

IN THE CIRCUIT COURT FOR BALTIMORE CITY, MARYLAND

STATE OF MARYLAND

vs.

Indictment No. 199103042-

ADNAN SYED,

Defendant.

REPORTER'S OFFICIAL TRANSCRIPT OF PROCEEDINGS
(Trial on the merits)

Baltimore, Maryland

December, 10, 1999

BEFORE:

HONORABLE WILLIAM QUARLES, Associate Judge
(and a jury)

APPEARANCES:

For the State:

KEVIN URICK, ESQ.
KATHLEEN MURPHY, ESQ.

For the Defendant:

CRISTINA GUTIERREZ, ESQ.

RECORDED BY: VIDEOTAPE

TRANSCRIBED BY:

Christopher W. Metcalf
Official Court Reporter
507 Courthouse West
Baltimore, Maryland 21202

<u>STATE'S EXHIBITS</u>	<u>FOR IDENTIFICATION</u>	<u>IN EVIDENCE</u>
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1

1 I would call Young Lee at this time.

2 THE COURT: Okay.

3 MR. URICK: If we may have the Court's
4 permission to get him.5 THE COURT: Ladies and gentlemen, you'll also
6 notice I left you note pads, each of you has a note
7 pad. If you would on the first sheet of the note pad
8 just put your juror number. I'm talking about the
9 juror numbers you'll have the rest of the trial which
10 is juror number one, two, three, four, alternate one.
11 Two, three, four, five. These are to help you remember
12 the evidence.13 Again, your notes are not evidence, they're just
14 memory aids for you. Please don't get so involved in
15 note taking that you miss the testimony. Your most
16 important thing to do here is to hear and see the
17 testimony, to look at the witnesses, to hear and see
18 the evidence.19 So this is sort of a crib sheet you can make for
20 yourself for your deliberations, but don't get so
21 involved in taking notes that you miss the trial
22 itself, that's the most important thing to do. Thank
23 you. If it any time you can not hear if you'll just
24 raise your hand or cup your ear and I'll know that
25 you're having trouble hearing. I know the acoustics

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PROCEEDINGS

(12:09 p.m.)

1 THE COURT: Same seats as yesterday. Good
2 afternoon, ladies and gentlemen, thank you for being
3 prompt. I've talked to some employers and if any of
4 you need me to talk to others please let me know.
5 Again, if you'll communicate individually with respect
6 to your individual employment situations I have assured
7 those employers I've talked to as I assure you that we
8 will do everything possible to make sure this case is
9 tried well and as quickly as possible. Obviously, you
10 don't want to spend any more time here than you have
11 to, no on does. On the other hand, you realize the
12 importance of this matter and you know that if or some
13 family member of yours was on trial you would not want
14 the jury to rush through it. You would want them to
15 take the time and do a proper job here, so I know you
16 are all aware of the importance of this to everyone
17 concerned. I know you are making a sacrifice, I
18 appreciate that sacrifice, the parties appreciate the
19 sacrifice. I just want you to know that we'll do
20 everything possible to recognize the value of your time
21 and to make sure that we don't waste any of your time.
22 Mr. Urick.

23 MR. URICK: Thank you, Your Honor. The State

1 are not the greatest.

2 Also, if you need water or something during the
3 trial just make a little sign to me and I'll see that
4 the clerks get you water as well. Please call your
5 first witness. Ms. Murphy is going to handle this one,
6 Your Honor.

7 MS. MURPHY: If I may, Your Honor.

8 THE COURT: Ms. Murphy.

9 MS. MURPHY: Thank you, Your Honor. At this
10 time the State will call Ms. Young Lee.11 THE COURT: Mr. Young Lee, please come up to
12 the witness stand.13 MS. MURPHY: May I approach the stand, Your
14 Honor to -- never mind. Thank you, Mr. Clerk.15 THE CLERK: Please step around. Would you
16 raise your right hand please.

17 YOUNG LEE,

18 a witness produced on call of the State, having first
19 been duly sworn, was examined and testified as follows:20 THE CLERK: You may be seated. Keep your
21 voice up for the record. Please state your name.

22 MR. LEE: My name is Young Lee.

23 THE CLERK: And your home address?

24 MR. LEE: [REDACTED]

25 THE COURT: Thank you. Ms. Murphy.

1 MS. MURPHY: Thank you, Your Honor.
 2 DIRECT EXAMINATION
 3 BY MS. MURPHY:
 4 Q Good afternoon, Mr. Lee.
 5 MR. LEE:
 6 A Good afternoon.
 7 Q Mr. Lee, how old are you?
 8 A I am 17 years old.
 9 Q And do you attend school?
 10 A Yes, I attend Milford Mill Academy.
 11 Q Do you know Hae Min Lee?
 12 A Yes.
 13 Q How do you know her?
 14 A She's my sister.
 15 Q And in January of 1999 were you living with
 16 your sister, Ms. Lee?
 17 A Yes.
 18 Q How long had you lived with your sister?
 19 A My whole life.
 20 Q Who else was living at the house at that
 21 time?
 22 A My grandfather, my grandmother and my two
 23 cousins.
 24 Q Was your sister attending school at that
 25 time?

1 A Yes, she was attending Woodlawn High School.
 2 Q What if anything happened in January of 1999
 3 regarding your sister?
 4 A She was -- she was missing.
 5 Q I'm going to ask you to remember back to
 6 January the 13th of that year. Do you remember what
 7 happened that day?
 8 A Yes, I do. At first we knew something was
 9 wrong when we got a call from my cousin's teacher
 10 asking us to pick her up from school. This was strange
 11 because it was my sister's job to pick her up from
 12 school and drop her off at home and that's about it.
 13 That was strange, so we knew something was wrong.
 14 Q How old was the cousin that she was suppose
 15 to pick up?
 16 A I believe she was five or six, something like
 17 that.
 18 Q Where were you at that point in time?
 19 A I was at home.
 20 Q What time did you get home?
 21 A Around 2:30.
 22 Q And that was a school day?
 23 A Yes.
 24 Q Do you know about what time you received a
 25 phone call that Hae had not picked up your cousins?

1 A Around 3:30.
 2 Q What if anything happened next?
 3 A Then after a while I called my sister's work
 4 place, her best friend [REDACTED] and I called the school,
 5 but I was unable to get reach to her.
 6 Q Where was you sister working at that point?
 7 A At Lens Crafters in Owings Mills.
 8 Q After you made those phone calls what
 9 happened?
 10 A After a while my mom was real worried and
 11 asked me to call the police.
 12 Q And did you do that?
 13 A Yes I did.
 14 Q What happened when you called the police?
 15 A After awhile Officer Adcock showed up, he
 16 took the report and left.
 17 MS. MURPHY: May I approach the witness, Your
 18 Honor?
 19 THE COURT: Yes, you may.
 20 BY MS. MURPHY:
 21 Q Mr. Lee, I'm going to show you what's been
 22 marked as State's Exhibit One.
 23 (State's Exhibit No. 1 is
 24 marked for identification.)
 25 Q Do you recognize this photograph?

1 MR. LEE:
 2 A Yes, I do.
 3 Q What does it show?
 4 A My sister and I believe it's the Junior Prom.
 5 Q And that's an accurate representation of your
 6 sister?
 7 A Yes it is.
 8 Q At that time?
 9 A Um-hum.
 10 Q Thank you.
 11 MS. MURPHY: Your Honor, I'd asked that
 12 State's Exhibit One be moved at this time.
 13 THE COURT: Without objection State's One is
 14 admitted.
 15 (State's Exhibit No. 1, photo
 16 previously marked for
 17 identification was received
 18 into evidence.)
 19 MS. MURPHY: May I publish it to the jurors,
 20 Your Honor?
 21 THE COURT: Yes, you may.
 22 BY MS. MURPHY:
 23 Q Mr. Lee, after you called the police can you
 24 remember what happened next?
 25 MR. LEE:

1 A After I called the police and that's why he
 2 came over to our house took a report and call some
 3 people.
 4 THE COURT: Mr. Lee, if you could be just a
 5 little louder.
 6 MR. LEE: Okay.
 7 THE COURT: And if you'll lean forward.
 8 Unfortunately, the chair doesn't move.
 9 MR. LEE: Okay.
 10 THE COURT: If you'll lean forward and talk
 11 right into the microphone.
 12 MR. LEE: The police showed up to our house
 13 and he took a report and he called the same places that
 14 I called before he showed up.
 15 BY MS. MURPHY:
 16 Q Did you make any other efforts to contact
 17 acquaintances of your sister?
 18 MR. LEE:
 19 A My grandmother brought down the diary that my
 20 sister writes in and then I was looking for a phone
 21 number, then I found a phone number, then I called that
 22 number.
 23 MS. MURPHY: May I approach, Your Honor?
 24 THE COURT: Yes.
 25 BY MS. MURPHY:

1 Q Mr. Lee, I'll show you what's been premarked
 2 as State's Exhibit Two.
 3 (State's Exhibit No. 2 marked
 4 for identification.)
 5 Q If you can take a look at that and let the
 6 ladies and gentlemen of the jury know do you recognize
 7 that item?
 8 MR. LEE:
 9 A Yes I do.
 10 Q What is it?
 11 A It's my sister's diary.
 12 Q And where had you seen that before?
 13 A In the room.
 14 Q Thank you. Your Honor, at this time I would
 15 ask that State's Exhibit Two be moved.
 16 THE COURT: Without objection State's Two is
 17 admitted.
 18 (State's Exhibit No. 2, previously
 19 marked for identification, was
 20 received into evidence.)
 21 BY MS. MURPHY:
 22 Q Mr. Lee, I'll ask you to refer to this
 23 particular page which has been marked in the diary. Do
 24 you recognize that page?
 25 MR. LEE:

1 A Yes.
 2 Q Why do you recognize it?
 3 A That's the page where I got the phone number
 4 from.
 5 Q Can you please read that number for the
 6 ladies and gentlemen?
 7 A [REDACTED]
 8 Q Thank you. Who did you believe you were
 9 calling?
 10 A I believe I was calling Adnan.
 11 Q And did you know who Adnan was at that time?
 12 A Yes. She -- he -- he use to be my sister's
 13 new boyfriend.
 14 Q Why did you think that was Don's phone
 15 number.
 16 A Because there was his name all over the page.
 17 Q What happened when you called the number?
 18 A When I called the number I asked, may I speak
 19 to Don, but after speaking to the person, the receiver
 20 I knew it was Adnan.
 21 Q Okay. Now, who is Adnan?
 22 A Him right there.
 23 Q Indicating for the record the Defendant, Your
 24 Honor.
 25 THE COURT: The record will indicate that.

