Lane on Route 40 there's a
 21 big sign in the middle of the median, is there not?
 22 A Uh-huh.
 23 Q Is that a yes?
 24 A Oh, yes.
 25 Q That marks the end of Baltimore City, is it

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- 1 Q And McAdoo doesn't intersect with Route 40,
 2 right?
 3 A Right, never.
 4 Q But Johnnycake, which is the road that you
 5 said was marking the one end of where your street
 6 was, Johnnycake is a road that does intersect with
 7 Route 40, isn't it?
 8 A Yes.
 9 Q And the intersection is below, meaning
 10 closer to the city, than the intersection of
 11 Ingleside?
 12 A Yes.
 13 Q Is that right?
 14 A (Indicating.)
 15 Q So Johnnycake would be further away from
 16 Westview Mall than Ingleside Avenue; is that right?
 17 A Yes.
 18 Q Johnnycake is where that intersection is
 19 closer to the city line, right?
 20 A Right.
 21 Q Than Ingleside is?
 22 A Right.
 23 Q And the other edge at which you said
 24 defined where your road is was Cooks Lane?
 25 A My road doesn't go all of the way to Cooks

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- 1 not?
 2 A Yes.
 3 Q And you live on the same side of Route 40
 4 as Garland's would be if you took Johnnycake, not
 5 Ingleside, Johnnycake off of Route 40?
 6 A Yes.
 7 Q Yes. Well, are you just saying yes to get
 8 rid of it?
 9 A I have no idea where you're talking about.
 10 Q Do you understand the question?
 11 A I'm very confused.
 12 Q All right. Ms. Pusateri, you answered Ms.
 13 Murphy's question about your address, did you not?
 14 A Right.
 15 Q And you live at █ McAdoo, right?
 16 A Right.
 17 Q And McAdoo is a street that ends up being
 18 perpendicular at some point to Route 40, does it not?
 19 A It's parallel to 40.
 20 Q Meaning Route 40 runs this way and McAdoo
 21 runs that way?
 22 A Parallel the same way, right.
 23 Q Okay. That's what I want to make sure.
 24 The same way, right?
 25 A Right.

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- 1 Lane, no but --
 2 Q Well, I understand that but you said it was
 3 off of Route 40 between Johnnycake and Cooks Lane?
 4 A Yea, right.
 5 Q And Cooks Lane is already in the city,
 6 right?
 7 A Right.
 8 Q So it's even further away from Westview
 9 Mall, right?
 10 A Right.
 11 Q And your street, McAdoo, to get to it you
 12 have to take another street off of Route 40, do you
 13 not?
 14 A Yes.
 15 Q And then you turn off onto your road,
 16 right?
 17 A Right.
 18 Q And your road, is it closer to Johnnycake
 19 or closer to Cooks Lane?
 20 A Johnnycake.
 21 Q Johnnycake. And the name of this street
 22 that you take to get to your street?
 23 A From where?
 24 Q From Route 40.
 25 A It depends on what direction. I can take

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1 Ingleside, Johnnycake or the one between Mr. Gee's
 2 and the car wash.
 3 Q Mr. Gee's is the --
 4 A The ice cream place.
 5 Q The ice cream, the sub place --
 6 A Yes.
 7 Q -- on the side? Right south of the
 8 intersection of Johnnycake where it crosses?
 9 A Right.
 10 Q And the next one; is that right?
 11 A Right, Ingleside or I could take Cooks
 12 Lane, any of them.
 13 Q Or you could take Cooks Lane. And if you
 14 took Cooks Lane, you would come up?
 15 A Right.
 16 Q Right? And in terms of direction, just so
 17 that we're clear, do you live on the same side of
 18 Route 40 as Garland's --
 19 MS. MURPHY: Objection.
 20 Q -- is?
 21 A I live --
 22 THE COURT: I think we've answered this
 23 question, but let's one more time. Do you live on
 24 the same side of Route 40 as Garland's?
 25 THE WITNESS: Yes.

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1 you don't need her.
 2 MS. GUTIERREZ: No, Judge.
 3 THE WITNESS: I didn't get a summons. I
 4 have no summons from her.
 5 THE COURT: Well she's now releasing you so
 6 that's why I asked. It doesn't matter who summonsed
 7 you? At this point no one needs you any longer. So
 8 let me advise you that at this time since no one
 9 needs you any longer, you're free to go. Two things,
 10 you're no longer under subpoena but you're still
 11 technically a sequestered witness but because you
 12 won't be needed you can stay in the courtroom if
 13 you'd like or you are free to go.
 14 THE WITNESS: Okay.
 15 THE COURT: All right?
 16 THE WITNESS: Yes.
 17 THE COURT: Very well.
 18 THE WITNESS: Thank you.
 19 THE COURT: You can give that to Mr. White
 20 since you had it in your hand, and, for the record,
 21 I'm going to ask that a blank copy of exhibit number
 22 34 be marked and we're going to call it 34 C because
 23 during the course of the trial there have been blank
 24 forms provided to the witnesses which are different
 25 than the exhibit 34 which is in evidence, which has

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1 Q Yes.
 2 A I live three blocks from Garland's, three
 3 blocks.
 4 Q The place where you work?
 5 A Yes.
 6 Q The place where Nicole works?
 7 A Yes.
 8 Q The woman whom you spoke to about these
 9 events?
 10 MS. MURPHY: Objection.
 11 THE COURT: Beyond the scope, but does
 12 Nicole work there?
 13 THE WITNESS: Yes.
 14 MS. GUTIERREZ: I'm done.
 15 THE COURT: Thank you very much. Any re
 16 redirect?
 17 MS. MURPHY: No, Your Honor.
 18 THE COURT: Very well. May this witness be
 19 excused?
 20 MS. MURPHY: Yes, Your Honor.
 21 THE COURT: Ms. --
 22 MS. GUTIERREZ: Yes, Judge.
 23 THE COURT: And released from the summons?
 24 MS. GUTIERREZ: I didn't summons her.
 25 THE COURT: Well, I'm just making sure that

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1 markings on it. So just to make sure that the record
 2 is clear the blank form which we've all referred to
 3 as the blank form 34 is going to be marked as an
 4 exhibit for identification purposes only and for this
 5 record. Your next witness.
 6 MS. MURPHY: Thank you. The State's next
 7 witness is Ms. K ██████████.
 8 THE COURT: Is Ms. ██████████ in the hall? If
 9 she is, please ask her to step in.
 10 MS. MURPHY: She is. She's right outside.
 11 THE COURT: Ms. ██████████ please step all of
 12 the way up here, please, all of the way to the
 13 witness stand which is over here to my right. I'm
 14 going to ask that when you get there that you remain
 15 standing, face this gentleman here, Mr. White. Raise
 16 your right hand.
 17 K ██████████ -----> "Cathy"
 18 a witness produced on call of the State, having first
 19 been duly sworn, according to law, was examined and
 20 testified as follows:
 21 THE CLERK: Keep your voice up. State your
 22 name and your address for the record.
 23 THE WITNESS: K ██████████, ██████████
 24 ██████████ Baltimore, Maryland.
 25 THE COURT: Before we start I'm going to

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1 tell the jurors that at any time you would like a
 2 break, I know we started pretty close to two, a
 3 little after, if you need a break, not you, the
 4 jurors, I need you to raise your hand or indicate so
 5 and I'll be happy to take a break and if it is just
 6 to get water, let me know. We can just stop a moment
 7 and allow you to get some water and then continue
 8 on. I'm without my clerk, law clerk to assist today,
 9 so if you could just indicate so. At this point the
 10 witness is with you.

11 MS. MURPHY: Thank you, Your Honor.

12 DIRECT EXAMINATION

13 BY MS. MURPHY

14 Q Ms. [REDACTED], can you state your age, please?

15 A I'm twenty-two.

16 Q Are you currently attending school?

17 A I have one more class left at UMBC.

18 Q What are you studying there?

19 A Social work.

20 Q And where did you go to high school?

21 A Sherwood High School in Montgomery County.

22 Q Were you attending school in January of

23 1999 a little over a year ago?

24 A Uh-huh.

25 Q Where was that?

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1 A At UMBC.

2 Q And were you working at that time also?

3 A I think I was working part time. Oh, no, I
 4 wasn't. I was interning at that time so I wasn't
 5 working part time.

6 Q Where were you living at that point in
 7 time?

8 A I have an apartment right outside of UMBC.

9 Q And what was the address?

10 MS. GUTIERREZ: I'm sorry, right outside?

11 A Right outside of UMBC like in Arbutus. The
 12 address is [REDACTED].

13 Q You said right outside Arbutus. What are
 14 the main roads near there?

15 A Wilkens, Maiden Choice. It's in walking --
 16 I mean, it's a long walk but in walking distance of
 17 UMBC.

18 Q Was anyone else living with you at that
 19 point in time?

20 A No, I was the only one.

21 Q But you were dating someone?

22 A Uh-huh.

23 Q Who was that?

24 A Jeff [REDACTED].

25 Q Are you still dating him now?

1 A No.

2 Q Did he stay with you on occasion during the
 3 period of January of 1999?

4 A Uh-huh, he stayed off and on.

5 Q Do you know Jennifer Pusateri?

6 A Uh-huh.

7 Q How long have you known her?

8 A About a year and a half, two years,
 9 somewhere around there.

10 Q How is it that you know her?

11 A We are in the same sorority at UMBC
 12 together.

13 Q And how would you describe your
 14 relationship with Ms. Pusateri?

15 A Friends.

16 Q How about Jay Wilds, do you know him?

17 A Uh-huh.

18 Q How long have you known him?

19 A Hmm, a little under a year, a year and a
 20 half.

21 Q And how is it that you know Jay Wilds?

22 A I know Jay through Jen.

23 Q Do you know Hae Min Lee?

24 A No.

25 Q I'm going to ask you to remember back to

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1 January 13th, 1999, you've since answered a lot of
 2 questions about that night?

3 A Uh-huh.

4 Q Do you remember that night?

5 A Yes, I do.

6 Q Why?

7 A Well, first of all, I had a conference down
 8 here for my internship that I had to attend.

9 Q You say down here?

10 A Oh, in the city at UMAB, which is the
 11 graduate school, and Jay and Adnan came to my
 12 apartment.

13 Q What time did you get home from that
 14 conference?

15 A I think it was over like at four-thirty and
 16 someone dropped me off between then and five,
 17 five-fifteen, somewhere around there.

18 Q Was anybody else at your house at that
 19 point in time?

20 A Jeff was already there at that time.

21 Q Would that be unusual for Jeff to be at
 22 your apartment when you weren't there?

23 A It wasn't unusual.

24 Q What happened next?

25 A Came in, talked for awhile, changed my

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1 clothes, watching TV, just hanging out.
 2 Q Anything else happen?
 3 A Then Jay and Adnan came to my apartment.
 4 Q Was it strange that Jay would come to your
 5 house?
 6 A No, it wasn't strange.
 7 Q Why is it memorable to you then?
 8 A Because they were acting real shady when
 9 they got there.
 10 Q What do you mean by shady?
 11 A Weird, funny. Something was going on, not
 12 how he usually acts.
 13 Q Can you describe what they were doing?
 14 A They weren't doing anything. I mean, they
 15 weren't talking, just quiet.
 16 Q What were you doing at that point?
 17 A Watching TV. We were all watching TV.
 18 Q Do you recall at what time that was?
 19 A Like around 6:00 o'clock.
 20 Q And how do you know it was 6:00 o'clock?
 21 A Judge Judy was on, watching Judge Judy.
 22 Q That's something you watch frequently?
 23 A When I can, when I have a chance.
 24 Q Now, the person who you said was with Jay,
 25 did you know that person?

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1 A Uh-huh.
 2 Q Can you describe that person?
 3 A Young, black hair.
 4 Q Is that person here today?
 5 A Uh-huh.
 6 Q Can you point him out for the jury, please?
 7 A The defendant.
 8 MS. MURPHY: Indicating for the record,
 9 Your Honor, the defendant.
 10 THE COURT: Mr. Syed for the record.
 11 Q Did Jay introduce to you to this person?
 12 A No.
 13 Q What did they do?
 14 A Well, they rang the bell or knocked on the
 15 door and I answered the door and Jay was like hey
 16 what's up, can we come in and chill for awhile. I
 17 was like sure, come on in, what's up. Then they came
 18 in and Jay sat -- the way my house was configured at
 19 the time was two chairs facing the TV. I had a bed
 20 on the side that doubled for a couch sometimes, and
 21 then I had a small like round table and like an
 22 alcove with chairs, and Jeff was sitting on the left
 23 chair. I was sitting on the right. Jay went and sat
 24 on one of the chairs near the table and the bed
 25 wasn't made, or, you know, the couch wasn't made up

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1 or whatever. So there was pillows on the floor and
 2 stuff and Adnan went and just kind of just sat on the
 3 pillows.
 4 Q Now, is there a separate bedroom in the
 5 apartment or did you usually sleep on that couch that
 6 you described?
 7 A I usually slept on the couch just because
 8 my apartment didn't have any air conditioning and I
 9 had the window. I had an air conditioner in the
 10 window. So I had moved my bed out into the main room
 11 just because it was cooler, but I did have a separate
 12 bedroom in the back.
 13 Q Did the defendant say anything?
 14 A Not at first.
 15 Q At any time?
 16 A Oh, okay. While we were all watching TV
 17 and he was like, you know, he was slumped over for
 18 awhile and nobody was talking. Like nobody had said
 19 anything basically when we were sitting down and then
 20 he just like kind of popped up and was like, you
 21 know, how do you get rid of a high, and so I was like
 22 --
 23 Q What did you take that to mean?
 24 A Oh. He was high? I don't know.
 25 Q Did he say anything else?