1 BY MS. MURPHY:
 2 Q How did you know it was the Defendant Adnan?
 3 MR. LEE:
 4 A I recognized his voice and he recognized
 5 mine.
 6 Q Do you remember what the conversation was
 7 about?
 8 A It was about my sister. If he knew like
 9 where she could be.
 10 Q Do you recall what he said about that?
 11 A He said, no.
 12 Q Was there any other conversation beyond that?
 13 A No, that's about it.
 14 Q How long do you think that conversation took?
 15 Was it long, was it short?
 16 A It was very -- it was short.
 17 Q Did you know who the Defendant was prior to
 18 January 13th?
 19 A Yes, I did.
 20 Q How did you know who he was?
 21 A I knew him because my sister use to talk to
 22 him on the phone and I just knew that -- and I knew he
 23 was the boyfriend, use to be boyfriend of my sister.
 24 Q Did you ever speak to him on the phone?
 25 A Yes.

1 Q Under what circumstances?

2 A When he use to call my house I use to pick up
3 the phone first and he would ask for my sister.

4 Q Had you ever met the Defendant in person?

5 A Yes, I did.

6 Q When was that?

7 A Once in my store, in my mom's old store and
8 once in the mall.

9 Q Was your sister with the Defendant on those
10 occasions?

11 A No, no she wasn't.

12 Q To your knowledge did the Defendant ever call
13 your home after that day when you called him?

14 A No.

15 MS. MURPHY: Your Honor, at this time the
16 State would ask to move as State's Exhibit 31, the
17 certified business records of AT&T showing the
18 Defendant's cell phone records for January the 13th.

19 THE COURT: Without objection State's 31 is
20 admitted.

(State's Exhibit No. 31 was
admitted into evidence.)

24 MR. URICK: A copy for you and a copy for the
25 Court. My apologies for not getting it in sooner.

1 MS. MURPHY: Your Honor, with the Court's
2 indulgence we would like to provide the jurors with
3 copies of what's been premarked as State's Exhibit 34
4 since the writing is small.

5 THE COURT: What is State's 34?

6 MS. MURPHY: It is a compilation, Your Honor
7 of the Defendant's phone records along with additional
8 information to be provided throughout the trial.

9 THE COURT: Is it a shell st this point? Is
10 it blank?

11 MS. MURPHY: It is. The parts of it are
12 blank, Your Honor.

13 THE COURT: Okay. Ladies and gentlemen, the
14 State is handing out now State's Exhibit 34 which is
15 going to be an exhibit that you will fill in as you go
16 along with bits of information.

17 MS. MURPHY: Thank you, Your Honor.

18 THE COURT: Do you have copies for the Court?

19 MS. MURPHY: I do, Your Honor. There's extra
20 copies.

21 THE COURT: Can I have one? Perhaps you can
22 intercept one and pass it up.

23 MS. MURPHY: May I steal one of those? Thank
24 you, Your Honor.

25 THE COURT: Sure.

1 MS. MURPHY: Your Honor, may we move the
2 easel into place?

3 THE COURT: Yes.

4 BY MS. MURPHY:

5 Q Mr. Lee, I'll show you what to be premarked
6 as State's Exhibit 34.

7 (State's Exhibit No. 34, is
8 premarked for identification.)

9 Q This is a blow-up showing the Defendant's
10 cell phone records for January the 13th. Do you
11 recognize any of the phone numbers listed on this page?

12 MR. LEE:

13 A Yes, I do.

14 Q Which number or numbers would that be?

15 A Thirty three and 34.

16 Q Are you referring to the bottom two phone
17 numbers?

18 A Yes.

19 Q And how do you recognize those numbers?

20 A That's the phone number of my house.

21 Q Thank you.

22 THE COURT: Which is the phone number of the
23 house?

24 MR. LEE: [REDACTED]

25 THE COURT: Thank you very much.

1 MS. MURPHY: Thank you, Your Honor.

2 THE COURT: There is some missing in the back
3 row. Do we have everyone out? Entire back row is
4 missing it looks like or is number twelve just not
5 sharing? Okay. Everybody got a copy?

6 JURORS: Yes.

7 MS. MURPHY: Thank you, Your Honor.

8 THE COURT: Very good.

9 BY MS. MURPHY:

10 Q So, Mr. Lee, so we can be clear you've
11 identified Number 33 and 34 to be the number of your
12 home residence?

13 MR. LEE:

14 A Yes.

15 Q Thank you. Mr. Lee, I will know show you
16 what's been premarked as State's Exhibit 13.

17 (State's Exhibit No. 13, was
18 premarked for identification.)

19 Q It's three photographs. Do you
20 recognize the item or items shown in these photographs?

21 A Yes, I do.

22 Q Beginning with the photograph on the left of
23 the page. Can you describe what that shows?

24 A That shows a T-shirt shoved into the --
25 between the seats.

1 Q Seats of what if you know?
 2 A My sister's car.
 3 Q Okay. And what do the other two photos show?
 4 A The blood stains on the T-shirt.
 5 Q Okay.
 6 MS. GUTIERREZ: Objection. Move to strike.
 7 THE COURT: What's the basis?
 8 MS. GUTIERREZ: This witness is not qualified
 9 to identify blood stains.
 10 THE COURT: Okay. Overruled.
 11 BY MS. MURPHY:
 12 Q Now, the item you've described you've
 13 referred to as a T-shirt.
 14 MR. LEE:
 15 A Um-hum.
 16 Q Do you recognize that shirt?
 17 A Yes, I do.
 18 Q How do you recognize it?
 19 A That is my T-shirt.
 20 Q Do these photographs fairly and accurately
 21 represent the way your T-shirt looked?
 22 A Yes, it does.
 23 Q Okay. Now, you did mention stains on the
 24 shirt. Were they on the shirt when you last saw it?
 25 A No.

1 Q So, aside from those stains does the shirt
 2 fairly depict your shirt?
 3 A Yes.
 4 MS. MURPHY: Your Honor, at this time I would
 5 ask to move State's Exhibit 13.
 6 THE COURT: Without objection State's 13 is
 7 admitted.
 8 (State's Exhibit No. 13, previously
 9 marked for identification is
 10 received into evidence.)
 11 MS. MURPHY: Your Honor, would you like me to
 12 publish this to the jurors now or would you like to
 13 wait?
 14 THE COURT: Well, can we just perhaps roll a
 15 bit, keep going?
 16 BY MS. MURPHY:
 17 Q When had you last seen that shirt, Mr. Lee?
 18 MR. LEE:
 19 A For a long time. I didn't see it for a long
 20 time.
 21 THE COURT: Ms. Gutierrez, perhaps the State
 22 will move the easel back so you don't block alternate
 23 number three from the witness. I don't mind your
 24 watching what's going on, but just don't block the
 25 alternate.

1 MS. GUTIERREZ: Well, I won't stand there if
 2 they're not going to use the easel, but they haven't
 3 seem to indicate --
 4 THE COURT: Are you done with the easel?
 5 MS. MURPHY: For the time being, Your Honor.
 6 THE COURT: Very good. Lets get rid of the
 7 easel so that Ms. Gutierrez is not blocked from the
 8 jury as well.
 9 MS. GUTIERREZ: Thank you, Your Honor.
 10 BY MS. MURPHY:
 11 Q Mr. Lee, do you remember when you last saw
 12 that shirt?
 13 MR. LEE:
 14 A No, I don't.
 15 Q And who's possession was the shirt that you
 16 know of?
 17 A She, my sister.
 18 Q Okay. Did she wear the shirt?
 19 A No, she didn't.
 20 Q Do you know why she had the shirt?
 21 A She use to have the shirt to like wipe off
 22 windshields in her car.
 23 Q Do you know where she kept the shirt?
 24 A The bottom -- the bottom part of the door.
 25 Q The door of what?

1 A The driver seat.
 2 Q Did you ever see any stains on that shirt?
 3 A No, I didn't.
 4 MS. MURPHY: Court's indulgence please. May
 5 I approach the witness, Your Honor?
 6 THE COURT: Yes.
 7 BY MS. MURPHY:
 8 Q Mr. Lee, I'll show you what's been premarked
 9 for identification as State's Exhibit Twelve.
 10 (State's Exhibit No. 12, was
 11 marked for identification.)
 12 Q This is another series of photographs.
 13 MR. LEE:
 14 A Okay.
 15 Q And I'll ask you to look at three of these
 16 photographs. The two on the left side and the one on
 17 the bottom right. Do you recognize what those pictures
 18 show? I'm sorry. I'll ask you just to look at the
 19 bottom two photographs.
 20 A Yeah, yes. That's the car my sister drives.
 21 Q Okay. Are these pictures a fair and accurate
 22 depiction of your sister's car?
 23 A Yes, it is.
 24 Q Thank you. Mr. Lee, after January the 13th
 25 did you see your -- ever see you sister again?

1 A No, I didn't.
 2 Q Did you ever learn of her whereabouts?
 3 A No.
 4 MS. MURPHY: I have no other questions, Your
 5 Honor.
 6 THE COURT: Cross?
 7 MS. GUTIERREZ: Yes, Your Honor.
 8 CROSS EXAMINATION
 9 BY MS. GUTIERREZ:
 10 Q Mr. Lee, the diary that you identified,
 11 State's Exhibit 2. You knew that to be the diary that
 12 belonged to your sister before your grandmother brought
 13 it down that day, did you not?
 14 MR. LEE:
 15 A Yes.
 16 Q Okay. And you knew and can identify the
 17 handwriting in the diary as belonging exclusively to
 18 your sister, can you not?
 19 A Yes.
 20 Q Okay. And the handwriting that wrote out
 21 that number, [REDACTED] that is your sister Hae's
 22 handwriting, isn't it?
 23 A Probably is.
 24 Q Well, it looks like it, doesn't it?
 25 A Yes.