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1 A Not at that time.
 2 Q What happened next?
 3 A Next I think Jen called and I remember
 4 taking -- I remember talking to her in the back. I
 5 don't remember if Jeff answered the phone or if I
 6 answered the phone. I remember talking to her like
 7 in the hallway and then in my bedroom just --
 8 Q Did Jen call you or did she call one of the
 9 other people in the apartment?
 10 A No, Jen called me, yea.
 11 Q Do you have a phone in your apartment?
 12 A Uh-huh.
 13 Q Is that the phone she called?
 14 A Right.
 15 Q What do you remember about that?
 16 A I was like, you know, who is this person in
 17 my apartment and, you know, Jay and somebody else are
 18 here and, you know, they're acting really crazy. You
 19 know, they're acting real shady, what's going on, and
 20 she was like, you know, I don't know who's there. Is
 21 it so and so, and I said -- I don't remember what
 22 name she asked me, and I said, you know, I don't know
 23 who it is. It's a guy. He has black hair and she's
 24 like I don't know who it is, and I was like, well,
 25 you know, what's going on. She was like I don't

1 know, I'm supposed to meet Jay later, I'll find out
2 then for you, I'll find out what's going on then.

3 Q What happened after you talked to Jen?

4 A I can't remember if I was -- I wasn't on
5 the phone with Jen. I remember being in my chair
6 watching TV. I don't remember if Jeff was on the
7 phone with her or if I had hung up, but the next
8 thing that happened was Adnan got a call on his cell
9 phone and he answered the phone and --

10 Q Where was the cell phone?

11 A In his jacket pocket.

12 Q What happened?

13 A It was really quiet in the room. We were
14 just watching TV. So you could really hear what he
15 was saying. He was, you know, they're going to come
16 talk to me. They're going to, you know, what should
17 I say, what should I do, something to that effect.

18 Q Did you understand what he was talking
19 about?

20 A No.

21 Q What happened next?

22 A This is the part where I really don't
23 remember. I remember that Jeff was on the phone with
24 Jen. I can't remember whether she called back,
25 whether he had been on the phone with her while I was

1 think they're sitting in the car, and then the car
2 drove away and I was like they're driving away, and
3 so he was like, hmm I guess they'll be back because
4 Jay's hat and cigarettes were there so --

5 Q Did there come a time when you saw Jay
6 again that night?

7 A Jay came back a couple of hours later.

8 Q Was he with anybody at that point?

9 A With Jen.

10 Q How about the defendant, was he there at
11 that point?

12 A No.

13 Q How were Jay and Jennifer acting when they
14 came to your apartment later on?

15 A Shady, like something was going on.

16 Q Are you still friendly with Jennifer

17 Pusateri?

18 A Uh-huh.

19 Q How about Jay Wilds?

20 A Acquaintances. We're not so much friends
21 anymore.

22 Q Why is that?

23 A Well, because he brought somebody to my
24 apartment and I mean that's not really cool with me.
25 I mean, I can't believe that he would bring some like

1 watching TV, but I was sitting in my chair when Adnan
2 just jumped up and left the apartment.

3 Q What was Jay Wilds doing at that point?

4 A He was sitting to the right of me just
5 smoking a cigarette.

6 Q Did he stay there?

7 A For like a hot second. I mean, Adnan ran
8 out of the apartment. I was like what's wrong with
9 him. I said something to that effect, and Jay was
10 like, I don't know and then he sat there for a minute
11 and finished his cigarette and he was just like, you
12 know, hang on a second and he liked jumped up and ran
13 out of the apartment, too.

14 Q Did you see or hear anything after that?

15 A Not -- I mean, I went to the window to see,
16 you know, if they were standing outside. My
17 apartment looks over the street. I didn't know if
18 they were standing outside or what they were doing.
19 I remember walking to the window and being like, you
20 know, they just got up and left. You know, I think
21 they're sitting in the car and I remember Jeff saying
22 that on the phone to Jen, but I don't remember
23 whether we had hung up or not with her. And I said,
24 you know, he just jumped up and left, and Jeff is
25 like what, like what are they doing, and I was like I

1 heat to my apartment. You know, I don't know, just
2 it's not cool.

3 MS. MURPHY: We have no other questions at
4 this time, Your Honor.

5 THE COURT: Thank you. Witness with you,
6 Ms. Gutierrez.

7 MS. GUTIERREZ: Yes, Judge.

8 CROSS EXAMINATION

9 BY MS. GUTIERREZ

10 Q Ms. [REDACTED], when you talked about Judge
11 Judy, you like Judge Judy, do you not?

12 A Okay, yea.

13 Q In fact, that's yes?

14 A Yes.

15 Q And it was your choice that when you could
16 you watched her on TV, right?

17 A If I had the time, yes.

18 Q And she came on the same time everyday, did
19 she not?

20 A I think so, yes.

21 Q Okay. And that time was 6:00 o'clock to
22 6:30, right?

23 A Yes.

24 Q The show that you liked to watch and you
25 made time to watch; is that right?

1 A Right.
 2 Q All right, now, on that day before you got
 3 home and you watched Judge Judy, you said you had a
 4 conference down here, meaning downtown?
 5 A Right.
 6 Q You said at UMAP, meaning University of
 7 Maryland at Baltimore?
 8 A Right.
 9 Q Meaning downtown Baltimore?
 10 A Right.
 11 Q Was that conference at the school of social
 12 work?
 13 A Yes, I think it was.
 14 Q And that's between the law school and the
 15 hospital?
 16 A That's correct.
 17 Q Okay. And that's where your conference
 18 was, was it not?
 19 A That's correct.
 20 Q That was pretty important to you, right?
 21 A Yes, it was mandatory.
 22 Q To your recollection, you didn't -- you got
 23 a ride home from somebody?
 24 A Right, my car was stolen at that time.
 25 Q And you arrived home you thought between

1 Judge Judy is beginning, right?
 2 A Right.
 3 Q And you didn't expect him there?
 4 A No, I wasn't --
 5 Q You hadn't seen him all that day?
 6 A That's correct.
 7 Q And you had no notice of any plans that he
 8 might have to drop by and visit you?
 9 A That's correct.
 10 Q But there was nothing unusual about him
 11 just dropping by?
 12 A No.
 13 Q And it was okay with you that he dropped
 14 by?
 15 A At that time, yes.
 16 Q Because you considered him a friend, did
 17 you not?
 18 A Hmm, yes, that's right.
 19 Q He had dropped by on other occasions, had
 20 he not?
 21 A Uh-huh.
 22 Q And there was nothing unusual about any of
 23 those other occasions?
 24 A I'm sorry, I didn't hear you.
 25 Q There was nothing unusual --

1 5:00 and 5:15?
 2 A Somewhere around there.
 3 Q Your conference began you thought, you said
 4 between 4:00 and 4:30?
 5 A No, that's when it ended.
 6 Q Oh, that's when it ended?
 7 A Right.
 8 Q So your conference was long before then?
 9 A I think it started at 9:00, I think.
 10 Q At 9:00 o'clock in the morning?
 11 A Right.
 12 Q So you were in downtown Baltimore all day
 13 long?
 14 A That's correct.
 15 Q And when you got home, shortly thereafter
 16 Jay came?
 17 A Okay.
 18 Q Right? Is that right?
 19 A At 6:00, yes.
 20 Q That's what you told us, isn't it?
 21 A At 6:00, that's correct.
 22 Q At 6:00 o'clock. So forty-five minutes to
 23 an hour after you got home?
 24 A Yes, that's correct.
 25 Q 6:00 o'clock would be just the time when

1 A Unusual --
 2 Q -- about any of those other occasions?
 3 A No.
 4 Q And when he dropped by without notice at
 5 your apartment, you generally invited him inside, did
 6 you not?
 7 A Yes.
 8 Q And Jay knew that your house was a place in
 9 which it was comfortable enough to smoke weed, did he
 10 not?
 11 A Sometimes, yes.
 12 Q And that was an activity that you all
 13 engaged in?
 14 A Sometimes, yes.
 15 Q And that had been okay with you?
 16 A Uh-huh.
 17 Q And since he had engaged in that activity,
 18 you were familiar with him, meaning Jay, when he was
 19 high, were you not?
 20 A I don't understand your question.
 21 Q Well, you had smoked weed with him, hadn't
 22 you?
 23 A Yes.
 24 Q Weed meaning marijuana?
 25 A That's correct.

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- 1 Q And to your knowledge weed is a substance
2 that makes people high, does it not?
3 A Yes.
4 Q And you've gotten high when you've smoked
5 marijuana?
6 A Yes.
7 Q And you've smoked marijuana with Jay?
8 A Yes.
9 Q And you've observed him getting high from
10 marijuana, had you not?
11 A Yea.
12 Q And so you had previously seen him in a
13 high state; is that right?
14 A That's correct.
15 Q On this day your friend Jeff [REDACTED], was
16 he already home when you got there?
17 A Yes, that's correct.
18 Q And there was nothing unusual about that,
19 was there?
20 A No.
21 Q Sometimes he was there and sometimes he
22 wasn't, right?
23 A Yes, that's right.
24 Q Sometimes he spent the night and sometimes
25 he didn't, right?

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- 1 A That's correct.
2 Q He had his own key, did he not?
3 A Oh, no.
4 Q So was he there when you left?
5 A Yes.
6 Q And he stayed there all day?
7 A That's correct.
8 Q And so if someone came, to your knowledge,
9 right?
10 A He stayed there all day to my knowledge,
11 that's correct.
12 Q To your knowledge?
13 A That's correct.
14 Q That's what you expected, right?
15 A Well, I think when I got home I asked him,
16 you know, what was up, how was your day, or
17 whatever. He didn't tell me he went anywhere so --
18 Q And if someone came to visit you in the
19 middle of the day when you weren't there and Jeff
20 were there, that would be okay if he invited them in,
21 wouldn't it?
22 A Yea, that would be okay.
23 Q And Jay was someone that your boyfriend
24 knew?
25 A Uh-huh, he knew him.

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- 1 Q And he knew him to be a friend of yours?
2 A Yes, that's right.
3 Q And your boyfriend Jeff -- his name is Jeff
4 [REDACTED]?
5 A Yes.
6 Q And he was a participant on occasions in
7 which you and Jay smoked weed, was he not?
8 A Uh-huh.
9 Q Because Jeff also smoked weed, did he not?
10 A Occasionally.
11 Q And so -- and Jeff regarded Jay as your
12 friend or his or both?
13 A I'm not sure.
14 Q Now, back at that time you told us today
15 that you've known Jay, you said about a year to a
16 year and a half?
17 A I can't be certain but something --
18 Q Is that from today, back a year, a year and
19 a half?
20 A Yes.
21 Q So you knew him either, Jay, for just a
22 month or two, or for six months, right?
23 A Somewhere between those times.
24 Q Somewhere between that time?
25 A Uh-huh.

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- 1 Q You hadn't known him long?
2 A No, not long.
3 Q And you hadn't known Jen for much longer?
4 A Maybe a few months longer but not much.
5 Q And you met Jay through Jen?
6 A That's correct.
7 Q And you would have described their
8 relationship as very, very good friends, would you
9 have not?
10 A Hmm, I would just describe their
11 relationship as friends.
12 Q As friends. And you had become friends
13 with Jen through your sorority?
14 A That's correct.
15 Q Okay. And the sorority was an organization
16 that you became affiliated with during the time you
17 were at UMBC?
18 A That's correct.
19 Q Is that right?
20 A Uh-huh.
21 Q You would agree the sorority is an
22 organization of young women in school?
23 A That's correct.
24 Q And they affiliate more closely with each
25 other than nonsorority members?

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- 1 A Hmm, no, I wouldn't say that.
 2 Q No?
 3 A Some of them do.
 4 Q But you got to know Jen through --
 5 A Through the sorority.
 6 Q -- through that sorority?
 7 A Yes.
 8 Q Is that right?
 9 A Uh-huh.
 10 Q And are there sorority activities?
 11 A Yes.
 12 Q Now, you said after Jay and his friend got
 13 there, and incidentally was it okay with you before
 14 you knew anything that Jay brought another friend?
 15 A Yea, he had brought other friends to my
 16 house.
 17 Q Other friends to your house?
 18 A Uh-huh.
 19 Q And that had been okay?
 20 A Yea.
 21 Q Is that right? And this is a person that
 22 you had never met before?
 23 A The person he brought with him?
 24 Q Right?
 25 A That's correct.

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- 1 Q Is that right?
 2 A Uh-huh.
 3 Q You'd never seen before?
 4 A No.
 5 Q You had never observed him in any setting?
 6 A No.
 7 Q You didn't know his name?
 8 A No.
 9 Q You had never heard his name mentioned?
 10 A No, not at that time.
 11 Q By either your friend Jay?
 12 A Not at that time.
 13 Q Meaning January 13th?
 14 A That's correct.
 15 Q And you had never heard his name mentioned
 16 by your friend Jen?
 17 A Not at that time.
 18 Q Not at that time. And when he came in, did
 19 you think that they had come to smoke weed?
 20 A No.
 21 Q Did you think they had come to watch Judge
 22 Judy?
 23 A No.
 24 Q You described the period -- did your
 25 boyfriend like Judge Judy?

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- 1 A I don't remember, to tell you the truth.
 2 Q When Judge Judy was on if you had the time
 3 and if you were home by watching it, you would watch
 4 it and you would pay attention, would you not?
 5 A Uh-huh.
 6 Q Is that a yes?
 7 A That's a yes.
 8 Q Because you liked it?
 9 A That's correct.
 10 Q You'd want to hear what was said, would you
 11 not?
 12 A That's correct.
 13 Q You wanted to hear what Judge Judy said to
 14 the people before her, would you not?
 15 A That's correct.
 16 Q And you wanted to hear what her decision
 17 was about whatever case was before her, right?
 18 A That's correct.
 19 Q And so there was nothing unusual while you
 20 would be watching TV and Jeff would be there and no
 21 conversation would be going on?
 22 A I mean, sometimes we would watch TV and
 23 talk at the same time or other times we would just
 24 watch TV.
 25 Q And have no conversation?

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- 1 A That's correct.
 2 Q So there would be no noise?
 3 A Sometimes, yes.
 4 Q So during the time period when you were
 5 there that day and Jay, Adnan, and Jeff were there
 6 and there were periods that were silent, there was
 7 nothing unusual about that, was there?
 8 A Wait, can you repeat it? I'm sorry.
 9 Q On that day --
 10 A Uh-huh.
 11 Q -- you've described that there were periods
 12 of time while the four of you were there in which
 13 there was no conversation?
 14 A Okay, that's right.
 15 Q Right?
 16 A Uh-huh.
 17 Q There wasn't anything unusual about that,
 18 right?
 19 A Yea, there was something unusual about
 20 that.
 21 Q About not having any conversation?
 22 A That day it was, yes.
 23 Q That day it was, even though that
 24 conversation would have taken place while Judge Judy
 25 was on?

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- 1 A Uh-huh.
 2 Q And when you turned the TV on, do you do it
 3 to watch it?
 4 A Yes.
 5 Q And if you have guests there, do you do it
 6 for their entertainment also?
 7 A Well, sometimes when guests come over the
 8 TV is already on. It doesn't necessarily mean we all
 9 sit there and pay a hundred percent attention to it.
 10 Q And when you have guests in the room and
 11 your favorite show is on, do you ever go up and turn
 12 it off?
 13 A Sometimes if we want to listen to music or
 14 I mean --
 15 Q Or if you want to talk?
 16 A Usually if we want to talk, it still stays
 17 on or more music stays on.
 18 Q And that day did you ever turn Judge Judy
 19 off?
 20 A No.
 21 Q Even though there are occasions in which
 22 there might be complete silence while Judge Judy is
 23 on, that day it was unusual that there was?
 24 A I would say it was unusual because other
 25 times Jay had come over and the TV would be on we

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- 1 would talk still or we would attempt to have a
 2 conversation. It wasn't --
 3 Q Jay was pretty talkative, wasn't he?
 4 MS. MURPHY: Objection.
 5 THE COURT: Sustained.
 6 A We would still have a conversation. This
 7 time when I would like try to talk to him, he wasn't
 8 making any sense. He obviously did not want to talk
 9 so it was just very unsettling quiet.
 10 THE COURT: Your next question.
 11 Q So it was Jay who wasn't making any sense?
 12 A Yea, that's correct.
 13 Q Is that right?
 14 A Yes.
 15 Q You had never met this other person before,
 16 right?
 17 A That's correct.
 18 Q You had never smoked weed with him, right?
 19 A That's correct.
 20 Q He had never visited your home, right?
 21 A Yes.
 22 Q You had never observed him under any
 23 condition, right?
 24 A That's correct.
 25 Q You didn't know normal, what it was for

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- 1 him, did you?
 2 A That's correct.
 3 Q You didn't know how he acted around people
 4 he had just met?
 5 A That's correct.
 6 Q And Jay never said to you, oh, by the way,
 7 here's this guy I really want you to get to know him,
 8 did he?
 9 A No.
 10 Q And nothing Jay said or did indicated that
 11 he was there to interact with you?
 12 A Who was there to interact with me?
 13 Q The person he brought.
 14 A It was never specifically said this person
 15 is here to interact with you.
 16 Q And he never introduced him to you, did he?
 17 A No.
 18 Q No. By name?
 19 A No.
 20 Q Is that right? And Jay never interacted
 21 and tried to get a conversation going that involved
 22 him, did he?
 23 A Who?
 24 Q Jay never interacted and attempted to get a
 25 conversation going with the person that you had never

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- 1 met that he brought to your home, did he?
 2 A That's correct.
 3 Q And were you interested in this new person?
 4 A When they came in, I kind of thought that
 5 Jay would say this is so and so and, you know, I know
 6 him from wherever, like he had done, like when he had
 7 brought other friends he would say, oh, this is, you
 8 know, so and so, and you know, I know them through
 9 whatever, and you know, and work, just hanging out,
 10 doing whatever.
 11 Q So Jay's behavior about the person that he
 12 had brought into your house was odd based on your
 13 prior experience with Jay and others you didn't know,
 14 right?
 15 A That's correct.
 16 Q In fact, he didn't do it at first and that
 17 was strange?
 18 A I'm sorry?
 19 Q He didn't do it at first, introduce this
 20 person, right?
 21 A Right.
 22 Q And that was strange, right?
 23 A A little, uh-huh.
 24 Q At any time he didn't do it, did he?
 25 A No.

1 Q Before he and this person left, he never
2 introduced him to you?
3 A Nope.
4 Q And he never gave you any heads up as to
5 why he was there; is that right?
6 A That's right.
7 Q And this person whom you had never met,
8 you, of course, had no way of knowing what his norm
9 of behavior was, did you?
10 A No.
11 Q And you had -- nobody smoked weed while you
12 all were there, did they?
13 A I don't remember. We could have, but I'm
14 not sure.
15 Q You could have smoked weed in the presence
16 of someone you not only didn't know and had not even
17 been introduced to you?
18 A I'm sorry, I can't hear you when you turn
19 around.
20 Q You could have smoked weed together with
21 the person whose name you didn't know and had not
22 been introduced to you?
23 A That's correct.
24 Q And that you never smoked with before?
25 A That's correct.

1 Q And you just don't remember if that
2 happened or not?
3 A I'm not sure.
4 Q It could have?
5 A It could have.
6 Q Now, the total time that they were there
7 was how long?
8 A Hmm, I would say between twenty, thirty
9 minutes to forty-five at the most.
10 Q So you remember Judge Judy was still on
11 when they left?
12 A I don't remember. It could have been.
13 Q It could have been?
14 A I don't remember.
15 Q You wouldn't turn your favorite TV show
16 off, right?
17 A Well, the TV wasn't off. I know the TV
18 wasn't off. Whether that show had gone off or not,
19 I'm not sure.
20 Q And nothing about -- for instance, if you
21 had smoked weed while they were there would have made
22 you turn off Judge Judy, would it?
23 A It would have made -- it wouldn't have made
24 me turn off the TV?
25 Q Right, I'm asking you, would it have made

1 you --
2 A No.
3 Q Of course, you don't remember whether you
4 did or didn't?
5 A No.
6 Q But you could have?
7 A Yep. I mean, I've even eaten shrimp
8 before. I can't tell you when the last time I ate
9 shrimp was, but I know I've eaten shrimp. It's kind
10 of the same thing.
11 Q Well, Ms. [REDACTED] eating shrimp and smoking
12 marijuana aren't exactly the same kind of activities.
13 are they?
14 MS. MURPHY: Objection.
15 THE COURT: Sustained.
16 Q There's nothing illegal about eating shrimp
17 --
18 A No, I'm just trying to say that it was
19 usual in the fact that, yes, I have before. It
20 wasn't uncommon. I have before, but do I remember if
21 I did that day? No, I don't remember.
22 Q Now, had you had -- did you expect Jen's
23 phone call that day?
24 A Did I expect Jen's phone call? No.
25 Q It was nothing unusual about it though,

1 A That's correct.
 2 Q And he was acting out of the norm?
 3 A That's correct.
 4 Q And you described -- and I want to make
 5 sure I heard it shady as in s-h-a-d-y?
 6 A That's correct.
 7 Q Shady?
 8 A Shady.
 9 Q Not right?
 10 A Not right.
 11 Q Not normal?
 12 A Not normal.
 13 Q Hiding something?
 14 A Possibly.
 15 Q That certainly came to mind, did it not?
 16 A Yea.
 17 Q Did you ask Jay if he were high?
 18 A Did I ask Jay if he was high?
 19 Q Yes.
 20 A No, I did not.
 21 Q Did he appear to be acting high as you had
 22 previously observed him to be?
 23 A I can never tell if Jay is high or not. So
 24 he could have been.
 25 Q He doesn't show?

1 A No.
 2 Q Did he appear to be concealing something,
 3 that kind of shady?
 4 A Concealing something?
 5 Q Hiding something?
 6 A He was appearing that something was going
 7 on that he did not tell me about.
 8 Q Did you ask about it?
 9 A I didn't say what is going on, tell me
 10 right now. No, I did not say that.
 11 Q Not to him?
 12 A No.
 13 Q And the person with him, of course, you
 14 didn't know how he acted normally, right?
 15 A No, I didn't know how he acted normally.
 16 Q So you wouldn't know if how he appeared to
 17 you was different than he always appeared under other
 18 circumstances, did you?
 19 A Well, he was slumped over on my floor
 20 hiding his face. I don't know if that's normal for
 21 him, but that wasn't I thought normal.
 22 Q Well, he didn't hide his face such that you
 23 can't identify it, right?
 24 A Well, I saw him when he came in and I saw
 25 him when he left and I saw him when he got his phone

1 call and when he looked at everybody and asked, you
 2 know, how do you get rid of a high. But the rest of
 3 the time he was slumped over like that.
 4 Q But he didn't conceal his face from you
 5 such that you couldn't tell who he was; is that
 6 right?
 7 A Uh-huh.
 8 Q He was only in your apartment, you said he
 9 got there at six and maybe stayed at the most
 10 forty-five minutes?
 11 A That's correct.
 12 Q Is that right? And that's the only
 13 interaction you had with him?
 14 A That's correct.
 15 Q And the way that you described it, there's
 16 those two chairs in the alcove?
 17 A Right.
 18 Q And where he was, there were pillows, were
 19 there not?
 20 A On the floor, uh-huh.
 21 Q On the floor?
 22 A Which he was sitting on, right.
 23 Q And that's where he was, right?
 24 A Right.
 25 Q And the pillows on the floor, they weren't

1 for people to sit on?
 2 A I'm sure, yea, they could have been, but
 3 not to like slump over. I mean, I didn't think that
 4 was normal.
 5 Q Oh, the rules in your house require guests
 6 that sit on the floors -- pillows that are on the
 7 floor to sit upright and not slump?
 8 MS. MURPHY: Objection.
 9 THE COURT: Sustained.
 10 Q Did you object to him at any time he was
 11 sitting there?
 12 A Did I object to him?
 13 Q Yes.
 14 A No.
 15 Q Did you ask him to leave?
 16 A No.
 17 Q And, of course, you don't remember if you
 18 had any illicit activities with him that involved
 19 drugs?
 20 A I don't remember.
 21 Q Incidentally, Ms. [REDACTED] is your father a
 22 police officer?
 23 A No.
 24 Q Now, later, much later Jen and Jay were
 25 together in your house?

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1 A That's correct.
 2 Q And what time was it when they got there?
 3 A I would say ten or elevenish. I really
 4 can't be sure.
 5 Q But late?
 6 A Later, yes.
 7 Q And did you know that they were coming?
 8 A I don't think I did.
 9 Q That wasn't a prearranged plan?
 10 A No, I don't think it was.
 11 Q Even on the phone with Jen while Jay was
 12 there?
 13 A I think she -- I said she said something to
 14 the effect of I'll figure out what's going on, but I
 15 don't recall making like plans with her to come over.
 16 Q Did you get a call from her later that said
 17 we're coming?
 18 A No, I don't think so.
 19 Q And when she arrived, whether or not it was
 20 a surprise, that was okay with you, was it not?
 21 A Yea.
 22 Q And at that time was Jay still acting --
 23 A Both of them were acting shady.
 24 Q And Jen was somebody whom you were close
 25 to, right?

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1 A Closer than Jay.
 2 Q You had spent a lot of time with her, had
 3 you not?
 4 A Yes.
 5 Q And so you had observed her under a lot of
 6 different circumstances?
 7 A Uh-huh.
 8 Q Is that a yes?
 9 A That's a yes.
 10 Q And you had observed her high before?
 11 A Yes.
 12 Q Okay. And she now appeared to you be
 13 shady?
 14 A Uh-huh, yes.
 15 Q Concealing something perhaps?
 16 A Not telling what was going on.
 17 Q Not telling what was going on?
 18 A That's right.
 19 Q And you didn't know what the what was?
 20 A That's correct.
 21 Q But what you observed you could tell that
 22 there was a what?
 23 A That's correct.
 24 Q And that was based on your observations of
 25 two people you knew?

1 A That's correct.
 2 Q And liked?
 3 A That's correct.
 4 Q Regarded as friends?
 5 A That's correct.
 6 Q And shady is the word that you applied to
 7 them when they appeared at your house at ten or
 8 eleven o'clock at night?
 9 A That's correct.
 10 Q And your boyfriend Jeff, he was still
 11 there?
 12 A Yep.
 13 Q In between the time that Jay left and Jay
 14 and Jen came back, did you discuss this with your
 15 boyfriend?
 16 A I think -- yea, I think we did like right
 17 when they left.
 18 Q That would have been normal would it have
 19 not?
 20 A Yea, what is going on, what was wrong with
 21 them.
 22 Q Did he indicate his -- he had observations
 23 of these two people?
 24 A Hmm, I don't remember to tell you the
 25 truth.