1 that number and you made the call did you realize that
 2 it was a cell phone?
 3 A No.
 4 Q Were you aware that prior to January 13th
 5 that your sister had for a long period of time
 6 communicated on a daily basis with the boy that you
 7 knew as Adnan?
 8 A Yes.
 9 Q Okay. And were you aware whether or not he
 10 had a cell phone?
 11 A No.
 12 Q As opposed to -- and when you spoke to him
 13 did you become aware that it was a cell phone?
 14 A No.
 15 Q Okay. And so when you read it and after you
 16 called that number you had no idea whether it was his
 17 home phone or at some other location?
 18 A Yes.
 19 Q But, prior to that date you had met him?
 20 A Yes.
 21 Q You knew who he was?
 22 A Um-hum.
 23 Q You knew he was your sister's boyfriend?
 24 A Um-hum.
 25 Q That had gone --

1 Q From your looking at it --
 2 THE COURT: Please keep your voice up, Mr.
 3 Lee.
 4 BY MS. GUTIERREZ:
 5 Q It looked like it, did it not?
 6 MR. LEE:
 7 A Yes.
 8 Q It looked like her handwriting back then on
 9 that day?
 10 A Yes.
 11 Q Is that correct?
 12 A Um-hum.
 13 Q On that day, on the 13th you knew that her
 14 then boyfriend, her current boyfriend was a man by the
 15 name of Don.
 16 A Yes.
 17 Q Did you not?
 18 A Yes.
 19 Q Okay. And that had been her recent new
 20 boyfriend?
 21 A Yes.
 22 Q Did your sister on the 13th of January of
 23 1999 or before that date have a cell phone of her own?
 24 A No.
 25 Q And prior to the 13th of January when you saw

1 THE COURT: I need you to say yes or no, sir.
 2 MR. LEE: Yes.
 3 THE COURT: We're making a recording of it.
 4 BY MS. GUTIERREZ:
 5 Q And that he had been her boyfriend for what,
 6 close to ten and a half, almost eleven months?
 7 MR. LEE:
 8 A I'm not sure.
 9 Q For a good while?
 10 A I'm not sure.
 11 Q Were you aware that they were boyfriend and
 12 girlfriend going back to their junior year at Woodlawn?
 13 A Yes.
 14 Q Your sister -- okay, yes. And your sister
 15 didn't hide that from you did she?
 16 A Well, she kind of did.
 17 Q She kind of did and she kind of hid that from
 18 the rest of your family too, did she not?
 19 A She did.
 20 MS. GUTIERREZ: Okay. Thank you. I have
 21 nothing further.
 22 THE COURT: Redirect?
 23 MS. MURPHY: No, Your Honor.
 24 THE COURT: May the witness be excused? You
 25 may step down, sir. Call your next witness.

1 MR. URICK: Thank you, Your Honor. If I may
 2 have the Court's permission to get the witness?
 3 THE COURT: Yes. Okay. Would you move the
 4 bag that's blocking.
 5 MS. MURPHY: Certainly.
 6 THE COURT: Thank you. Please call your next
 7 witness.
 8 MR. URICK: Thank you, Your Honor. At this
 9 time the State will call Nisha [REDACTED] to the stand.
 10 THE CLERK: Would you raise your right hand
 11 please?
 12 NISHA [REDACTED]
 13 a witness produced on call of the State, having first
 14 been duly sworn, was examined and testified as follows:
 15 THE CLERK: You may be seated. Speak into
 16 the microphone, keep your voice up for the record.
 17 MS. [REDACTED]: Okay.
 18 THE CLERK: State your name.
 19 MS. [REDACTED]: My name is Nisha [REDACTED]
 20 THE COURT: Okay. Ma'am, can you spell your
 21 name?
 22 MS. [REDACTED]: N-I-S-H-A.
 23 THE COURT: Last name.
 24 MS. [REDACTED]: [REDACTED]
 25 THE COURT: Okay. Now, unfortunately the

1 like got together, we met, we exchanged names and I
 2 gave him my phone number and we danced and that's about
 3 it pretty much.
 4 Q And did he ever call you after that?
 5 A Yes he did.
 6 Q Now, just to focus you in. Did there come a
 7 time where he called you and put a person named Jay on
 8 the phone?
 9 A Yes.
 10 Q Would you please tell the ladies and
 11 gentlemen of the jury what that conversation consisted
 12 of?
 13 A It's a little hard to recall, but I remember
 14 him telling me that Jay invited him over to a video
 15 store that he worked at and he basically, well Adnan
 16 walked in with the cell phone and then he said, like he
 17 told me to speak with Jay and I was like okay, because
 18 Jay wanted to say hi, so I said hi to Jay and that's
 19 all I can really recall.
 20 Q And did you recognize the voice of the
 21 Defendant on that phone call?
 22 A Yes.
 23 Q And about how long was the conversation?
 24 A I wouldn't say it was that long. Maybe a
 25 couple minutes or so. It could be --

1 seat doesn't move so I'll need you to move just forward
 2 in your seat.
 3 MS. [REDACTED]: Okay.
 4 THE COURT: Pull the microphone down if you
 5 need to.
 6 MS. [REDACTED]: Okay.
 7 THE COURT: And talk directly into it --
 8 MS. [REDACTED]: Okay.
 9 THE COURT: As loud as you can. State?
 10 MR. URICK: Thank you, Your Honor.
 11 DIRECT EXAMINATION
 12 BY MR. URICK:
 13 Q Good afternoon, Ms. [REDACTED]
 14 MS. [REDACTED]
 15 A Good afternoon to you too, sir.
 16 Q Thank you. Do you know the Defendant?
 17 A Yes, I do.
 18 Q How do you know the Defendant?
 19 A I met him at a New Year's party. It was in
 20 Baltimore at the Scarlett.
 21 Q And is that New Year's Eve of this year?
 22 A Yes.
 23 Q And just briefly tell us what happened that
 24 night.
 25 A I met him through a mutual friend and we just

1 Q About what time of day did that occur?
 2 A I would think towards the evening, but I
 3 can't be exactly sure.
 4 Q Can you remember the day that that phone call
 5 occurred today?
 6 A No, I can't exactly remember the day, but I
 7 know it was some time in January.
 8 Q Now, at this time with the Court's permission
 9 could I have the easel again? Do we have an extra
 10 copy? With the Court's permission may I approach the
 11 witness?
 12 THE COURT: Yes.
 13 BY MR. URICK:
 14 Q Ms. [REDACTED] I'm going to show you a copy of an
 15 exhibit that's been marked as State's Exhibit 34,
 16 State's 34. And I would like to look starting up from
 17 the bottom down, the line that marked 24 on that.
 18 MS. [REDACTED]
 19 A Okay.
 20 Q And the line marked 25. Do you recognize
 21 either of those numbers?
 22 A Yes, I recognize number 25.
 23 Q And that -- would you read that number aloud
 24 please?
 25 A [REDACTED]

- 1 Q And how do you recognize that number?
 2 A Because it's my phone number.
 3 Q And if you look across past the blank space
 4 do you see the time that's listed there?
 5 A Yes.
 6 Q And do you see the duration of call that's
 7 right after that?
 8 A Yes.
 9 Q And what was the duration of that call?
 10 A Two minutes and twenty two seconds.
 11 Q Now, looking up if you look up to line seven.
 12 A Okay.
 13 Q Do you recognize that number?
 14 A Yes.
 15 Q And would you read that for the record
 16 please?
 17 A [REDACTED]
 18 Q And who's number is that?
 19 A Mine.
 20 Q And going up to line four. I'll ask you to
 21 look at that number.
 22 A Okay.
 23 Q Do you recognize that number?
 24 A Yes.
 25 Q And what is that number?

- 1 A [REDACTED]
 2 Q Who's number is that?
 3 A Mine.
 4 Q Now, the phone conversation you had with the
 5 Defendant where Jay was put on the phone, is it
 6 possible that it is the call that is listed under line
 7 25?
 8 A It could be, but I'm not sure.
 9 Q And do you remember any time -- do you
 10 remember in that general period after the Defendant got
 11 his phone -- talking to him on the phone?
 12 A What? I'm sorry.
 13 Q After he got his cell phone do you remember
 14 talking to him often --
 15 A Yeah.
 16 Q Or how often would you speak to him?
 17 A I can't really recall, but I think -- I think
 18 I spoke to him pretty often. Like weekly definitely I
 19 guess.
 20 THE COURT: I'm sorry I didn't hear your
 21 answer.
 22 MS. [REDACTED] Weekly I'd say.
 23 THE COURT: Okay.
 24 BY MR. URICK:
 25 Q Does your home phone have an answering

- 1 machine?
 2 MS. [REDACTED]
 3 A Not this phone number, no.
 4 MR. URICK: Witness with the Defense.
 5 THE COURT: Okay.
 6 CROSS EXAMINATION
 7 BY MS. GUTIERREZ:
 8 qQ Ms. [REDACTED] the first time that you met
 9 Adnan --
 10 THE COURT: You don't have to move it all the
 11 way back, but if you can just move it back into the
 12 Defendant's area. Just clean out the line of sight if
 13 you would.
 14 BY MS. GUTIERREZ:
 15 Q Ms. [REDACTED] the first time that you met my
 16 client Adnan Syed was New Years a year ago.
 17 THE COURT: Mr. Urick, just straight back.
 18 MS. [REDACTED]
 19 A Yes.
 20 Q In 19 -- New Year's Eve, 1998.
 21 A Yes.
 22 Q Okay. And it was a social occasion, was it
 23 not?
 24 A Yes it was.
 25 Q It was a New Year's Eve party?

- 1 A Um-hum.
 2 Q Okay. And when you met him and he asked you
 3 for your phone number did you take that as him having
 4 some interest in you as a girl?
 5 A Well, yes.
 6 Q Okay. Were you flattered by that?
 7 A Yeah, I'd say so.
 8 Q And you chose to give him your home phone
 9 number?
 10 A Yes, I did.
 11 Q Okay. And so you were not surprised when he
 12 called you?
 13 A No, I wasn't.
 14 Q And after that day, after New Year's Day,
 15 after you got his cell phone he did begin to call you
 16 on a regular basis?
 17 A Yes.
 18 Q And there were occasions in fact, in which
 19 you spoke to him at least once a week?
 20 A Yes.
 21 Q And your phone number that you've identified
 22 on one particular day has always been -- that's the
 23 number that you gave him, was it not?
 24 A Yes.
 25 Q The 603?

1 A Um-hum.
 2 Q Is that correct?
 3 A Yes.
 4 Q So, and that's the number that he always
 5 called you on?
 6 A Yes.
 7 Q And you -- it was not capable -- the phone
 8 had no capability of a voice mail or message machine,
 9 correct?
 10 A No, no.
 11 Q And so if somebody called you at that number
 12 either you or somebody else was there to answer or --
 13 A Yes.
 14 Q You couldn't leave a message, correct?
 15 A Yes. Mostly likely it was me because it's my
 16 own line.
 17 Q It's your own line?
 18 A Yeah.
 19 Q Okay. And so it was appropriate because
 20 you're giving him the number for him to call you on
 21 that number.
 22 A Yes.
 23 Q And there never came a time when you told him
 24 to cease and desist --
 25 A No I didn't.

1 Q That number, correct?
 2 A Right.
 3 Q And the day that you say you can not recall
 4 when it occurred that you spoke to a person by the name
 5 of Jay your belief is that that was the time when Adnan
 6 had been visiting by invitation Jay at a video store.
 7 A Yes.
 8 Q And you didn't know this person names Jay?
 9 A No.
 10 Q You had not met him before?
 11 A No.
 12 Q You had not talked about him with Adnan had
 13 you?
 14 A No.
 15 Q And you didn't know the location of this
 16 video store?
 17 A No.
 18 Q You didn't know what kind of videos were sold
 19 there?
 20 A I was informed about that.
 21 Q You were informed?
 22 A Yes.
 23 Q That it was an adult video?
 24 A Yes.
 25 Q That it was a pornographic video?

1 A Yes.
 2 Q You had not visited there?
 3 A No.
 4 Q Okay. And you didn't ask to speak to this
 5 person, did you?
 6 A No.
 7 Q You didn't object to it, did you?
 8 A No.
 9 Q But your understanding was that that person
 10 was working at the video store while they were talking
 11 to you?
 12 A Yes.
 13 Q And -- okay. And you can't remember the day
 14 that that conversation occurred?
 15 A I can't -- I can't remember exactly
 16 everything about that day.
 17 Q Okay. And you were at the time that you had
 18 this conversation with the person identified to you as
 19 Jay you were in your home, were you not?
 20 A Yes.
 21 Q And your home is located in Rockville,
 22 Maryland, is it not?
 23 A No, Silver Spring, Maryland.
 24 Q Silver Spring, Maryland?
 25 A Yes.

1 Q And that's where you lived then in January
 2 1997?
 3 A Yes.
 4 Q And that's where you live now?
 5 A Yes.
 6 MS. GUTIERREZ: Okay. Thank you. I have
 7 nothing further.
 8 THE COURT: Any redirect?
 9 MR. URICK: Yes, thank you.
 10 REDIRECT EXAMINATION
 11 BY MR. URICK:
 12 Q Who informed you that it was a pornography
 13 store?
 14 MS. [REDACTED]
 15 A Adnan had told me before he walked in.
 16 Q Now, everything you -- when you said your
 17 impression was -- that was all based on what Adnan told
 18 you during the course of the conversation was it not?
 19 A Yes.
 20 MR. URICK: Nothing further.
 21 THE COURT: Any re-cross?
 22 MS. GUTIERREZ: No, Your Honor.
 23 THE COURT: May the witness be excused?
 24 Thank you, Ms. [REDACTED]
 25 MS. [REDACTED] Your welcome.

1 THE COURT: Call your next witness.

2 MR. URICK: Thank you, Your Honor. If I may
3 go get the witness?

4 THE COURT: Um-hum. Please come up to the
5 witness stand.

6 MR. URICK: At this time the State would call
7 police officer Scott Adcock to the stand.

8 THE CLERK: Please raise your right hand
9 please.

10 SCOTT ADCOCK,
11 a witness produced on call of the State, having first
12 been duly sworn, was examined and testified as follows:

13 THE CLERK: You may be seated. Speak into
14 the microphone. For the record state your name and
15 your current assignment.

16 MR. ADCOCK: My name is Officer Adcock of the
17 Baltimore County Police Department. I work at --

18 THE COURT: First name is?

19 MR. ADCOCK: Scott Adcock. I work out of
20 Garrison Precinct.

21 THE COURT: Officer, if you would just speak
22 forward into the microphone. Unfortunately, the chair
23 doesn't move so you have to move your body into it.
24 Mr. Urick.

25 MR. URICK: Thank you, Your Honor.

1 household.

2 Q And what did you do upon your arrival there?

3 A Upon my arrival I spoke to the victim's
4 brother, Mr. Young Lee and he advised me that his
5 sister had not returned home.

6 Q And what if other -- what if any other
7 information did you obtain at that time?

8 A I obtained the basic information for the
9 report. Where she went to school, where she works.
10 Things of that nature.

11 Q And did there come a time when you obtained
12 any telephone numbers?

13 A That's correct.

14 Q And do you recall where you got those
15 telephone numbers?

16 A I got the telephone numbers from the victim's
17 brother.

18 Q And did you make a record of those numbers?

19 A Yes, I did.

20 Q And do you have that record with you today?

21 A That's correct.

22 Q Could you read those numbers off please?

23 A Certainly. The people I interviewed I have
24 the brother and the grandmother and I have their phone
25 numbers. Do you want me to list the numbers for you?

1 DIRECT EXAMINATION

2 BY MR. URICK:

3 Q Officer Adcock, drawing your attention back
4 to January 13th of 1999, what were you doing on that
5 date?

6 MR. ADCOCK:

7 A I was on routine patrol that day.

8 Q And where in Baltimore County are you
9 stationed?

10 A The Garrison Precinct.

11 Q And just very extremely briefly when you have
12 routine patrol what sorts of duties do you handle?

13 A Perform of variety of tasks. We respond to
14 calls, multiple types of calls.

15 Q Now, did there come a time, drawing your
16 attention to approximately 6 p.m. --

17 THE COURT: Please keep your voice up as loud
18 as you can Mr. Urick.

19 MR. URICK: Thank you, Your Honor.

20 BY MR. URICK:

21 Q Did there come a time on that date, drawing
22 your attention to around six o'clock when you got a
23 call to respond to the Lee household?

24 MR. ADCOCK:

25 A That's correct. I was dispatched to the Lee

1 Q Yes, if you would please.

2 A It's [REDACTED] I also spoke to one of
3 the victim's friends, Aisha [REDACTED] and her telephone
4 number is 410 --

5 THE COURT: What was the first name?

6 MR. ADCOCK: Aisha.

7 THE COURT: How do you spell it?

8 MR. ADCOCK: A-I-S-H-A.

9 THE COURT: Last name is spelled how?

10 MR. ADCOCK: [REDACTED]

11 THE COURT: And slowly what is the phone
12 number?

13 MR. ADCOCK: [REDACTED]. And also spoke to
14 a Mr. Adnan Syed.

15 THE COURT: How do you spell that?

16 MR. ADCOCK: First name is A-D-N-A-N. Last
17 name S-Y-E-D.

18 BY MR. URICK:

19 Q How did you -- and what phone number did you
20 have for him?

21 MR. ADCOCK:

22 A I have a [REDACTED], and I have to apologize for
23 the copy, it looks like it's [REDACTED]

24 Q Do you recall where you got that phone number
25 from?

1 A I got that from the victim's brother. He
 2 retrieved it from the victim's room.
 3 Q Did he show it to you?
 4 A Yes, he did show it to me.
 5 Q Can I see State's Exhibit -- the diary
 6 please? If I may approach the witness, Your Honor?
 7 THE COURT: You may.
 8 BY MR. URICK: At this time I'm going to show
 9 you what's in evidence as State's Exhibit 2 and ask you
 10 to look at the page on the left hand side. Do you
 11 recognize that page?
 12 MR. ADCOCK:
 13 A Yes, sir I do.
 14 Q And what's that page?
 15 A That's the telephone number. It shows the
 16 telephone number of Mr. Syed.
 17 Q And what number is there?
 18 A [REDACTED]
 19 Q And did you have an occasion to call that
 20 number?
 21 A Yes, I did.
 22 Q About what time did you call that number if
 23 you know?
 24 A Roughly around 6:00 p.m.
 25 Q And what happened when you called that

1 A That is correct.
 2 Q In line 14 did you see the time that that
 3 incoming call was received by the cell phone?
 4 A Yes, I do.
 5 Q And what was that time?
 6 A 6:24, 37 seconds p.m.
 7 Q And what was the duration of the call?
 8 A Duration of the time was four minutes and
 9 fifteen seconds.
 10 Q Is it possible that that's the call you made
 11 to that number that day?
 12 A That is correct.
 13 Q After you took this report what did you do?
 14 A After I took the report I went to the
 15 precinct entered -- actually had the desk officer enter
 16 the information into the computer system. The
 17 vehicle's information and along with the victim's
 18 information.
 19 Q And what if any further involvement did you
 20 have in this matter?
 21 A Later on that evening I contacted the
 22 victim's boyfriend, a Mr. Klinstein and spoke to him
 23 and asked him if he knew the whereabouts of the victim.
 24 Q And after that what if any further contact
 25 did you have with the matter?

1 number?
 2 A I spoke to Mr. Syed and he advised me that he
 3 did see the victim in school that day and that he was
 4 suppose to get a ride home from the victim, but he got
 5 detained at school and felt that she just got tired of
 6 waiting and left.
 7 Q And was there any further substance to that
 8 conversation?
 9 A The only other thing I can really recall is
 10 that he asked if a police report was going to be make
 11 because I had told him the circumstances why I was
 12 calling him.
 13 Q And what did you tell him if you remember?
 14 A I told him, yes a police report is going to
 15 be made.
 16 Q About how long did that telephone
 17 conversation last if you recall?
 18 A Approximately three to five minutes maybe.
 19 Q I'm going to show you a copy of what's been
 20 marked as State's Exhibit 34 and ask you to look as
 21 what's marked as line number 14.
 22 A Okay.
 23 Q For your information it's the Defendant's
 24 cell phone records for the 13th. That's the -- the
 25 number at the top that's the same number you dialed?

1 A That was all my contact through the
 2 investigation.
 3 Q And you filed your report in this matter?
 4 A That's correct.
 5 MR. URICK: Witness with the Defense.
 6 CROSS EXAMINATION
 7 BY MS. GUTIERREZ:
 8 Q Officer Adcock, when you got the numbers you
 9 got them from Young Lee, Hae Lee's brother?
 10 MR. ADCOCK:
 11 A That's correct.
 12 Q Who was then 16 years old?
 13 A I can give you his date of birth. I don't
 14 know exact age, but [REDACTED]
 15 Q That would have made him 16, would it have
 16 not?
 17 A I believe so, yes.
 18 Q Okay. And he -- when he showed you that
 19 document that you've identified, he told you that it
 20 was his sister's diary, did he not?
 21 A That's correct.
 22 Q And so you looked at the page, correct?
 23 A That's correct.
 24 Q You weren't familiar with Hae Lee were you?
 25 A No.

- 1 Q You had never met her?
 2 A No.
 3 Q You had never seen her handwriting?
 4 A That's correct.
 5 Q But that's what the brother told you,
 6 correct?
 7 A That's correct.
 8 Q And you accepted that, did you not?
 9 A Yes I did.
 10 Q And did you call that number right there from
 11 the Lee house?
 12 A That's correct I did.
 13 Q Okay. And did you call Aisha Pittman right
 14 there from the Lee house?
 15 A Yes, I did.
 16 Q And the number that you called was answered
 17 by a person and did you first tell that person who you
 18 were?
 19 A Yes, I believe so.
 20 Q You identified yourself as a police officer,
 21 did you not?
 22 A Yes, I did.
 23 Q You first thought that that number was
 24 related to Don?
 25 A No, I relate it to a friend.