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1 Q And to your knowledge had he ever met
 2 Adnan?
 3 A To my knowledge?
 4 Q Yes.
 5 A No.
 6 Q No, not before?
 7 A No.
 8 Q And he confirmed that?
 9 A And he confirmed that?
 10 Q That he had not met Adnan.
 11 A Oh, he didn't say either way. He didn't --
 12 Q That he had never smoked with him, smoked
 13 weed?
 14 A I'm sorry?
 15 Q That he had never smoked --
 16 A Jeff?
 17 Q -- weed with him? Jeff.
 18 A I don't know if Jeff has ever smoked weed
 19 with him or not.
 20 Q Well, did he tell you that he had?
 21 MS. MURPHY: Objection.
 22 THE COURT: Sustained.
 23 Q All right, now, you used the term to
 24 describe Jay as well weird?
 25 A I'm sorry, could you repeat that?

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1 Q The terms that you used to describe Jay's
2 behavior was weird?
3 A Yes.
4 Q Funny?
5 A Yes.
6 Q Okay. Meaning odd or meaning hillarious?
7 A Odd.
8 Q Odd. And you also said that he was quiet,
9 not talking?
10 A That's correct.
11 Q And normally Jay talked, did he not?
12 A Yea.
13 Q He made conversation easily?
14 A Yes.
15 Q He was a good conversationalist?
16 A Yes.
17 Q You were asked by Ms. Murphy a question
18 about did you sleep in the bedroom -- or did you
19 sleep in the bedroom or did you -- when you said the
20 couch, was there a couch there or was it the pillows?
21 A It's a This End Up bed that I have big
22 bolster pillows that sit on the back of it.
23 Q It acts as a couch?
24 A Yea.
25 Q And it's in a separate place than the

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1 Q You had moved it there at a time when you
2 were concerned about air conditioning?
3 A The bed couch was always in the living
4 room.
5 Q Always?
6 A Always in the living room.
7 Q Whether it was summer or winter?
8 A Yes.
9 Q It was a separate bedroom?
10 A I'm sorry?
11 Q You had a separate bedroom?
12 A That's correct.
13 Q And in that bedroom you had a separate bed?
14 A That's correct.
15 Q So you always had a choice of where to
16 sleep?
17 A No.
18 THE COURT: One second.
19 THE WITNESS: I'm sorry.
20 THE COURT: The objection is sustained.
21 The witness is going to be permitted to answer the
22 question, finish her answer. You were about to say.
23 THE WITNESS: Right.
24 THE COURT: But?
25 THE WITNESS: But the bed in the bedroom

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1 bedroom?
2 A That's correct.
3 Q And you said usually you slept on that
4 place?
5 A Yep.
6 Q Because of the air conditioning?
7 A Right.
8 Q On January 13th that was winter, was it
9 not?
10 A That's correct.
11 Q That would not have been a time when you
12 had the air conditioning on in the apartment, was it?
13 A No, but the This End Up bed is pretty heavy
14 and I just don't move it back and forth. Once I
15 bought the air conditioner and I put it in the window
16 and moved the bed in there.
17 Q So at that time the place where you slept
18 was disconnected to what you slept on?
19 A I don't understand.
20 Q You slept on the bed on which you had put
21 pillows?
22 A That's correct.
23 Q But then at the time it was in the living
24 room?
25 A That's correct.

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1 was just a frame and when I moved my bed like my good
2 mattress, I had an old mattress on the one in the
3 living room, when I moved my good mattress on the
4 bed, I took the frame home. So the only place I
5 could sleep was in the living room unless I went home
6 to my parents' house got the frame and brought it all
7 of the way back.
8 Q So on January 13th you really had only one
9 place to sleep, right?
10 A That's correct.
11 Q And that was in the living room, right?
12 A That's correct.
13 Q But it wasn't because of the air
14 conditioner then, was it?
15 A No, it wasn't.
16 Q No. Now, when you spoke to your friend Jen
17 on the phone you described there's this strange guy
18 here and he's slumped over, right?
19 A Right.
20 Q And you described him as best you could,
21 right?
22 A That's correct.
23 Q And she made you aware that shortly before
24 Jay had been at her house, did she not?
25 A No, she said that she had plans to meet up

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1 with Jay but she didn't say that he was at her house.
 2 Q That he had been at her house. And she
 3 didn't mention to you that he had somebody else's
 4 car, did he?
 5 A No.
 6 Q And you knew your friend Jay did not have a
 7 car then, did you not?
 8 A Not of his own.
 9 Q Not of his own. But borrowed cars?
 10 A Sometimes his girlfriend's or yea.
 11 Q And sometimes others?
 12 A Oh, I don't know about others. I know
 13 about his girlfriend's car.
 14 Q But Jen never mentioned that she had just
 15 seen Jay?
 16 A Oh, no.
 17 Q And she never mentioned whether or not she
 18 had observed the same things you had that led you to
 19 describe them as shady?
 20 A No, she didn't say that.
 21 Q And when you described him, Jen never
 22 volunteered well maybe that's the guy whose car it
 23 was?
 24 A No, I don't think so.
 25 Q Or maybe that's the guy that I expected him

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1 to be with because he was going to pick him up when
 2 he left my house?
 3 A No, she didn't say anything of that --
 4 Q And she didn't say something to the effect
 5 of that she shared your concern about the shadiness
 6 of how he was acting?
 7 A I don't recall.
 8 Q Were you concerned about your friend Jay
 9 when you observed him acting shady?
 10 A Jay?
 11 Q Yes.
 12 A Concerned like -- no, I wouldn't say
 13 concerned.
 14 Q Now, when he got -- the person that you've
 15 identified as being in your living room, when he got
 16 the phone call you could only hear what he said, if
 17 at all, right?
 18 A I heard what he said, yes.
 19 Q But you couldn't hear what was being said
 20 on the phone?
 21 A No.
 22 Q You couldn't tell who he had called?
 23 A That's correct.
 24 Q Who was on the other end of the line?
 25 A I had no idea.

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1 Q Or what they were saying?
 2 A That's correct.
 3 Q Is that right? And when he got the call
 4 did you eavesdrop in?
 5 A Well, considering that nobody was talking
 6 and it was extremely quiet and my living room is not
 7 that big so when he's talking --
 8 MS. MURPHY: Objection.
 9 THE COURT: Sustained. You have to answer
 10 the question and may I ask that one question at a
 11 time be asked to allow the witness to answer just the
 12 question asked.
 13 THE WITNESS: Okay.
 14 THE COURT: Your question, Ms. Gutierrez.
 15 MS. GUTIERREZ: I don't remember it,
 16 Judge.
 17 Q Was Judge Judy still on?
 18 A Yes.
 19 MS. MURPHY: Objection.
 20 Q And if Judge Judy was --
 21 THE COURT: Overruled.
 22 Q -- was still on, the sound was on, was it
 23 not?
 24 A Yes.
 25 Q And if Judge Judy was on, given that it was

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1 your favorite show, before you said you were paying
 2 attention --
 3 THE COURT: I couldn't hear the end of
 4 that.
 5 Q Given that you told us it was your favorite
 6 show you would be paying attention?
 7 MS. MURPHY: Objection.
 8 THE COURT: Sustained.
 9 Q And what you heard him say was something
 10 like they're going to come talk with me; is that
 11 right?
 12 A That's one of the things he said, yes.
 13 Q And the other thing he said was what should
 14 I tell them?
 15 A Yes, or what should I say.
 16 Q What should you say?
 17 A Something to that effect.
 18 Q From what you heard the they that he was
 19 referring to, they were going to come talk to him,
 20 was a different they than he was talking to?
 21 A Yes.
 22 Q Based on what you heard?
 23 A Yes.
 24 Q And that he appeared to be asking advice of
 25 someone as to what he should tell the they in his

1 first statement?
 2 A Yes.
 3 Q And that's all that you heard him say?
 4 A Yes.
 5 Q Now, you've continued to remain -- oh, Jay
 6 didn't have a key to your apartment, did he?
 7 A No.
 8 Q Not then?
 9 A He never had a key to my apartment.
 10 Q Not ever. And he wasn't allowed to just go
 11 in your apartment by himself, was he?
 12 A No.
 13 Q While you weren't there?
 14 A No.
 15 Q And when he got there your boyfriend Jeff
 16 [REDACTED] didn't tell you, oh, he was just here a
 17 couple of hours ago, did he?
 18 A No.
 19 Q And he didn't express to you that he and
 20 Jay had smoked weed?
 21 A No.
 22 Q Or done any other drug?
 23 A No.
 24 Q And you, of course, expressed your
 25 observations about Jay to Jeff later, right?

1 about that.
 2 Q Did he wait for you or for the bus?
 3 A Did he wait - who Jay?
 4 Q At that time, Jay?
 5 A He waited for the bus.
 6 Q For the bus, not you?
 7 A Not me.
 8 Q But on that occasion Jeff told you right
 9 away, didn't he?
 10 A Well, when I got home.
 11 Q When you got home?
 12 A Yea.
 13 Q Now, much later than this day did there
 14 come a time when you spoke to the police about this
 15 day?
 16 A Sure did.
 17 Q And when did that happen?
 18 A I can't really recall the date, maybe a
 19 month.
 20 Q Was it long after?
 21 THE COURT: One moment, Ms. Gutierrez. One
 22 moment. Can I see counsel at the bench, please.
 23 (Whereupon, counsel and the Defendant
 24 approached the bench and the following conference
 25 ensued:)

1 A Yes.
 2 Q And at that time did he indicate that he
 3 had seen Jay earlier in the day, the same day?
 4 A No.
 5 Q Or that he had seen him any time that same
 6 day and he had observed the same behavior?
 7 A No, he did not tell me that.
 8 Q And would you have expected him to tell you
 9 if that had happened?
 10 MS. MURPHY: Objection.
 11 THE COURT: Overruled. Would you have
 12 expected him to be told that?
 13 THE WITNESS: Would I expect him to tell me
 14 that? Yes.
 15 Q Especially after Jay showed up and he
 16 brought his shady behavior visiting to Jeff's
 17 attention?
 18 A Well, I think Jeff saw his shady behavior
 19 on his own.
 20 Q And would it have been unusual if Jay came
 21 to your house, you weren't home but Jeff was, for Jay
 22 to stay?
 23 A Stay, I think one other time he came
 24 because he was waiting for the bus and it was cold
 25 outside and I wasn't there I think, but Jeff told me

1 THE COURT: I was told that Ms. Benaroya
 2 called my chambers and you spoke to Ms. Benaroya on
 3 the phone, did you not?
 4 A VOICE: Yes.
 5 THE COURT: And that was yesterday?
 6 A VOICE: Yes.
 7 THE COURT: What is it that she told
 8 you?
 9 A VOICE: Yesterday she told me she would
 10 be available after one. That was like the message.
 11 THE COURT: Did she provide some
 12 information about --
 13 A VOICE: She said that --
 14 THE COURT: -- coming to court or something
 15 like that?
 16 A VOICE: As far as a motion that she would
 17 like to talk to you or Ms. Gutierrez about. She
 18 wanted to let the Judge know whatever she had spoke
 19 to you about, some kind of a motion in front of Judge
 20 McCurdy.
 21 THE COURT: Anything about the date?
 22 A VOICE: About a date? I don't have the
 23 information with me. I think it was.
 24 THE COURT: Did you take a message?
 25 A VOICE: I took the message. I don't have

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1 it with me.
 2 THE COURT: Where is the message?
 3 A VOICE: In the office.
 4 THE COURT: Go downstairs and get the note
 5 and that's what I asked Mr. White to tell you, to
 6 bring any notes regarding Ms. Benaroya upstairs.
 7 A VOICE: Okay.
 8 THE COURT: So please go and do that and
 9 bring the note back up. Whatever that information
 10 is, I'll bring you back.
 11 MS. GUTIERREZ: Thank you. Is that all?
 12 THE COURT: Yes, I just wanted to make sure
 13 that that information -- I was told that she was on
 14 her way here. I apologize for interrupting you.
 15 MS. GUTIERREZ: That's all right.
 16 THE COURT: But it was information that you
 17 requested and I wanted to make sure --
 18 MS. GUTIERREZ: Yes.
 19 THE COURT: -- before the day ended that
 20 Ms. Benaroya received that information and I did want
 21 to make sure that it was done in front of the
 22 presence of counsel. The Court did not want to be
 23 involved in any --
 24 MS. GUTIERREZ: Right.
 25 THE COURT: -- ex parte investigations or

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1 anything of that sort, and that is the reason I said
 2 if you had contacted the witness that you directly
 3 contact rather than go through my chambers.
 4 MS. GUTIERREZ: Right, and, Judge, I have
 5 left messages.
 6 THE COURT: I understand.
 7 MS. GUTIERREZ: And she gave me her cell
 8 phone, but I've been unable to have direct contact
 9 with her since the day that she was here.
 10 THE COURT: That's why I didn't the want
 11 the information, whatever the information was I
 12 wanted it to go directly to you and I wanted to make
 13 sure that the State was present when that occurred.
 14 So when she returns, I'll have her do that.
 15 MS. GUTIERREZ: That's fine. I'm not going
 16 to be that much longer so if she returns before then
 17 I would appreciate just waiting because I only have a
 18 little bit more to cover.
 19 THE COURT: Very well.
 20 (Whereupon, counsel returned to the trial
 21 table and proceedings resumed in open court.)
 22 THE COURT: I apologize to the jury. We
 23 had a matter that we had to take up, but at this
 24 point we can continue. Ms. Gutierrez, if you could
 25 continue with your questions.