- 1 Q You already knew that it was a phone number
 2 that was connected to a person by the name of Adnan
 3 Syed?
 4 A Correct.
 5 Q Just as your notes review, correct?
 6 A Correct.
 7 Q Because you had been given that number by the
 8 brother.
 9 A Correct.
 10 Q As being related to Adnan Syed.
 11 A That's correct.
 12 Q Is that correct? Even though the number
 13 appeared on a page that said nothing, but the words
 14 Don, is that correct?
 15 A That's correct.
 16 Q You were also given Don's number, were you
 17 not?
 18 A Yes I was.
 19 Q Again by the brother, the 16 year old?
 20 A That's correct.
 21 Q Now, when you called that number that was
 22 identified as Adnan Syed after you identified yourself
 23 the person on the phone identified themselves?
 24 A That's correct. I asked for information.
 25 Q As to who it was?

- 1 A Correct.
 2 Q Did you ask them are you Adnan Syed or did
 3 you ask them what was your name?
 4 A I asked what the subject's name was, his date
 5 of birth.
 6 Q The subject, you didn't say, subject what's
 7 your name, did you?
 8 A No, I didn't.
 9 Q No, okay. But by subject you're referring to
 10 the name that had been given you by the 16 year old
 11 brother, correct?
 12 A That's correct.
 13 Q You had never met Adnan Syed had you?
 14 A No, I have not.
 15 Q You couldn't identify his voice, could you?
 16 A No.
 17 Q And you had been given no descriptive
 18 information about his voice or what he sounded like?
 19 A None.
 20 Q You were aware that the younger brother had
 21 just spoken to Adnan, were you not?
 22 A No, I don't recall him.
 23 Q Were you made aware by the younger brother
 24 that Adnan Syed had been for a period in excess of ten
 25 months the boyfriend of the missing sister of the 16

- 1 year old?
 2 A I don't recall how his relationship was. He
 3 didn't tell me the relationship other than maybe just
 4 being a friend.
 5 Q But you knew him to be a friend?
 6 A Correct.
 7 Q Is that correct? Who might have information
 8 about the whereabouts of Hae Lee?
 9 A Correct.
 10 Q When you went to the house you went in
 11 response to what you list on your reports as a missing
 12 persons, correct?
 13 A That's correct.
 14 Q And to your knowledge the information that
 15 you were given was that she was missing for somewhere
 16 between 3:15 and 3:30 in the afternoon, the same
 17 afternoon that you were at the Lee house, correct?
 18 A Correct.
 19 Q At that point in time it was a missing
 20 persons investigation that you were conducting,
 21 correct?
 22 A Correct.
 23 Q To find out the location of a person whose
 24 family was reporting them missing, unable to be found,
 25 is that correct?

1 A Correct.

2 Q And when you reached the person that either
3 you identified or they identified as Adnan Syed you
4 asked in fact, if that person had seen Hae Lee in
5 school or thereafter, correct?

6 A Correct.

7 Q Because you were looking for any information
8 that might lead you to Hae Lee's whereabouts were you
9 not?

10 A Correct.

11 Q And that person told you I saw her in school,
12 did he not?

13 A Yes, he did.

14 Q And that he was suppose to see her after
15 school, but he was late to where he was suppose to go
16 and so he did not.

17 A That's correct.

18 Q Correct? That person never indicated to you
19 that after school they saw Hae Lee, correct?

20 A Correct.

21 Q And you relayed that information to Young
22 Lee, did you not?

23 A I don't recall doing that, I might have.

24 Q It would be normal for you to do so, would it
25 not?

1 report that you made of this incident.

2 A That's correct.

3 Q Is that correct? And when you spoke to the
4 person that either identified themselves to you in some
5 way as Adnan Syed, when you spoke to that person it
6 appeared to you that that person had no idea that Hae
7 Lee was missing --

8 A That's correct.

9 Q Did they? And you noted nothing otherwise in
10 your report, did you?

11 A That's correct.

12 Q Okay. And you had never spoken to the person
13 on the other end of the line to your knowledge, had
14 you?

15 A No, that was the first time.

16 Q And in your dealings as a police officer you
17 had never interacted with the person by the name if
18 Adnan Syed --

19 A That's correct.

20 Q Had you. And at the time that you were
21 speaking to that person in Young Lee's house you never
22 asked Young Lee to get on the phone and identify that
23 the person you were talking to was in fact the person
24 you believed it to be --

25 A That's correct.

1 A Correct.

2 Q Because if somebody had given you information
3 that you gave you a lead to go find Hae Lee or to
4 identify the last person who had seen her that might
5 well reassure the family who thought their sister,
6 daughter, granddaughter was missing, would it not?

7 A Correct.

8 Q Okay. But that person on the other end of
9 the line of a phone number given to you by Hae Lee's
10 brother didn't give you any information that led you to
11 believe that he, whoever was on the other end of the
12 line knew where Hae Lee was, did he?

13 A They did not have any information in regards
14 to the whereabouts of her.

15 Q Okay. And in fact, the remark that you
16 remember although it does not appear in your report,
17 you brought your report, did you not?

18 A Um-hum.

19 Q You didn't note in your report that the
20 person on the other end of the line asked about whether
21 or not there was going to be a police report made, did
22 you?

23 A No.

24 Q No. That -- that wasn't signification enough
25 for you back on the 13th of January to write in the

1 Q Did you? And even though Young Lee was
2 available then, was he not?

3 A Yes, he was.

4 Q And you didn't take any of those precautions
5 when you went to call any of the other numbers provided
6 you by Young Lee --

7 A That's correct.

8 Q Either, did you?

9 A No, I did not.

10 Q When you went to call Aisha [REDACTED] and she
11 was also identified as a friend of Hae Lee's by Young
12 Lee, was she not?

13 A That's correct.

14 Q You again did not ask Young Lee to get on the
15 phone and verify that the person you reached was in
16 fact the person that he had led you to believe it was,
17 did you?

18 A That's correct.

19 MS. GUTIERREZ: Thank you. I have nothing
20 further of the officer.

21 THE COURT: Any redirect?

22 MR. URICK: Yes, thank you, Your Honor.

23 Extremely briefly.

24 REDIRECT EXAMINATION

25 BY MR. URICK:

1 Q In essence you were dependant on what the
2 person at the other end of the line told you as to what
3 you knew that night, were you not?
4 MR. ADCOCK:
5 A That's correct.
6 MR. URICK: Nothing further.
7 THE COURT: Any recross?
8 MS. GUTIERREZ: No, Your Honor.
9 THE COURT: May the witness be excused?
10 MR. URICK: Yes, thank you.
11 THE COURT: Thank you, Officer Adcock.
12 MR. ADCOCK: Thank you.
13 MR. URICK: May Counsel approach?
14 THE COURT: Yes.
15 (Counsel approached the bench and following
16 ensued:)
17 MR. URICK: I just didn't want to ask a
18 scheduling question in open court. Do you plan to take
19 an afternoon break?
20 THE COURT: Yes.
21 MR. URICK: It would be an appropriate time
22 if you did.
23 THE COURT: No, I want to go around 3:30.
24 MR. URICK: Okay.
25 MS. GUTIERREZ: Judge, while we're up here

1 I'd like to bring the Court's attention and ask for
2 some relief. I believe that the first person is on my
3 left, the closest seat to the jury is the victim's
4 mother and that's an assumption I make that a mother
5 like age relative of the victim who is very upset, who
6 is having alternately difficulty breathing. She is at
7 least as to two of the jurors less than three to five
8 feet away. I have observed the jurors, it is
9 distracting. I believe it is a tremendous pressure on
10 jurors particularly given the proximity of the mother
11 where almost every word and I certainly understand it
12 must upset her a great deal. I'd ask that we make
13 arrangements to either move her further back from the
14 jury and see if it less disruptive or less
15 intimidating. I think it's --
16 THE COURT: State can move her back at the --
17 after the break.
18 MS. MURPHY: That would be an appropriate
19 time.
20 THE COURT: I won't make a point of it now,
21 but at the end of the break I do think she is too close
22 to the jury.
23 MS. GUTIERREZ: Thank you.
24 MS. MURPHY: Okay.
25 THE COURT: Okay.

1 (Counsel returned to the trial tables and
2 the following ensued:)
3 MR. URICK: If I could have the Court's
4 indulgence for just one moment.
5 THE COURT: Yes, Mr. Urick, your next
6 witness?
7 MR. URICK: May I have the Court's indulgence
8 for just a second. Your Honor, may Counsel approach --
9 we need to use the video player at this time
10 THE COURT: Pull it out.
11 MR. URICK: Where would the Court like it
12 put?
13 THE COURT: Marianna, would you just pull it
14 straight out. I assume you've also taken the tab out
15 that permits that it can not be recorded over.
16 MR. URICK: Yes, it has been suitably --
17 THE COURT: Made Judge proof?
18 MR. URICK: Made machine proof.
19 THE COURT: No, make it Judge proof, that's
20 the important one. Can all the members of the jury see
21 the TV screen? Alternates? Alternates? Okay.
22 MR. URICK: Mr. Clerk, can you mark this for
23 identification as State's Exhibit Six?
24 (State's Exhibit No. 6 was
25 marked for identification.)

1 THE COURT: Are we plugged in? Are we
2 plugged in? Are you on playback deck 5? Okay. Good,
3 that's fine.
4 MS. MURPHY: Should I leave it on for the
5 time being?
6 THE COURT: Um-hum.
7 MS. MURPHY: Leave it on?
8 THE COURT: Well, when are you going to --
9 are you going to get to it right away?
10 MS. MURPHY: In a few minutes.
11 THE COURT: Okay. We can fix that. Who's
12 your witness?
13 MR. URICK: The State at this time would call
14 Sergeant Kevin Forrester to the stand.
15 THE CLERK: Raise your right hand please.
16 KEVIN FORRESTER,
17 a witness produced on call of the State, having first
18 been duly sworn, was examined and testified as follows:
19 THE CLERK: You may be seated. Keep your
20 voice up for the record. State your name and your
21 current assignment.
22 MR. FORRESTER: Detective Sergeant Kevin
23 Forrester, Baltimore City Homicide Unit.
24 THE COURT: How do you spell your name,
25 Detective Sergeant?

1 MR. FORRESTER: First name, K-E-V-I-N, last
2 name, F-O-R-R-E-S-T-E-R.

3 THE COURT: Thank you very much. Mr. Urick.

4 MR. URICK: Thank you, Your Honor.

5 DIRECT EXAMINATION

6 BY MR. URICK:

7 Q Sergeant Forrester, what is your current
8 assignment?

9 MR. FORRESTER:

10 A Area 1 Homicide which includes northwest,
11 southwest and southern districts.

12 Q And did you have occasion to be involved in
13 the investigation of a homicide that derived as a
14 result of the finding of a body in Lincoln Park on
15 February 9th of 1999?

16 A Yes, I was.

17 Q What were your -- tell the ladies and
18 gentlemen of the jury in general what your duties
19 consist of?

20 A Basically what happens is once the call comes
21 in, homicide detectives which would be the up detective
22 in this case was Detective Greg McGilavary are assigned
23 the case. The go out and begin the investigation,
24 establishing crime scene, maintaining the integrity of
25 the crime scene, photographs as the case goes on.

1 Basically my job is I review all their case folders,
2 all their investigation documents, making sure
3 everything is being done the right way.

4 Q Now, specifically drawing your attention to
5 February 28th of 1999. Did you have occasion to be
6 part of a team that was being led or directed to a
7 location by one Jay Wilds?

8 A Yes, I was.

9 Q Where was Mr. Wilds directing you to?

10 A Basically once -- I wasn't sure the exact
11 location, he said he knew where it was, he was in a
12 vehicle with Detective McGilavary, Detective Ritz in
13 the second vehicle was myself and Detective Scott
14 Serio.

15 Q And did he direct you to a location?

16 A Yes. It was in the 300 block of Edgewood off
17 Edmondson Avenue in the southwest district.

18 BY MR. URICK:

19 Q If I may approach the witness at this time,
20 I'm going to show you, officer what's been marked for
21 identification as State's Exhibit Number 12 and ask you
22 to take a look at it. Have you had a chance to look at
23 that?

24 MR. FORRESTER:

25 A Yes, I have.

1 Q And do you recognize that?

2 A Yes, I do. They had approximately 2:45 that
3 morning we observed our victim's car parked like in the
4 rear lot behind the 300 block of Edgewood behind the
5 row houses. It's partially grass, partially asphalt
6 paved common area.

7 Q And do those photographs fairly and
8 accurately depict the location where the car was found?

9 A Yes, it does.

10 MR. URICK: We would offer State's Exhibit 12
11 the photographs.

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

14 (State's Exhibit No. 12, previously
15 marked for identification, was
16 received into evidence.)

17 MR. URICK: May I publish that exhibit to the
18 jury at this time, Your Honor?

19 THE COURT: Yes.

20 MR. URICK: May I approach the witness at
21 this time? I'd like to show him what's been marked for
22 identification as State's Exhibit Number 8.

23 (State's Exhibit No. 8 was
24 marked for identification.)

25 BY MR. URICK:

1 Q Sergeant, if you can take a look at that for
2 a moment. Have you had a chance to examine that?

3 MR. FORRESTER:

4 A Yes, I have.

5 Q And what if anything does that show?

6 A It shows the right side of the steering
7 column of the victim's car with selector switch in a
8 downward angle with a hole approximately that size in
9 the side of the steering column.

10 Q By a selector switch, do you mean a
11 windshield wiper control arm?

12 A Yeah, later on we learned that it was
13 actually the windshield wiper control.

14 Q And did you have an occasion to observe that
15 car on the scene?

16 A Yes, I did.

17 Q And what if anything did you observe about
18 that upon seeing it?

19 A This is how it was when we first got on scene
20 looking through the window. We did not enter the car
21 until the car was processed later that morning down in
22 the crime lab bay.

23 Q And does that photograph fairly and
24 accurately depict the condition of the windshield wiper
25 control arm when you first observed it?

1 A Yes, it does.

2 MR. URICK: We would offer State's Exhibit 8.
3 Let me, as State's Eight, the single photograph
4 exhibit.

5 THE COURT: Without objection State's 8 is
6 admitted.

7 (State's Exhibit No. 8, previously
8 marked for identification, was
9 received into evidence.)

10 MR. URICK: May that be published to the jury
11 at this time?

12 THE COURT: If that's going to be helpful to
13 them to them to publish now, yes you may.

14 BY MR. URICK: If you could hand it to the
15 third alternate there.

16 Q At this point, Sergeant upon arrival at the
17 scene where the car was located what if anything was
18 done?

19 MR. FORRESTER:

20 A At that time district officer was called to
21 help with the towing of the vehicle down to
22 headquarters so it could be processed. No one entered
23 the car, the remained as it was, I remained on scene, a
24 tow truck was ordered which was a flat bed. We then --
25 the car was lifted up on the flat bed truck, the truck

1 A How we observed the car when we first saw it
2 in the 300 block of Edgewood on that lot and then when
3 we first started processing down at the crime bay with
4 different items that were inside of it.

5 Q And do those photographs fairly and
6 accurately depict the car and it's contents at the time
7 you observed them?

8 A Yes, I do.

9 MR. URICK: Would offer State's Exhibits 14 &
10 15, the two exhibits.

11 THE COURT: Without objection State's 14 & 15
12 are admitted.

13 (State's Exhibits No. 14 & 15,
14 previously marked for
15 identification, were received into
16 evidence.)

17 MR. URICK: If those two could be published
18 to the jury at this time. If I can approach the
19 witness at this time I'm going to show him what's been
20 marked for identification as State's Exhibit 6.

21 (State's Exhibit No. 6 was
22 marked for identification.)

23 BY MR. URICK:

24 Q Have you had a chance to examine that object?
25 MR. FORRESTER:

1 was taking directly to our crime lab processing bay
2 with myself, detectives and along with the marc unit
3 following down into the headquarters building where it
4 was then put into a secured bay.

5 Q And when a car is processed what is done to
6 it?

7 A That's when crime lab technicians will take
8 more photographs of the car, they'll recover any
9 property that's inside of it, if need be they'll try to
10 recover any type of fingerprints, physical or trace
11 evidence that may be inside the vehicle.

12 Q And were you present at the time the car was
13 processed?

14 A Yes, I was.

15 Q If I may approach the witness at this time
16 I'd like to show him what's been marked for
17 identification as State's Exhibit 14 and 15.

18 (State's Exhibits No. 14 & 15
19 was marked for identification.)

20 BY MR. URICK:

21 Q Please take a look at those. Have you had a
22 chance to examine the two exhibits?

23 MR. FORRESTER:

24 A Yes, I have.

25 Q And what do they depict?

1 A Yes, I have.

2 Q Can you identify it?

3 A Yes, this is a videotape that we took of Hae
4 Lee's vehicle on 3/16/99 at approximately 12:45 hours.

5 Q Will you tell the ladies and gentlemen of the
6 jury how you came to take that videotape?

7 A One thing we noticed once going into the car
8 when we saw the selector switch was in fact broken we
9 had crime lab take pictures of that. However, you can
10 not really observe that it is broke. It just shows
11 that it's hanging down in a downward angle.

12 So, after talking with Detectives McGilavary and
13 Ritz it was decided that the only proper way to show
14 that the selector arm/windshield wiper was broken was
15 to take a videotape of it where you could actually see
16 lifting it up it would just fall automatically where
17 you could actually see that it was in fact broken.

18 Q And did -- who ran the video camera for this?

19 A I did the video camera and Detective Hastings
20 with me was opening the car doors and assisting.

21 Q And where was the car when it was -- this was
22 done?

23 A I don't recall the exact address, but I
24 believe it was at a body shop maybe, I believe it was
25 an uncle of Hae Lee's.

1 Q And does the videotape fairly and accurately
2 depict the condition of the windshield wiper control
3 arm at the time that you first found the vehicle?

4 A Yes, it does.

5 MR. URICK: Would offer State's Exhibit --

6 THE COURT: Six?

7 MR. URICK: Six.

8 THE COURT: Without objection State 6 is
9 admitted.

10 (State Exhibit No. 6, previously
11 marked for identification, was
12 received into evidence.)

13 BY MR. URICK:

14 Q Why was it videotaped later?

15 MR. FORRESTER:

16 A It was an afterthought. If the photos
17 itself, crime lab actually showing it. Like if we had
18 a hand and then letting it go and then showing it at a
19 downward angle. We probably done that, but we only had
20 a still photograph of it and it was like an
21 afterthought.

22 Well, we said the only way we can properly show
23 that it was broken was to do a videotape of the actual
24 car showing, you know an officer or Detective Hastings
25 lifting it up and then letting go and you could see

1 that it would fall.

2 MR. URICK: May we publish this exhibit to
3 the jury at this time?

4 THE COURT: Yes, you may. Lets see if we can
5 make this work. Is it queued up?

6 THE CLERK: It should be.

7 THE COURT: Are we in deck five?

8 THE CLERK: Yeah.

9 THE COURT: Okay. Lets see if this works.

10 (The videotape was played.)

11 MR. URICK: It's extremely short. I believe
12 that may not be the start of it though, so after it's
13 through playing I'd ask the Court to rewind it and play
14 it a second time.

15 THE COURT: Is that it?

16 MR. URICK: It's almost over.

17 THE COURT: Yes, Mr. Urick.

18 BY MR. URICK:

19 Q This is a videotape of the car after it was
20 processed?

21 MR. FORRESTER:

22 A Yes, it was.

23 Q What happened to the contents of the vehicle?

24 A It was recovered by crime lab and submitted
25 to evidence control.

1 Q Now, I'm going to show you -- yes, it's in
2 evidence. Mr. Clerk, if you can now move it, mark it
3 as evidence State's Exhibit 6. Your Honor, I'm going
4 to request the use of the easel again at this time if I
5 may.

6 THE COURT: Um-hum. You've seem to have lost
7 your assistance.

8 BY MR. URICK: Sometimes though, sir not even
9 present. May I have the witness approach the exhibit
10 at this time?

11 THE COURT: Yes.

12 BY MR. URICK:

13 Q Sir, if you could come over here. I'm going
14 to ask you to take a few moments to look at what's been
15 marked for identification as State's Exhibit 33.

16 (State's Exhibit No. 33 was
17 marked for identification.)

18 Q Which is a map of a section of Baltimore
19 City. Have you had a chance to look at the exhibit?

20 MR. FORRESTER:

21 A Yes, I have.

22 Q And are you familiar with that area?

23 A Yes, I am.

24 Q And does that area depict where the vehicle
25 was recovered?

1 A Yes, it was.

2 Q And do you see the place where the vehicle
3 was found?

4 A Yes, I do.

5 Q Would you please point it out for the members
6 of the jury?

7 A Since there are no real streets, this is a
8 parkway, Edgewood is two blocks west. The parkway
9 another good landmark --

10 THE COURT: At the moment we have a crowd of
11 people around the map. Ms. Gutierrez, perhaps if you
12 would move over to over here out of the way of the
13 jury. Okay. Now, can all the members of the jury see?

14 MR. FORRESTER: Okay. This landmark would be
15 Northern Parkway. Another landmark for anybody
16 familiar with Edmondson Avenue is Saint Bernadines
17 Church, the church with the real big gold top that
18 would be right here on Edmondson Avenue. Edgewood
19 Street starting right her would be the 500 block and
20 400 block in where it veers, where it goes down on an
21 angle is the 300 block, that's where we located the
22 vehicle right below Mulberry Street would be another --
23 one block south of Mulberry.