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1 MS. GUTIERREZ: Thank you, Your Honor.
 2 Q The time when you think you heard about a
 3 month after, and by a month after you mean after this
 4 date, the 13th; is that right?
 5 A Yes.
 6 Q There came a time when you spoke to the
 7 police?
 8 A I can't hear you.
 9 Q There came a time when you spoke to the
 10 police?
 11 A Yes.
 12 Q And where did that take place?
 13 A When I spoke to them it was at their
 14 office.
 15 Q At their office?
 16 A Yes.
 17 Q And was that the office of the Baltimore
 18 City Police Department?
 19 A Yes.
 20 Q And was that down here at 601 East Fayette
 21 Street?
 22 A I guess that's the address.
 23 Q At Police Headquarters?
 24 A I think, yes.
 25 Q In the Homicide Division?

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1 A Yes.
 2 Q And how did you get down there?
 3 A I drove.
 4 Q And was anybody else there with you?
 5 A No, nobody was with me.
 6 Q And was that during the day or the evening?
 7 A At night.
 8 Q And that was the first time that you spoke
 9 to anyone about these events?
 10 A Yes.
 11 Q Was it that day that you knew that they
 12 wanted to speak to you?
 13 A No.
 14 Q Had they called you up previously and set
 15 up this appointment and asked you to come down?
 16 A Yes.
 17 Q And at that time was it Detectives
 18 MacGillivary or Ritz that called you?
 19 A MacGillivary.
 20 Q MacGillivary. And he had told you what it
 21 was about?
 22 A He told me what it was -- no, I already
 23 knew what it was about.
 24 Q Okay. He set up an interview that you
 25 consented to come to?

1 A Yes.
 2 Q And at the time when he called you, you
 3 were at your home?
 4 A At my apartment, yes.
 5 Q Prior to that day, was that a day -- the
 6 same day or days before that event?
 7 A I think it was a couple of days before that
 8 he called me.
 9 Q So the time that you went to see them was a
 10 pre-planned event?
 11 A Yes.
 12 Q When you went down there did you speak to
 13 Detective MacGillivray?
 14 A Yes.
 15 Q Was Detective Ritz present?
 16 A No.
 17 Q And did you consent to speaking to him
 18 about it?
 19 A Yes.
 20 Q Was there a tape recording?
 21 A Yes.
 22 Q And did they accuse you of anything?
 23 A No.
 24 Q Did they give you any pictures to see?
 25 A No.

1 Q And did they threaten you in any way?
 2 A To speak to my father about it, but that
 3 was it.
 4 Q Speak to your father about it?
 5 A Yes.
 6 Q Did he go with you?
 7 A No.
 8 Q They spoke to him on the phone?
 9 A No.
 10 Q They threatened to speak to him?
 11 A Yes.
 12 Q And you regarded that as a threat?
 13 A Yes.
 14 Q You didn't want your father to know about
 15 these events?
 16 A I didn't think it was important, no.
 17 Q You didn't think it was important?
 18 A No.
 19 Q At least not important enough for your
 20 father to know about it, right?
 21 A Right.
 22 Q When they said that and you regarded it as
 23 a threat, did you say anything to them?
 24 A No.
 25 Q They knew who your father was?

1 A Hmm, no.
 2 Q Did you tell them?
 3 A No.
 4 Q Ms. [REDACTED], you're how old now?
 5 A Twenty-two.
 6 Q So you were twenty-one --
 7 A Yes.
 8 Q -- last year?
 9 A Uh-huh.
 10 Q And you've been in college for how long?
 11 A Four years. Three years at that time.
 12 Q And you had lived alone for how long?
 13 A A year at that time.
 14 Q But they threatened you with going to your
 15 father?
 16 A Well, my father was paying for school at
 17 that point and my living expenses.
 18 Q That was a threat to you?
 19 A Yes.
 20 Q And did you tell them that, that your dad
 21 was paying?
 22 A No.
 23 Q Did they ask about that?
 24 A No.
 25 Q All right, now, when you got down there on

1 that day had you spoken about the events of the 13th
 2 to your good friend Jen Pusateri subsequent to the
 3 13th?
 4 A Subsequent to the 13th, yes.
 5 Q Yes. And when had you done that?
 6 A The night that they came and talked to her.
 7 Q The night that they came, meaning the
 8 police?
 9 A Right.
 10 Q Had come to talk to her?
 11 A Right.
 12 Q And that day occurred before the day that
 13 you went down to speak to them?
 14 A That's correct.
 15 Q All right. And the day that they came to
 16 talk to her that was a Friday night, was it not?
 17 A I don't recall. It was at night.
 18 Q You had gone over to her house to pick her
 19 up?
 20 A That's correct.
 21 Q In your car?
 22 A That's correct.
 23 Q Is that right? And did you run into some
 24 detectives who appeared to be lost?
 25 A No.

1 Q No. They didn't --
 2 A They weren't lost.
 3 Q And you weren't lost?
 4 A I wasn't lost.
 5 Q You were parked right in front of her
 6 house?
 7 A Right.
 8 Q And how is it that you knew the detectives
 9 -- you came to know that they were detectives,
 10 right?
 11 A That's correct.
 12 Q Coming to her house to speak to her about
 13 the events of January 13th?
 14 A I found that out in the course of the
 15 conversation, but yes.
 16 Q Okay. And where did that conversation take
 17 place?
 18 A On the street.
 19 Q On the street in front of her house?
 20 A That's correct.
 21 Q And were you outside of the car?
 22 A We both were inside of the car at that
 23 point.
 24 Q And were they inside or outside of their
 25 car?

1 they were outside the car and you all were inside the
 2 car take place?
 3 A Five minutes probably at the most.
 4 Q Did she identify herself as Jennifer?
 5 A No, I never think she said I'm Jennifer,
 6 no.
 7 Q But her name was Jennifer then, wasn't it?
 8 A Yes.
 9 Q Okay. And did anything else happen in that
 10 conversation?
 11 A Meaning?
 12 Q Did they ever tell either you or her why
 13 they were looking for Jennifer?
 14 A Oh, yea, uh-huh.
 15 Q And what it had to do with?
 16 A Yep.
 17 Q And it had to do with the murder of Hae Min
 18 Lee, did it not?
 19 A That's correct.
 20 Q And they mentioned the name?
 21 A That's correct.
 22 Q And they mentioned the date January 13th,
 23 did they not?
 24 A I don't remember if they mentioned the date
 25 or not.

1 A Outside of their car in front of my car or
 2 on the side, the passenger side of my car.
 3 Q Which was right in front of her house?
 4 A That's correct.
 5 Q Okay. And they physically appeared to be
 6 looking to come up to her house, did they not?
 7 A Yes.
 8 Q Did she tell them who she was?
 9 A I don't think so.
 10 Q And did they tell her whom they were
 11 looking for?
 12 A Not at that point. They asked is this such
 13 and such address. She said can help you. They said
 14 does Jennifer live here or are you Jennifer or
 15 something to that effect, and she said can I help
 16 you, and that's when they identified themselves.
 17 Q Now, where you were when you picked her up
 18 was a location that you are familiar with?
 19 A Her house, yes.
 20 Q And you knew that she lived there with her
 21 parents?
 22 A That's correct.
 23 Q And her younger brother?
 24 A That's correct.
 25 Q And how long did this conversation while

1 Q Did they mention Jay Wilds' name?
 2 A No, I don't think so.
 3 Q Or anyone else's name?
 4 A I think Adnan's name.
 5 Q Adnan's. And did they ask her if they --
 6 if she knew him?
 7 A I think so, yes.
 8 Q And did she say she knew him?
 9 A Yes.
 10 Q And did she say she knew anything about the
 11 murder of Hae Min Lee?
 12 A No.
 13 Q In the five minutes did they threaten her?
 14 A Threaten her? I don't believe so, no.
 15 Q Did they try to arrest her?
 16 A No.
 17 Q Did they ask her --
 18 Q Well, they tried to convince her that she
 19 needed to -- I can't remember whether to come with
 20 them or to go down to the station at that very
 21 minute.
 22 Q And talk to them?
 23 A Yes.
 24 Q And they directly asked that, did they not?
 25 A Asked her to come down, yes.

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1 Q And during the time that you were out there
 2 did she or you ever go get her parents?
 3 A No.
 4 Q She made you aware that her parents were
 5 both inside the house, did she not?
 6 A I don't remember if she made me aware or
 7 not.
 8 Q All right. And she never left the car?
 9 A She never left the car, no.
 10 Q And she did not refuse to speak to them,
 11 did she?
 12 A She did not refuse.
 13 Q But she didn't agree to go with them?
 14 A Not at that very second, but she did --
 15 Q Did she make an appointment?
 16 A Yes.
 17 Q And when was that appointment for?
 18 A That same night.
 19 Q That same night. And at this point when
 20 you went and picked her up it was dark, was it not?
 21 A Yes.
 22 Q And after there came a time when they left,
 23 right?
 24 A Yes.
 25 Q And --

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1 A Well, I think we left before they did but
 2 yea.
 3 Q And you came to pick her up for a specific
 4 reason, did you not?
 5 A She was coming to hang out.
 6 Q Over your house?
 7 A Uh-huh.
 8 Q Okay. And there was nothing unusual about
 9 that, was there?
 10 A No.
 11 Q And you left her house and you went where?
 12 A To Jay's work.
 13 Q To Jay's work. And where he worked then
 14 was at the porno shop?
 15 A That's right.
 16 Q And you knew that, did you not?
 17 A Yes.
 18 Q It's on Southwestern Boulevard?
 19 A Something like that.
 20 Q Southwestern Video?
 21 A Okay.
 22 Q Did you plan before the police got there to
 23 go over there?
 24 A I think we were going to pick him up from
 25 work.

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1 Q To pick him up from work?
 2 A Yea.
 3 Q Because he was going to go over to your
 4 house with you all?
 5 A No, I don't remember if he was coming over
 6 or not. I remember that we were going to pick him up
 7 because he didn't have a car.
 8 Q He never had a car, did he?
 9 A No, but he didn't -- he wasn't borrowing
 10 anybody's car, and I don't think Jen had her car at
 11 that point. So he had asked us to go pick him up
 12 from work, but I don't remember whether he was going
 13 home or whether he was coming to my apartment. I
 14 don't recall.
 15 Q If he was going home, you all would take
 16 him home?
 17 A Right.
 18 Q And that wasn't objectionable to you, was
 19 it?
 20 A No.
 21 Q If he needed a ride you would have given
 22 him a ride, right?
 23 A Yea, at that time.
 24 Q And did you have any other purpose in going
 25 to see him?

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1 A No.
 2 Q Did you speak to him before you got there?
 3 A Before I got there, no.
 4 Q Did you have a cell phone?
 5 A Not at that time, no.
 6 Q Did Jen have a cell phone?
 7 A No.
 8 Q And you didn't stop to make a call?
 9 A No, we were going right there.
 10 Q And you didn't go back inside the house to
 11 make a call?
 12 A No.
 13 Q Okay. Did you get him food?
 14 A I don't recall. I'm not sure.
 15 Q So you went over there?
 16 A Right.
 17 Q And was he there?
 18 A Yea.
 19 Q Did you go inside?
 20 A Yep.
 21 Q And did you speak to him?
 22 A I think I said hey like what's up or
 23 something but --
 24 Q Were you upset by what you had heard from
 25 Detective MacGillivray or Ritz?

1 A Yes.
 2 Q About their conversation with Jen?
 3 A Yes.
 4 Q And did she appear to be upset?
 5 A Yes.
 6 Q Was she acting shady?
 7 A No, she wasn't acting shady.
 8 Q No she wasn't?
 9 A No.
 10 Q So she was acting very differently than the
 time that you saw her acting shady?
 12 A Well, she wasn't acting shady because as
 soon as we pulled away she told me what was going on.
 14 Q She told you that she expected them?
 15 A She expected -- no, I don't think she
 expected them, but I'm not sure.
 17 Q That she knew why they were there?
 18 A I think -- yea.
 19 Q And that it concerned the death of Hae Min
 Lee?
 21 A Yes.
 22 Q Did she ever tell you that she had anything
 to do with it?
 24 A No, no, I don't think so. Well, when we
 pulled away, the first thing I said was that was --

1 A No.
 2 Q And to your knowledge -- well, when she
 3 came back later that night that person whom you had
 4 never seen before was no longer there, was he?
 5 A No.
 6 Q All right, now, on the way over to see Jay
 7 who you may have had to take home or take with you,
 8 did you and Jen talk about anything else?
 9 A I don't remember. I don't think so.
 10 Q When you say well it was different because
 11 she told you what it was about, right? She never --
 12 did she ever intimate at all that she was involved in
 13 anything?
 14 MS. MURPHY: Objection.
 15 THE COURT: Sustained as to that question.
 16 Q Did she appear to be scared?
 17 A Nervous, not scared.
 18 Q Nervous. About the police?
 19 A Well, it's not everyday that a Homicide
 20 detective comes and wants to talk to you.
 21 Q Did she appear scared while the Homicide
 22 detective was there?
 23 A Not scared, nervous.
 24 Q And you and she speak, did she intimate to
 25 you that Jay was involved?