24 BY MR. URICK:

25 Q At this time I would ask you to take this dot

1 that has a C on it for car and place that basically at
2 the location where the car was found. Now, were you
3 present on the day that the victim was found?

4 MR. FORRESTER:

5 A No, I was not.

6 Q You may return to the stand at this time. If
7 I may have the Court's indulgence for just a second.
8 If I may have the Court's indulgence. Ms. Gutierrez.
9 Witness with the Defense.

10 THE COURT: Cross.

11 CROSS EXAMINATION

12 BY MS. GUTIERREZ:

13 Q Detective Sergeant, the person who directed
14 you to where this car was found was Jay Wilds.

15 MR. FORRESTER:

16 A Yes, it was.

17 Q Nothing further.

18 THE COURT: Any redirect?

19 MR. URICK: No, thank you.

20 THE COURT: Very good. May the witness be
21 excused?

22 MR. URICK: Yes.

23 THE COURT: Thank you, Lieutenant Sergeant.
24 Ladies and gentlemen we're going to take our afternoon
25 recess now. It will be twenty minutes, we'll be

1 SALVATORE JOHN BIANCA.

2 a witness produced on call of the State, having first
3 been duly sworn, was examined and testified as follows:

4 THE CLERK: You may be seated. Please keep
5 your voice up for the record. State your name.

6 MR. BIANCA: My name is Salvatore John
7 Bianca.

8 THE CLERK: And your work address?

9 MR. BIANCA: 601 East Fayette Street, that's
10 the Baltimore Police Department.

11 MR. URICK: If I may have the Court's
12 indulgence for just a second.

13 DIRECT EXAMINATION

14 BY MR. URICK:

15 Q Good afternoon, Mr. Bianca.

16 MR. BIANCA:

17 A Good afternoon, sir.

18 Q What do you do for the Baltimore City Police
19 force?

20 A I'm currently a criminalist in the trace
21 analysis unit, that's a portion of the crime lab. It
22 analyzes physical evidence that's been recovered from
23 crime scenes, individuals and objects.

24 Q And how long have you been doing that?

25 A I'm been doing the trace analysis work for

1 calling for you at 3:45. Again, please stay in your
2 jury room until you are called for. Please now return
3 to your jury room.

4 Please leave your note pads on the chair as you
5 will at the end of each day just leave them there.
6 We'll turn them over so no one can see them. Again,
7 remember do not discuss the case with anybody either
8 among yourselves or with anyone else.

9 (The jury was excused from the courtroom.)

10 THE COURT: Counsel, please be in place at
11 3:45. Also please make the seating changes we
12 discussed.

13 THE CLERK: All rise.

14 (Brief recess.)

15 THE COURT: Please be seated. Yes, Mr.
16 Urick.

17 (The jury returned to the courtroom.)

18 MS. GUTIERREZ: Excuse me, Judge, there's a
19 juror missing.

20 THE COURT: Oh, yes. Are we missing? Thank
21 you. Mr. Urick?

22 MR. URICK: With the Court's permission I'll
23 go get the next witness. The State at this time would
24 call Sal Bianca to the stand.

25 THE CLERK: Raise your right hand please.

1 the last eleven years and I've been with the department
2 twenty six years, but the first fifteen years being in
3 the crime lab.

4 Q Now, what is serology?

5 A Serology is the study of biological fluids
6 such as blood or saliva or semen. Also included with
7 that would be hairs and some skin.

8 Q And what if any training have you had in
9 serology?

10 A Okay. I have a degree from the University of
11 Maryland, Baltimore County in biology. Zoology falls
12 within the field of biology. Since then I have study
13 at a graduate school at Towson State University in a
14 Master's program in biology. I worked two years in a
15 hospital in a histology lab which works with tissues
16 and assisted on autopsies during that period. Once I
17 left that I worked in the -- I came to work for the
18 Baltimore Police Department. I received training as a
19 local crime lab technician. Part of their training was
20 the recognition and recovery and preliminary testing of
21 fluids and biological materials that would fall under
22 zoology.

23 In 1980 along with other training I had the
24 opportunity to go to the FBI Academy in Quantico,
25 Virginia and received training in crime scene

1 processing, evidence collection and some analysis. In
2 1988 I was promoted from the trace analysis unit --
3 from the mobile crime lab to the trace analysis unit
4 and that started approximately a year and a half
5 training in serology, that was given at the Baltimore
6 Police Department by my current supervisor.

7 Aside from other instrumental courses that deal
8 with that and working with peers that would be the
9 training that I had that was specific to serology
10 biological fluids and things of that nature.

11 Q What if any experience on the job have you
12 had in serology?

13 A The last eleven years.

14 Q Have you ever been qualified for your
15 expertise in training in serology by any of the courts
16 in Baltimore City?

17 A In this court in Baltimore City. I've also
18 been accepted as an expert in Carroll County, Harford
19 County, Cecil County and I think that's all the
20 counties that I was accepted as an expert in.

21 MR. URICK: At this time I would offer the
22 witness for his expertise and training in the area of
23 serology.

24 MS. GUTIERREZ: We would certainly accept Mr.
25 Bianca as an expert.

1 MR. BIANCA: Yes, I have powder free ones, so it
2 won't mess anything up. Is there a question?

3 BY MR. URICK:

4 Q Have you had a chance to examine them?

5 MR. BIANCA:

6 A I've examined 27, 28 and may I open 26?

7 Q Yes, please.

8 A Before I rip this open I just want to point
9 out there's an SV on here, that's my initials across
10 the seal.

11 Q Why would your initials be across the seal?

12 A When I examine a piece of evidence, property,
13 I mark the item. I also when I'm finished close,

14 staple the container and close it with evidence tape
15 and write my initials on it. So, if somebody else has
16 to examine it they know who the last person was who was
17 in this bag.

18 Q Okay. Have you had a chance to examine the
19 object?

20 A Yes, I have.

21 Q What is that object?

22 A It's a stripped shirt that I analyzed.

23 Q I'm going to show you what's already in
24 evidence as State's Exhibit 13 and ask you to take a
25 moment just to look at these photographs.

1 MR. URICK: Thank you very much.

2 THE COURT: Okay. Ladies and gentlemen, the
3 expert Mr. Bianca has been qualified and as agreed by
4 the Defense to be an expert. The rules of evidence
5 don't usually permit witnesses to give their opinions.
6 One exception is with experts who by knowledge,
7 training, skills and experience have an additional
8 layer of expertise, so we permit them to testify in
9 terms of experience. You treat the experts testimony
10 along with all of the other evidence as you consider it
11 as a jury and you give it such weight that you think
12 it's entitled to.

13 MR. URICK: If I may the Court's indulgence
14 for just a second.

15 THE COURT: Yes.

16 MR. URICK: Mr. Clerk, will you mark this for
17 identification purposes as State's Exhibit Number 26.
18 (State's Exhibit No. 26 was
19 marked for identification.)

20 MR. URICK: If I may approach the witness at
21 this time. I'm going to show the witness what's been
22 marked for identification purposes as State's Exhibit
23 26, 27 and 28.

24 (State's Exhibits No. 27 & 28 was
25 marked for identification.)

1 A Yes.

2 Q Is that the same shirt that's depicted in
3 these photographs?

4 A Yes, it is.

5 MR. URICK: Would offer at this time as
6 State's Exhibit 26, the shirt that was recovered from
7 the victim's car that Young Lee identified.

8 THE COURT: Without objection State's 26 is
9 admitted.

10 (State's Exhibit No. 26, previously
11 marked for identification, was
12 admitted into evidence.)

13 BY MR. URICK:

14 Q Now, State's Exhibit 27, what is that?

15 MR. BIANCA:

16 A Items 27 is a two page report that I wrote
17 and it's dated 8/31/99.

18 Q And that report examines what?

19 A That examines this particular shirt and other
20 items that were submitted to the trace analysis unit
21 for analysis.

22 Q And does that report present the findings of
23 your examination of that shirt and the other items?

24 A Yes, it does and then there is an additional
25 report.

1 MR. URICK: We would offer State's Exhibit
2 27, the report.

3 THE COURT: Without objection State's 27 is
4 admitted.

5 (State's Exhibit No. 27, previously
6 marked for identification, was
7 received into evidence.)

8 BY MR. URICK:

9 Q Based -- if you would read what the -- what
10 your examination showed of that shirt.

11 MR. BIANCA:

12 A Okay. On this particular report it's item 9,
13 stripped shirt and the results of the examination are
14 as follows. The shirt exhibit red stains on the back
15 lower right and went through from the rear to the front
16 of the shirt. These stains were determined to be human
17 blood. A sample of these stains were retained for
18 future possible analysis. The shirt was examined for
19 semen with negative results and two hairs were
20 recovered from the shirt.

21 Q May the witness show the jury the shirt at
22 this time?

23 THE COURT: Yes.

24 MR. URICK: If you would please hold -- move
25 to the front of the jury and hold up the shirt so that

1 front and on the back and I'll turn around and show
2 you. See these little bumps of tan material and
3 there's some on the back, you got to look around. I
4 initially --

5 THE COURT: Did everybody get a chance to see
6 on the jury?

7 MR. BIANCA: Initially we looked at these and
8 they gave every appearance of being possibly human
9 nasal mucus and I wrote that in my notes and at the
10 time I was concerned about the time. And determining
11 if it was necessary to look at we could go back to it.
12 Here it is on the back in the center, tan material.
13 And as time was going by the color of the blood has
14 changed. Blood starts out it's red and as time goes by
15 as it dries it becomes brown or a browner and if you
16 leave it long enough it turns black. The stains on
17 here are faded. When I looked at them they were more
18 red.

19 THE COURT: Can he return to the witness
20 stand now, Counsel?

21 BY MR. URICK:

22 Q Before you put that away. Where does mucus
23 come when they come from?

24 MR. BIANCA:

25 A The nose.

1 everybody can see it and point out the areas that you
2 examined.

3 MR. BIANCA: First off, you saw me fumbling
4 with the shirt and what I was looking for was my
5 initials, a little tag on the bottom. On every piece
6 of evidence or item that I examine I mark the item if
7 possible myself with my initials in case it becomes
8 separated from the bag. Now, --

9 THE COURT: If you could show it to them in
10 sections taking the alternates first.

11 MR. BIANCA: Sure. This is the front of the
12 shirt.

13 THE COURT: And if you would stop it where it
14 points rather than racing it along the edge.

15 MR. BIANCA: Sure.

16 THE COURT: So they can focus on it.

17 MR. BIANCA: I want to show you the back and
18 that's the area that are outlined with red dots. See
19 those? That's the area where human blood was found.