1 you know, this is about that guy at my apartment,
 2 isn't it, and she said yea that was Adnan, and I said
 3 what is going on and she told me.
 4 Q She never saw the guy in your apartment,
 5 did she?
 6 A No.
 7 Q And you didn't know his name back then, did
 8 you?
 9 A No.
 10 Q You never got it from him, right?
 11 A No.
 12 Q And you never asked Jay for it?
 13 A No.
 14 Q Even though you felt that he should
 15 introduce the person he brought with him to you,
 16 right?
 17 A That was normal.
 18 Q When you described the person to her over
 19 the phone that night, she didn't say, oh, that's
 20 Adnan with him?
 21 A No, I don't think so.
 22 Q Or describe anybody by name?
 23 A She said one name but I can't remember what
 24 it is.
 25 Q You can't remember what it was?

1 A You know, I really don't remember. She
 2 could have. All I remember about that conversation
 3 is me asking about the guy in my apartment, her
 4 saying yes, and I don't remember if at that time she
 5 told me what was -- I don't remember. I just
 6 remember the first part of the conversation extremely
 7 clear. I don't remember.
 8 Q He was still your good friend then, wasn't
 9 he?
 10 A Yea, he was my friend.
 11 Q And you had seen him subsequent to that
 12 time that he had showed up with this guy that he
 13 didn't introduce, right?
 14 A I seen him -- I'm not sure. I could have.
 15 Q Before that day it would not have been
 16 unusual for you to see Jay more than once a week,
 17 would it have not?
 18 A No, I didn't see him more than once a week.
 19 Q And you can't recall whether or not you saw
 20 him in the month between that time and the day that
 21 you recall the police coming or looking for Jen?
 22 A The only time I remember seeing Jay after
 23 that is at Jeff's party which we had at my house.
 24 Q And that was when?
 25 A The 22nd.

1 Q The 22nd?
 2 A Of February.
 3 Q Of February; is that correct?
 4 A That's correct.
 5 Q And that's more than a month after that
 6 date that you saw him and he brought somebody you
 7 didn't know with him to the house?
 8 A Right.
 9 Q So that would have occurred before the date
 10 the police came looking for Jen?
 11 A Well, I don't remember the date the police
 12 came looking for Jen.
 13 Q Okay. Whatever that date was, Ms. [REDACTED]
 14 it would be fair to say that if your friend Jen told
 15 you that your friend Jay was involved in a homicide,
 16 that would have been noteworthy to you, would it have
 17 not?
 18 A That would be what?
 19 Q That would have made an impression on you
 20 would it have not?
 21 A Yes, that would have made an impression on
 22 me.
 23 Q That would have been pretty strong news,
 24 would it have not?
 25 A Yea.

1 Q But you don't remember whether she said
 2 that?
 3 A I remember finding out about what had
 4 happened, but I don't remember the exact moment I
 5 found out.
 6 Q Or from whom?
 7 A Or from whom. It could have been Jay. It
 8 could have been from Jen.
 9 Q Whatever conversation you had with Jen
 10 going over on the way to the porn store, you actually
 11 got out of your car and went in the porn store with
 12 Jen, right?
 13 A That's correct.
 14 Q Even though your purpose may have been only
 15 to pick him up?
 16 A Yea.
 17 Q And take him somewhere else?
 18 A Okay.
 19 Q Is that right?
 20 A That's correct.
 21 Q You just don't remember?
 22 A Don't remember what?
 23 Q What your purpose was?
 24 A I'm sure -- I'm pretty sure our purpose was
 25 to pick him up and take him home.

1 Q Or?
 2 A Or pick him up and go to my apartment.
 3 Pick him up. That was our purpose.
 4 Q Did the picking him up involve getting
 5 something that needed to be carried from the store?
 6 A I can't hear you, something.
 7 Q Did picking him up involve going in and
 8 getting something that needed to be carried from the
 9 store?
 10 A No.
 11 Q And there was nobody else you had to pick
 12 up, was there?
 13 A No.
 14 Q Was there any requirement that you leave
 15 your car and go in?
 16 A Well, I didn't feel like sitting in the
 17 parking lot by myself.
 18 Q In the parking lot?
 19 A Yea.
 20 Q Waiting for him to come out?
 21 A Yea.
 22 Q So you went in together with Jen, right?
 23 A Yea.
 24 Q And did you speak to Jay in there?
 25 A Like I said, hi, what's up or something

1 like that.
 2 Q That's it?
 3 A That I recall.
 4 Q And did you observe Jen having a
 5 conversation with him?
 6 A Yea.
 7 Q And was that in your presence?
 8 A Yes.
 9 Q Could you hear them?
 10 A Yes.
 11 Q And what was that about?
 12 A She said that the detectives had come to
 13 talk to her and he said --
 14 Q Did she say what about?
 15 A I don't remember. I'm not sure. I
 16 remember her saying something to the effect the
 17 detectives came to talk to me and Jay saying well
 18 tell them everything you know, tell them the truth.
 19 Q Just tell them the truth?
 20 A Tell them everything you know, tell them
 21 the truth.
 22 Q And did Jen react to that?
 23 A React?
 24 Q To when he said tell them the truth?
 25 A I don't -- I think she was just like okay.

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1 Q Did she get less upset?
 2 A Less upset?
 3 MS. MURPHY: Objection.
 4 THE COURT: Sustained.
 5 Q Well, Ms. [REDACTED], you've told us that when
 6 the detectives were there it was pretty scary, wasn't
 7 it?
 8 MS. MURPHY: Objection.
 9 THE COURT: Sustained.
 10 Q It was scary for you even though they
 11 didn't ask to speak to you, right?
 12 A It wasn't scary for me. It was weird and
 13 maybe a little upsetting but not scary. They weren't
 14 coming for me.
 15 Q And you could observe that it was upsetting
 16 for your friend whom they were asking about, right?
 17 MS. MURPHY: Objection.
 18 THE COURT: Sustained.
 19 Q When the detectives left outside the front
 20 of Jen's house, did she appear less upset or more
 21 upset?
 22 MS. MURPHY: Objection.
 23 THE COURT: Sustained.
 24 Q When you were in the porn store was there
 25 anything else to the conversation between Jen and

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1 THE COURT: Overruled.
 2 A When -- that night did I -- about Jen going
 3 to see the police?
 4 Q Yes.
 5 A Oh, I didn't speak to him about that.
 6 Q And did you make arrangements with Jen to
 7 go with her?
 8 A She didn't have a car.
 9 Q So --
 10 A So I offered to take her.
 11 Q The answer is yes?
 12 A Yes.
 13 Q Yes. And when you left there did you
 14 proceed down to the police Headquarters?
 15 A Yes.
 16 Q Okay. And do you remember then?
 17 A Do I remember driving down there?
 18 Q Yes.
 19 A Yea.
 20 Q Did you talk with her about what was going
 21 to happen?
 22 A I think a little bit, yea.
 23 Q Did she indicate to you that Jay might be
 24 involved?
 25 A Jay might be involved? I don't remember if

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1 Jay?
 2 A He said he wasn't ready. He had to work
 3 longer or he wasn't ready to get off, something to
 4 that effect. He wasn't ready to go yet. So she said
 5 something like, you know, well, they want me to go
 6 down right now and talk to them. He was like okay.
 7 Q He was saying okay, it was all right to go
 8 down and talk to them?
 9 A No, like okay we're not going to probably
 10 be able to come and pick him up for awhile.
 11 Q For awhile?
 12 A Well, it was all of the way in the city.
 13 Q Did you make arrangements to pick him up
 14 later?
 15 A No, I think he made arrangements. We made
 16 arrangements to call.
 17 Q To call him?
 18 A I'm not sure, maybe.
 19 Q Did you speak to him about going down to
 20 the police?
 21 MS. MURPHY: Objection.
 22 THE COURT: Did you speak to him about
 23 going down to see the police? Is that your
 24 question?
 25 MS. GUTIERREZ: Yes.

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1 she did at that time or not.
 2 Q She might have said that?
 3 A She could have.
 4 Q She could have. You just don't remember?
 5 A Well, it's pretty hard to think of the
 6 exact moment where you learned each one of these
 7 little pieces of the story. I don't remember if
 8 right that second she was like this is what happened
 9 blaise a blah, I don't remember.
 10 Q At some point she told you that Jay might
 11 be involved?
 12 A Yes.
 13 Q Yes. From her mouth?
 14 A Yes.
 15 Q Now, when you got down to police
 16 Headquarters were you there when she spoke to the
 17 police?
 18 A I was waiting outside in the --
 19 Q Outside the building or in the lobby?
 20 A In the lobby.
 21 Q Okay. And did they ever ask you who you
 22 were?
 23 A Hmm, I don't think so.
 24 Q And did you ever ask her not to mention
 25 your name?

1 A No.
 2 Q Or Jeff's name?
 3 A No.
 4 Q Or that you may have met this person that
 5 visited your house with Jay on a certain day?
 6 A She already knew that.
 7 Q Did you ever ask her not to mention it?
 8 MS. MURPHY: Objection.
 9 THE COURT: Overruled. Did you ever ask
 10 her not to mention that?
 11 THE WITNESS: No.
 12 Q And were you concerned about that day?
 13 A Concerned about the day that we went down
 14 there.
 15 Q No, the day that this person came with Jay?
 16 A Was I concerned? Yes.
 17 Q And on the day, a month later when that day
 18 came up in conversation, did you remember that it was
 19 the 13th of January?
 20 A I don't think I remembered the specific
 21 date, no.
 22 Q Somebody told you that day, did they not?
 23 A I think it was Detective MacGillivary.
 24 Q Detective MacGillivary. You did not have
 25 any independent recollection of your own that the day

1 that this person came with Jay occurred actually on
 2 the 13th?
 3 A No, I don't think so.
 4 Q You didn't make any documentation of that
 5 visit, did you?
 6 A Hmm, I had a day timer at that point which
 7 I kept everything in. I could have written it down.
 8 I think I even wrote that Jeff was there but I don't
 9 recall if I put Jay and friend there. I don't think
 10 I did.
 11 Q You mean on the calendar?
 12 A Right.
 13 Q Was that important for you to keep track of
 14 who visited when?
 15 A No.
 16 Q Or when your friends were there or not
 17 there?
 18 A No, I mean I didn't record everyday that
 19 Jen was there, but Jeff wasn't always there and Jeff
 20 didn't live right around the corner. So when we
 21 would make plans to see each other, I would write it
 22 down in my book.
 23 Q But it was Detective MacGillivary that
 24 brought the date up to you; is that right?
 25 A Yes.

1 Q From your own recollection you couldn't
 2 tell us whether these events took place on the 13th
 3 for instance or on the 12th?
 4 A No, except that I had a conference that day
 5 that was the only other way I know.
 6 Q And the time when you were asked to speak
 7 -- well, first the time that you went down when Jen
 8 went that same night --
 9 A Uh-huh.
 10 Q -- that they came to her house, you never
 11 went inside the room where she was speaking to them?
 12 A No.
 13 Q And they never came out to talk to you?
 14 A No.
 15 Q Or to ask any questions of you?
 16 A I don't believe so.
 17 Q And to your knowledge, you weren't even
 18 introduced to them?
 19 A I wasn't even introduced to the
 20 detectives?
 21 Q Yes.
 22 A Well, I had known their name from when they
 23 were outside Jen's house.
 24 Q But they hadn't known yours?
 25 A I don't believe so, no.

1 Q You hadn't been asked what your name was,
 2 right?
 3 A No.
 4 Q Now, when your good friend -- your friend
 5 Jennifer Pusateri came out, you took her home or did
 6 you go back to your house?
 7 A I think we went to my house.
 8 Q And was that a day that you smoked weed
 9 with her?
 10 A I don't remember. It could have been.
 11 Q You don't keep any notation on your
 12 calendar of days that you get high or not high, do
 13 you?
 14 A Nope, sure don't.
 15 Q Now, did you have a conversation with her
 16 on the ride back?
 17 A I'm sure but I don't recall it.
 18 Q Did she appear upset to you?
 19 A Did she appear upset? No.
 20 Q Or shady?
 21 A No.
 22 Q Or in any way concerned about what had
 23 taken place out of your presence?
 24 A I don't think so.
 25 Q Did she tell you she had lied to the

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1 THE COURT: Witness with you, Ms. Murphy.
 2 MS. MURPHY: Thank you, Your Honor.
 3 DIRECT EXAMINATION
 4 BY MS. MURPHY -----> Debbie
 5 Q Ms. [REDACTED] how old are you?
 6 A Eighteen.
 7 Q Are you attending school?
 8 A Yes.
 9 Q And where is that?
 10 A Catonsville Community College.
 11 Q What are you studying there?
 12 A Romance languages.
 13 Q Where did you attend high school?
 14 A Woodlawn High School.
 15 Q When did you graduate?
 16 A 1999, May.
 17 Q Did you know Hae Min Lee?
 18 A Yes, I did.
 19 Q Can you describe your relationship with
 20 her?
 21 A We were very close friends.
 22 Q And how did you know her?
 23 A On a personal level as well as in school.
 24 We hung out together on weekends. We talked a lot.
 25 She told me a lot of personal things about her life.

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1 Q Do you know the defendant Adnan Syed?
 2 A Yes, I do.
 3 Q And how do you know him?
 4 A From school.
 5 Q And how long have you known him?
 6 A Seven years.
 7 Q Can you describe Hae Lee for the jurors?
 8 What type of friend she was, what type of activities
 9 she did?
 10 A She was very active in school. She played
 11 a lot of sports. She was involved in a lot of
 12 clubs. She had good grades and she was a happy
 13 person in general.
 14 Q Did you become aware at some point in time
 15 that Hae Lee was having a romantic relationship with
 16 the defendant?
 17 A Yes, I did.
 18 Q Can you tell us about that?
 19 A Back when we were freshmen in high school,
 20 they had both liked each other. They both told me
 21 that but they never told each other that. Later in
 22 our junior year right before prom time Hae told me
 23 that she wanted to go the prom with Adnan and she
 24 asked me to ask him if he would ask her. So I did
 25 that and he asked her and after that point they

1 became boyfriend and girlfriend.
 2 Q Were you aware of their relationship that
 3 following summer?
 4 A The summer before they were together?
 5 Q The summer following the junior prom.
 6 A Yes.
 7 Q How serious was their relationship?
 8 A It was pretty serious.
 9 Q Can you explain that?
 10 A They would spend a lot of time together.
 11 They were sexually active with each other. They
 12 shared a lot of things with each other. He knew a
 13 lot about her. She knew a lot about him.
 14 Q To your knowledge, was this the defendant's
 15 first sexual relationship?
 16 A No, it wasn't.
 17 Q And how do you know that?
 18 A He told me.
 19 MS. GUTIERREZ: Objection.
 20 THE COURT: Overruled.
 21 A He told me.
 22 Q Did you attend the homecoming dance? I
 23 guess that would be your senior year.
 24 A No, I didn't.
 25 Q Were you aware of anything that happened at

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1 the homecoming dance?
 2 A No.
 3 Q Did you become aware of any break ups in
 4 their relationship?
 5 A Yes, I did.
 6 Q What do you remember about that?
 7 A They had broken up probably two times
 8 before their final break up. Hae was upset at Adnan
 9 because he was becoming very over protective of her
 10 and she felt like she wasn't free in the relationship
 11 and she called it off.
 12 Q You mentioned their final break up, do you
 13 remember when that was?
 14 A Between December and January of '99.
 15 Q Now, the first two break ups that you
 16 mentioned --
 17 A Uh-huh.
 18 Q -- during those periods of time were you
 19 ever aware that Hae dated anyone else?
 20 A No, she didn't.
 21 Q And how about after the final break up?
 22 A Yes, she did.
 23 Q Who was that?
 24 A Donnie.
 25 Q And did you ever meet Donnie?

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1 A Yes, I did.
 2 Q How did you meet him?
 3 A After Hae turned up missing, I thought that
 4 he might have something to do with it. I contacted
 5 him by E-mail and later we became friends.
 6 Q To your knowledge, was Adnan Syed aware of
 7 Donnie?
 8 A Yes, he was.
 9 Q And how do you know that?
 10 A Hae and him both had told me that he met
 11 him at Hae's job before a couple of times. Adnan
 12 went to pick Hae up at work and that's where he met
 13 Donnie.
 14 Q Did the defendant ever discuss the fact of
 15 Donnie with you?
 16 MS. GUTIERREZ: Objection.
 17 THE COURT: Did the defendant ever discuss
 18 Donnie with this witness?
 19 MS. MURPHY: Yes.
 20 THE COURT: Overruled. You can answer
 21 that.
 22 THE WITNESS: Yes, he did.
 23 Q What did those conversations entail?
 24 A He assumed or thought that Hae was having
 25 relations with him before Adnan --

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1 MS. GUTIERREZ: Objection to what he
 2 thought.
 3 THE COURT: Okay.
 4 MS. GUTIERREZ: Or what he assumed.
 5 THE COURT: Right. Well, sustained as to
 6 what your intention is for your objection and I will
 7 sustain the objection, and now I will direct the
 8 witness. You can't tell us what you thought based on
 9 something you thought up in your mind as it relates
 10 to -- the question was whether he told you. That is
 11 did Mr. Syed tell you what he thought.
 12 THE WITNESS: Yes.
 13 THE COURT: Not you thought he thought. Do
 14 you follow what I'm saying?
 15 THE WITNESS: Uh-huh.
 16 THE COURT: In other words, you can't tell
 17 us what you think he may have thought, but you can
 18 say if Mr. Syed said I think that, and so now that
 19 I've clarified it, you may answer the question that
 20 was asked, and, Ms. Murphy, would you restate your
 21 question.
 22 MS. MURPHY: Thank you, Your Honor.
 23 Q What did the defendant's conversations with
 24 you entail regarding Donnie?
 25 A He told me that he thought that Hae was

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1 having relations with him and a relationship with him
 2 while she was still with Adnan.
 3 Q Did you have any response to that?
 4 A I reassured him that she didn't because she
 5 told me that she hadn't had any relations with him.
 6 They were just friends. They knew each other at
 7 work. They talked but they didn't have a
 8 relationship outside of that.
 9 Q I'm going to ask you to think back to
 10 January 13th, was that the last time you saw her?
 11 A Yes.
 12 Q How did she seem to you that day?
 13 A She was very happy.
 14 Q Where did you see her?
 15 A At school you mean? What location at
 16 school? Near the gymnasium.
 17 Q And what time of day would that have been?
 18 A About three o'clock.
 19 Q What was she doing at that particular point
 20 in time?
 21 A She was in a rush to go somewhere.
 22 MS. GUTIERREZ: Do you know where?
 23 A I don't recall at this point. It has been
 24 awhile.
 25 THE COURT: She's asking you to say what

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1 you just said which was she was in a rush to go
 2 somewhere. Next question, Ms. Murphy.
 3 Q What makes you think she was in a rush?
 4 A She told me she was. We just stopped and
 5 had a short conversation but she had to go.
 6 Q To your knowledge, was there anything in
 7 particular that she was happy about?
 8 A Her relationship with Donnie.
 9 Q How do you know that?
 10 A She told me. Previously that week she had
 11 spent a lot of time with him, spent the night over
 12 his house. Their relationship was progressing and
 13 she doodled his name all over her stuff and she
 14 really enjoyed the relationship.
 15 Q Would it be fair to say that this was a
 16 noticeable thing with Hae?
 17 A Yes, absolutely.
 18 MS. MURPHY: Your Honor, may I ask Mr.
 19 White for State's Exhibit number two?
 20 THE COURT: Yes.
 21 MS. MURPHY: May I approach the witness?
 22 THE COURT: Yes, you may, State's Exhibit
 23 two.
 24 Q Ms. [REDACTED], I'll ask you to take a look at
 25 State's Exhibit two. Have you seen this item before?

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1 A Yes, I have.
 2 Q Can you identify that item?
 3 A It's Hae's diary.
 4 Q Had you -- when had you seen it?
 5 A I saw it the day that she bought it.
 6 Q Had you seen her carry it before?
 7 A Uh-huh, yes, I had.
 8 Q If I may, I'll ask you to read for the
 9 jurors the entry under May 14th, 1998?
 10 MS. GUTIERREZ: Objection.
 11 THE COURT: Overruled.
 12 A I think I'll try that one week recess Deb
 13 suggested. I hope forth and went out with Iesha,
 14 Deb, and Sean in Sean's new car. It is so fly with
 15 those tinted windows. We went to Baskins Robbins and
 16 I got some cappuccino blast. I couldn't be with my
 17 baby because he had to go to D.C. for his religious
 18 stuff. That's what I need to figure out. Do I dare
 19 to pull him away from his religion? Ms. Savic was
 20 all up in my face about it. She said stuff like well
 21 Adnan used to be so religious and strict last year
 22 but this year he is so loose, like I changed him.
 23 Actually, I did and I don't want to pull him away
 24 from who he is. I think I need time to organize
 25 these things but I do not know that -- but I do know

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1 one thing. I love him and he loves me. Nothing will
 2 change that. I'll try the recess week and see what
 3 happens. I'll probably kill myself if I lose him but
 4 I'll go crazy with things complicating. I wish he'll
 5 call back soon.
 6 MS. MURPHY: Thank you.
 7 Q Now, in the entry she mentions a one week
 8 recess?
 9 A Yes.
 10 Q Do you know what she was talking about?
 11 A Yes, I suggested to her --
 12 Q Can you explain?
 13 A Sure. I suggested to her that she and
 14 Adnan take at least a week off from each other
 15 because their relationship was becoming very
 16 stressful. They were both coming to me with things
 17 about their relationship that were really bothering
 18 them and I suggested that they take some time off
 19 from each other to figure things out personally.
 20 Q I ask you now to read the entry under May
 21 15th?
 22 MS. GUTIERREZ: Again objection.
 23 THE COURT: Overruled.
 24 A I did it. Me and Adnan are officially on
 25 recess week or time out. I don't know what's going

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1 to happen to us. Although I'm in love with him, I
 2 don't know about him. He actually suggests that what
 3 we have is like, not love. I heard the doubt in his
 4 voice. Although he couldn't pick up mine, I felt the
 5 same way. I like him. No, I love him. It's just
 6 all the things that stand in the middle, his religion
 7 and Muslim customs all are in the way. It irks me to
 8 know that I am against his religion. He called me a
 9 devil a few times. I knew he was only joking, but
 10 it's somewhat true. I hate that. It's like making
 11 him choose between me and his religion.
 12 The second thing is the possessiveness.
 13 Independence rather. I'm a very independent person.
 14 I rarely rely on my parents. Although I love him
 15 it's not like I need him. I know I'll do just fine
 16 without him. I need time for myself and with my
 17 friends other than him. How dare he get mad at me
 18 for planning to hang out with Iesha.
 19 The third thing is the mind play. I've
 20 matured out of my jealousy shit. I don't get jealous
 21 over trying to get him jealous is a fool -- him
 22 trying to get me jealous is a fool because I'll
 23 definitely loose him -- me. I prefer a straight
 24 relationship that don't get in people mixed up just
 25 because he want to play mind games.

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1 The fourth thing is nothing. Because I do
 2 love him. It's just all of the shitty things that
 3 are messing with my mind. I'm just too confused. If
 4 I don't take the time to set things straight, the
 5 whole thing will blow up on my -- blow up in my head
 6 making me mad and do something I'll regret forever.
 7 That's why I need the time out. I just hope that I
 8 don't lose him because of this. I love him. When I
 9 hold him, I want it to be forever. I feel secure and
 10 comfy with him. I think he expected more of a
 11 spontaneous combustion. That's not going to happen
 12 all of the time. Our relationship burns lightly at
 13 first and then it eventually calms down. We started
 14 strong and now we settle in a boring but secure and
 15 loving relationship. I don't know what he wants.
 16 All I want is him to hold on to, to cuddle up to,
 17 kiss when I feel empty inside. Maybe I'm not
 18 supposed to be loved but supposed to love and I
 19 thought I had found another keeper and maybe I have.
 20 Hopefully, we'll go through this and come out much
 21 stronger -- with a much stronger foundation. I love
 22 him. I can live without him but I love him and want
 23 him with me. Please Adnan be patient with me, love.
 24 Q Thank you. Now, she had discussed with you
 25 that recess week which she talked about?

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1 A Yes.
 2 Q The entry mentions religious issues between
 3 she and Adnan Syed, did she discuss those with you?
 4 A Yes, she did.
 5 Q What did she tell you about them?
 6 A That it was against Adnan's religion to
 7 date anyone or see anyone and especially to sleep
 8 with them, and also that they were different races
 9 and different religions, that caused problems in the
 10 relationship.
 11 Q I also ask you to read the entry from
 12 January 2nd, 1999.
 13 A Happy '99. Ready to party and graduate.
 14 Anyways I got to tell you about yesterday, guess who
 15 had a date with Donald [REDACTED], III? Me. On
 16 Thursday December 31st I picked up Adnan from his
 17 work and dropped him off at Sears so he could pick up
 18 his car. I thought of waiting for him but for some
 19 reason I had to go up to him -- had to go up to
 20 Owings Mills Mall. When I got there I saw his
 21 Camaro, which was surprising since he wasn't working
 22 that day. When I was going to pull up next to his
 23 car, he was walking towards his car. I stopped and
 24 talked to him, flirting around with him as usual.
 25 Well, he actually let me drive his car around Owings

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1 Mills Mall. What a car. Well, we flirted around a
 2 little more. Finally, decided to go for dinner on
 3 the first. I mean, what a day to start a new year.
 4 Well, I got to work on the first week. I spent the
 5 New Year's Eve at Iesha's with Krista and the crew,
 6 Amber, Becky, and Dee, Sean and Ryan, but the guys
 7 had to leave at two but I fell asleep around one
 8 because he had to wake up at nine to get to work.
 9 When I got to work, Don was there of course. He is
 10 so cute and funny. Cool, I found my favorite red
 11 pen. Anyways, he changed into a green sweater and
 12 jeans. His sweater made his green eyes look so
 13 incredible. Since his eyes turned green to blue to
 14 gray. He has real beautiful eyes, real beautiful.
 15 Well, after work we went all of the way up to
 16 Aberdeen. We got to the Olive Tree where we sat and
 17 ate. I had crab cake which was really good, I loved
 18 it. Me and Don had a fun conversation. We were
 19 talking about a lot of things from Lens Crafters to
 20 cars to his name Donald [REDACTED]. Wow,
 21 I don't think I've ever felt this weird before but I
 22 really do think I like him. We came back to the
 23 Owings Mills Mall and we just sat and talked. I
 24 really wanted him to kiss me but not -- he's too much
 25 of a gentleman for that. Wow, what a guy. He was so

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1 kind, caring, intelligent, incredibly cute, funny,
 2 amusing, and very down to earth.
 3 MS. MURPHY: Thank you.
 4 Q If you could read the dates and the next
 5 two entries?
 6 A January 6th, 1999. I just got back from
 7 the movies with Don. I really do like him so much.
 8 January 12th, 1999, I love you Don. I think I've
 9 found my soul mate. I love you so much. I feel in
 10 love with you the moment I open my eyes to see you in
 11 the break room for the first time.
 12 MS. MURPHY: Thank you, Ms. [REDACTED].
 13 Q Do you need some water?
 14 A Yea.
 15 MS. MURPHY: Can I get the witness some
 16 water?
 17 THE COURT: Yes, you may.
 18 Q Ms. [REDACTED], thinking back to the last day
 19 you saw Hae, the following day do you recall whether
 20 school was held that day?
 21 A I don't recall if it was the next day but
 22 sometime that week we had a snow -- a couple of snow
 23 days off. It was a Thursday and a Friday, I think.
 24 Q Do you recall during that period of time
 25 was this heavy snow, was it snow that lasted for some

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1 time?
 2 A Yes, it was. It was also ice, a lot of
 3 ice.
 4 Q At this -- around that point in time did
 5 Hae have discussions with you about any problems at
 6 home?
 7 A Yes, she was having --
 8 MS. GUTIERREZ: Judge, there's been no
 9 identification of that time, I ask we specify the
 10 time.
 11 THE COURT: Certainly. This would be the
 12 last question, was the day after or sometime after
 13 she was last seen in school, so if you want to reask
 14 the question, the objection is sustained.
 15 Q In the weeks preceding her disappearance
 16 did she have conversations with you about problems at
 17 home?
 18 A Yes, she did.
 19 Q What kind of problems did she tell you
 20 about?
 21 A Her mom and her weren't getting along. Her
 22 mom held a lot things over her head like her car and
 23 her freedom and it really irked her.
 24 Q On January 13th did Hae communicate
 25 anything to you that these problems were particularly

1 on her mind that day?
 2 A No, she didn't.
 3 Q Now, you said you've been in school with
 4 the defendant for how long?
 5 A Seven years.
 6 Q Are you aware of any medical training the
 7 defendant has had?
 8 MS. GUTIERREZ: Objection.
 9 THE COURT: If she knows, and it's not
 10 because of someone told you, do you have any personal
 11 knowledge of any medical training that he has
 12 received?
 13 THE WITNESS: If he told me, does that
 14 count?
 15 THE COURT: If he told you he had some
 16 medical training, yes, you can tell us that.
 17 THE WITNESS: Yes.
 18 Q Can you describe that, please?
 19 A He had an EMTB training class which means
 20 he's certified for basic medical administration. He
 21 could work --
 22 MS. GUTIERREZ: Objection. Move to strike.
 23 THE COURT: The information that you can
 24 testify to is what you know. Unless you took the
 25 course yourself --

1 THE WITNESS: I did.
 2 THE COURT: -- you can't -- you did?
 3 THE WITNESS: I took that course.
 4 THE COURT: Very well. You may answer.
 5 And you know that he took the very same course that
 6 you took?
 7 THE WITNESS: Uh-huh.
 8 THE COURT: From your own personal
 9 knowledge?
 10 THE WITNESS: Yes, not at the same place
 11 but --
 12 THE COURT: The same course?
 13 THE WITNESS: The same course.
 14 THE COURT: Very well. You may answer the
 15 question and you may tell us what it is that the
 16 course entails. Objection overruled.
 17 A Okay, the course entails basic medical
 18 administration, like if you first came to a fire site
 19 or someone's in a fire you could administer certain
 20 medicines but not many. You could administer oxygen
 21 and you basically take notes on the past medical
 22 history of the patient, things like that, and Adnan
 23 had that same training course that I had and he had a
 24 certification for it.
 25 Q Are you aware of a Best Buy store near

1 Security Square?
 2 A Yes.
 3 Q If you know, how long would it take you to
 4 drive from Woodlawn High School to that Best Buy?
 5 A About eight minutes maximum.
 6 Q Now, there came a time when detectives
 7 began talking to you as well as other people at
 8 Woodlawn High School?
 9 A Uh-huh.
 10 Q Do you recall that time?
 11 A Yes, I do.
 12 Q Did you ever discuss that time with Adnan?
 13 A Yes, I did.
 14 Q What, if anything, do you remember about
 15 that conversation?
 16 MS. GUTIERREZ: Objection.
 17 THE COURT: Your time limit. She's known
 18 him for seven years.
 19 MS. GUTIERREZ: Well, no pre-discussions
 20 that the time limit after the disappearance of Hae
 21 Min Lee.
 22 THE COURT: After the disappearance of Hae
 23 Min Lee?
 24 MS. GUTIERREZ: Yes.
 25 THE COURT: Knowledge of the Best Buy. I'm

1 going to sustain the question as asked and ask that
 2 you rephrase the question.
 3 MS. MURPHY: Thank you, Your Honor.
 4 Q Ms. [REDACTED] did you have discussions with
 5 the defendant regarding the investigation surrounding
 6 Hae's disappearance during the time from when she
 7 disappeared until March?
 8 A Yes, I did.
 9 MS. GUTIERREZ: Objection.
 10 THE COURT: Overruled.
 11 Q What do you remember about those
 12 conversations?
 13 A Adnan told me that the detectives had been
 14 questioning him and somewhat harassing him about
 15 things he didn't know, or suggesting that he had
 16 something to do with it, and that bothered him.
 17 Q Now, the detectives talked to you. Did
 18 they ask you to communicate specific questions or to
 19 answer specific questions?
 20 A Yes, they did.
 21 Q Tell us about that?
 22 A They asked me some questions. Some of them
 23 I knew --
 24 MS. GUTIERREZ: Objection to they and I ask
 25 for a specific identification.

1 THE COURT: Certainly.

2 MS. GUTIERREZ: That's hearsay.

3 THE COURT: Sustained. Sustained. In
4 order for you to tell us what someone else has said,
5 you're going to have to tell us who it is that was
6 speaking to you first.

7 THE WITNESS: Okay. As I recall, Detective
8 MacGillivray, Detective Ritz, and Detective O'Shea.

9 THE COURT: Okay. Now, you may tell us
10 what they said.

11 THE WITNESS: They asked me several
12 questions. Some of them I knew. Some of them I
13 didn't. Some questions they asked me to find out.
14 So I wrote a couple of them down and I kept them in a
15 journal of mine.

16 Q What happened to that journal?

17 A I let Adnan borrow it one day and when he
18 gave it back to me all of the papers I had had in it
19 along with the questions were missing.

20 Q Going back to January 13th, the day that
21 Hae disappeared, did you have any discussions with
22 the defendant regarding his car?

23 A Not that I recall.

24 MS. MURPHY: Thank you, Your Honor. No
25 other questions.

1 THE COURT: At this point we're going to
2 stop. We'll save cross examination for tomorrow. It
3 is now quarter of and I need to stop for today. I
4 must advise you that you are a witness, Ms. [REDACTED],
5 who has been sworn and you are still on the witness
6 stand, which means you cannot discuss your testimony
7 with anyone, with the State's Attorneys or with the
8 defense attorneys, or with anyone who may be a
9 witness, anyone at all, even your parents because
10 you're sworn and you're on the stand and you're
11 sequestered. So you can't talk to anybody.

12 But tomorrow morning at nine-thirty you are
13 to be here promptly because I will be able to start
14 at nine-thirty promptly since I have no docket
15 tomorrow. So when you arrive tomorrow, I'd ask that
16 you come right into this courtroom and have a seat in
17 that witness box because we're going to start
18 promptly at nine-thirty. At this time you're excused
19 to go home. You may leave for the day and you may
20 step down at this time.

21 Ladies and gentlemen, I'm going to ask you
22 to leave your notepads face down. Go home today.
23 Don't discuss the testimony amongst yourselves or
24 with anyone else. Also advise you that luckily one
25 of the other judges out of the kindness of his heart

1 has taken my docket for tomorrow morning, which means
2 I have no docket and I will be able to start at
3 nine-thirty promptly, and I'm going to tell you, as I
4 did after lunch, at 9:30 I'm going to be sitting up
5 here, right here and I will be turning on the button
6 to see who else is ready to start with me, and I'm
7 going to ask, ladies and gentlemen, that you be here
8 as promptly as you can because if you go across the
9 street between 9:00 and 9:30, they will pay you and
10 if you come here you can stop off on your way, but at
11 9:30 I'm going to send Mr. White in to count heads
12 and if all fifteen of you are there we will start
13 this case. I would like you all to have a safe and
14 pleasant journey home and I will see you tomorrow at
15 nine-thirty.

16 Now, counsel, please be advised as you
17 heard, someone is taking my docket tomorrow. I have
18 not been fortunate enough to find anyone to take my
19 docket for Friday but I'm still in search of. If I
20 do find someone, then we'll start early on Friday at
21 eight-thirty and even if I don't I'm going to advise
22 counsel that if you will kindly make arrangements so
23 that even if I have a docket I can start this case at
24 nine-thirty, let the docket pull itself together,
25 recess, and then come back to this case because I

1 really would like to try to get as many witnesses
2 in.

3 Please be advised also. I have a note, Ms.
4 Benaroya has been contacted and advised to come in
5 Friday at one o'clock. That's done. Please be
6 advised that I have my secretary's note. This is a
7 note that she took from Ms. Benaroya on 2/15 and the
8 note gives a cell phone where she can be reached. It
9 also indicates that she would prefer when dealing
10 with you, Ms. Gutierrez, that I be present. That's
11 not going to happen. Asked if she will be needed
12 today. Of course, no one told her. Other than this
13 morning, she did make her routine call and we told
14 her we hadn't heard that she would be needed.

15 MS. GUTIERREZ: Right.

16 THE COURT: And also she said she will be
17 happy to provide notes to you, Ms. Gutierrez, and
18 also says that in front of Judge McCurdy she was
19 there on 9/27.

20 MS. GUTIERREZ: 9/27.

21 THE COURT: '99, believes Judge McCurdy has
22 a video tape of the hearing. That is her note.
23 That's all it says. If you would like to see that
24 note, you're welcome.

25 MS. GUTIERREZ: I just want to cross check

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1 the cell phone number with the cell phone number she
 2 gave me.

3 THE COURT: [REDACTED]

4 MS. GUTIERREZ: Thank you.

5 THE COURT: That's what I have. She will
 6 call me tomorrow morning, but she has been already
 7 advised to come in at one o'clock on Friday. And if
 8 there is nothing further, and I would ask Ms.
 9 Gutierrez if you do need to contact her, you have all
 10 of the information, I would prefer not to --

11 MS. GUTIERREZ: I understand.

12 THE COURT: -- have any contact with my
 13 chambers because the Court does not want to get
 14 involved in taking messages of this nature. However,
 15 my able secretary has done her duty and taken the
 16 information. I'm going to actually put these notes
 17 -- if you would put these notes in the court file
 18 just so that --

19 MS. GUTIERREZ: I would stop down but it is
 20 likely that Ms. Sheldon is already gone for the day.
 21 Now, that we have a date I would expect that we be
 22 able to find it since it occurred before Judge
 23 McCurdy, but again, because it's on the video tape I
 24 need a court order.

25 THE COURT: Not necessarily. Ms. Benaroya

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1 may agree to assist you in getting that tape. You
 2 have her cell number and so I would ask that you --

3 MS. GUTIERREZ: I will try.

4 THE COURT: First do that and if it works
 5 out that she agrees then --

6 MS. GUTIERREZ: That's fine.

7 THE COURT: It's all done. In fact, since
 8 she's told to come in Friday at one she might even
 9 agree to come in early, perhaps. Well, you know, I'd
 10 like to think hopefully, positively, I would like to
 11 hope that this case will resolve itself by Friday. I
 12 have a feeling that things might move --

13 MS. GUTIERREZ: Resolve itself by Friday?

14 THE COURT: When I say resolve, that means
 15 the State's finished its case and the defense has
 16 started or at least gotten some of its witnesses on.
 17 To me that is resolving the case. That is moving it
 18 along. You know, that's also assuming that we even
 19 get past any motions. You know, that is resolving
 20 the case. That's moving it along and to the extent
 21 counsel can be prompt tomorrow and assist me in doing
 22 that, I would not want to be here alone at 9:30. I
 23 would not be happy if I were sitting here alone at
 24 9:30. So far I've been very happy. So with that
 25 said, I'm going to recess for five minutes because

1 I'm going to have a courtroom full of people because
 2 although you all are leaving, I am not.

3 MS. GUTIERREZ: I hope it's fun, Judge.

4 THE COURT: I don't have to answer that, do
 5 I?

6 MS. GUTIERREZ: No.

7 THE COURT: This Court stands in recess for
 8 this case until tomorrow at nine-thirty, for everyone
 9 else for five minutes.

10 CONCLUSION OF PROCEEDINGS

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1 CERTIFICATE

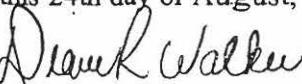
2

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 16, 2000 were recorded by means of video
 7 tape.

8 I do hereby certify that the foregoing 324
 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 24th day of August, 2000.

15 Diane R. Walker



16
17 Official Court Reporter

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sc.)

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sc.)