20 BY MR. URICK:

21 Q Now, besides what blood what if anything else
22 can you see on that shirt?

23 MR. BIANCA:

24 A Okay. There are a few other stains with
25 what's -- what's interesting is in the lower right

1 Q Now, after you examined that for blood what
2 of anything did you do with the shirt?

3 A I took a sample of the blood, in fact of all
4 the blood stains and froze those, so at a later time we
5 could do -- have them sent out for DNA analysis.

6 Q How did it come to have holes in it?

7 A I put those holes in it. I cut out portions
8 of the stains and froze those, so they would be
9 available to us at a later time.

10 Q And did you in fact request a DNA analysis?

11 A I did request it at the request of a homicide
12 detective.

13 Q And can you identify State's Exhibit 28?

14 A This is the chain of custody form that I
15 personally filled out that would accompany the samples
16 I took from the shirt along with standard samples of
17 the victim's blood and the suspect's blood. And this
18 would go to the Maryland State Police crime lab for
19 them to have and establish a chain of custody coming
20 from me to them and then returning back to our lab.

21 Q Who's samples of blood were asked to be
22 compared to the stain on the shirt?

23 A Okay. Adnan Syed and Jay Wilds.

24 Q How about the victim's?

25 A Also the victim, Hae Min Lee.

1 MR. URICK: Would offer as State's Exhibit
2 28, the DNA request form.

3 THE COURT: Without objection State's 28 is
4 admitted.

5 (State's Exhibit No. 28, previously
6 marked for identification, was
7 received into evidence.)

8 MR. URICK: If I didn't move them and I would
9 move in at this time State's 26 and 27.

10 THE COURT: Twenty six and 27 are in.

11 MR. URICK: Thank you. May 26 and 27 be
12 published to the jury at this time?

13 THE COURT: Yes, they may.

14 MR. URICK: If I may have the --

15 MR. BIANCA: Do you want this back in the
16 bag?

17 MR. URICK: You can return that to the bag if
18 you would and hand it to the Court at this time. At
19 this time pursuant to stipulation we'd offer as State's
20 Exhibit 4, two fibers that were found at the time of
21 this disinterment of the victim, one near the head, the
22 other underneath the body and then as State's Exhibit
23 Five, Daniel Van Gelder's trace analysis report on
24 those fibers.

25 THE COURT: Very good.

1 it.

2 THE COURT: As you can see, ladies and
3 gentlemen these agreements mean that we don't actually
4 have to call the witnesses in, so that means we save
5 some of your time that way by just having these
6 agreements. And of course I'm sure that you as well as
7 I appreciate when the attorneys are able to make these
8 agreements among themselves because it does help the
9 trial move a little faster.

10 MR. BIANCA: Okay.

11 BY MR. URICK:

12 Q Have you had a chance to examine the report?

13 MR. BIANCA:

14 A Yes, I did.

15 Q Very briefly, can you explain what Mr. Van
16 Gelder was doing?

17 A Mr. Van Gelder was comparing some fibers that
18 had been recovered from the victim's clothing and from
19 the body bag and the grave site where the victim was
20 found. His conclusions are as such. A thorough search
21 of the jacket and boots reveal no fibers comparable to
22 the victim's skirt fibers. The red fibers found on the
23 victim's body and the tufted red fibers found on the
24 victim's blouse have not been associated each other
25 with the multi colored T shirt or the weight lifting

1 MR. URICK: Mr. Clerk, if you could mark
2 these as evidence 5, 4 and 5 at this time.

3 THE COURT: Exhibits 4 and 5 are admitted.

4 (State's Exhibits No. 4 & 5
5 are received into evidence.)

6 THE COURT: Ladies and gentlemen, during the
7 course of the trial you will hear the word stipulation.
8 That just means that the parties have agreed about
9 certain things. One of the things they've agreed about
10 is that two fibers, State's Exhibit 4 are admissible as
11 evidence and they have also agreed about a report,
12 State's Exhibit Number 5 and that comes into evidence
13 as well.

14 BY MR. URICK:

15 Q Mr. Bianca, who's Daniel Van Gelder?

16 MR. BIANCA:

17 A Daniel Van Gelder is a co-worker of mine.
18 He's a criminalist too, with the Baltimore Police
19 Department. He's been there approximately 28 years.

20 MR. URICK: At this time I'd ask for State's
21 Exhibit 5 to be published by having the witness read
22 Mr. Van Gelder's conclusions of his analysis.

23 THE COURT: The witness may publish it.

24 MR. URICK: If you could take a few seconds
25 to look at the exhibit and familiarize yourself with

1 glove.

2 BY MR. URICK: Thank you. If I may return
3 the exhibit to the Clerk at this time. If I may have
4 the Court's indulgence for just a second. Witness with
5 the Defense.

6 THE COURT: Cross.

7 MS. GUTIERREZ: Thank you, Your Honor.

8 CROSS EXAMINATION

9 BY MS. GUTIERREZ:

10 Q Mr. Bianca, you are as a trained
11 criminologist and serologist able to determine if the
12 substance is submitted to you is in fact semen, are you
13 not?

14 MR. BIANCA:

15 A That is correct.

16 Q And there was no substance that you either
17 discovered or was submitted directly to you that you
18 checked for the presence of semen?

19 A I checked it and there was no semen.

20 Q There was no semen on anything that was
21 submitted to you?

22 A There was no semen found. That is correct.

23 Q In regard to this case?

24 A That is correct.

25 Q Okay. And you also you told us one of the

1 things that serology does is that it can determine
2 other biological elements such as the presence of skin
3 or -- what is it called? Ephemelial cells.

4 A Ephemelial cells.

5 Q And again you did not determine the existence
6 of any skin or ephemelial cells related to anybody in
7 regard to anything that you examined?

8 A In reference to the report item 11.

9 Q Yes.

10 A That had ephemelial cells on the --

11 Q Okay. What was item 11?

12 A Item 11 was a liquor bottle.

13 Q Okay. And that liquor bottle to your

14 knowledge it was just submitted to you as recovered
15 from the scene where the body of this victim was
16 discovered, is that correct?

17 A Okay. It was recovered from the crime scene
18 and at the time had been finger printed and I examined
19 the lid and the cap in the case that it may or may not
20 be relevant and I looked at the top, swabbed it and
21 found ephemelial cells. I retained those, reported
22 that in the report and gave that information to
23 detectives for them to do with as their investigation
24 would lead them.

25 Q And nothing else was ever submitted to you to

1 introduced into evidence that is dated on August 31st
2 of this year, is it not?

3 A That is correct.

4 Q Okay. And when you got that request --
5 that's the date of your report, correct?

6 A No, the date of my report was August 31st,
7 correct.

8 Q 1999.

9 A 1999.

10 Q And, sir does that indicate the date that the
11 evidence was forwarded to you?

12 A No, that is the date --

13 Q That's just the date of your report.

14 A Report.

15 Q So, that means you would have concluded your
16 analysis, correct?

17 A That's correct.

18 Q Does it take you months to conclude your
19 analysis once physical evidence is directed your way?

20 A Sometimes.

21 Q Can you tell us when you received a request
22 attached to some or to one or more pieces of evidence
23 for you to analyze --

24 A Sure.

25 Q As a criminalist?

1 compare the cells that you recovered or notated on that
2 liquor body was it?

3 A No, because that would be a request from --
4 and let me just explain this if I may? Requests come
5 to our lab from the detectives, from the prosecutors
6 and defense attorneys interested investigators in the
7 case and it's not up to me to make the decision, that
8 the investigator's decision.

9 Q You decide what to do because it's submitted
10 to you on a form, is it not?

11 A I receive information on a form requesting a
12 particular type of analysis.

13 Q And that form is a Baltimore City Police
14 Department form, is it not?

15 A Yes, it is.

16 Q And that form is attached to some piece of
17 physical evidence, is it not?

18 A No, it can be sent to me in the mail.

19 Q Okay. But it usually relates to a piece of
20 physical evidence, does it not?

21 A That is true.

22 Q Because that's what you do, is that correct?

23 A That's correct.

24 Q As a result of any of your analysis and the
25 analysis that you refer to in the report that has been

1 A I can tell you today that the evidence came
2 in when I first looked at it.

3 Q Okay. Could you tell us that date, sir?

4 A Sure. I'm just going to look at my notes if
5 that's okay. March 10th was the first day of 1999, the
6 first --

7 Q When that evidence was submitted to you?

8 A That I had it in my possession.

9 Q Okay. And was there anything about the
10 analysis that you conducted on the shirt that you've
11 identified and shown the jury to determine the presence
12 of human blood that took from March 10th to August
13 31st?

14 A No, that was done that particular day.

15 Q It was just done on the 31st?

16 A No, it was done March 10th.

17 Q Okay. And is there anything about your
18 analysis that took until the 31st of August to write
19 the report? Was there any other information you were
20 waiting on to determine that the substance on the shirt
21 that you suspected to be blood was in fact human blood?

22 A Yeah, I knew it was human blood at that
23 particular time back in March.

24 Q Now, at that particular time you're referring
25 to March of 1999?

1 A That's correct.
 2 Q Is there anything that took time for your to
 3 conclude your analysis from March the 10th '99 to
 4 August 31st?
 5 A Correct.
 6 Q No, sir, it's just a simple question. Is
 7 there anything --
 8 MR. URICK: Objection.
 9 BY MS. GUTIERREZ:
 10 Q Is there anything about your analysis that
 11 specifically took the time between March the 10th, 1999
 12 and August 31st, was there anything? That requires a
 13 yes or no answer?
 14 MR. BIANCA:
 15 A No.
 16 Q Okay.
 17 A But there is no, yes or no answer to that
 18 question.
 19 MS. GUTIERREZ: Well, no, sir. My question
 20 only requires --
 21 MR. URICK: Objection.
 22 THE COURT: Sustained. No dialogue between
 23 the witness and the lawyer. Please replace -- rephrase
 24 the question.
 25 BY MS. GUTIERREZ:

1 Q Mr. Bianca, there was nothing in your
 2 analysis that required the time period from March 10th
 3 to August 31st was there?
 4 MR. BIANCA:
 5 A For that particular item.
 6 Q To determine whether or not the substance
 7 that you suspected was human blood was in fact human
 8 blood. There was nothing in that part of the analysis
 9 in regard to that shirt which you just stood up and
 10 showed the jury that took the time from March 10th to
 11 August 31st was there?
 12 A That is correct.
 13 Q Okay. Now, Mr. Bianca, you also referred to
 14 and identified what has been marked as State's Exhibit
 15 28, the request for DNA analysis form, sir.
 16 A Okay. Could I see the form please?
 17 THE COURT: State's 28 to the witness please.
 18 Does the jury still have State's 28?
 19 JUROR: Yes.
 20 THE COURT: Would someone hand it back to the
 21 witness please. Also if you will hold onto the
 22 exhibits or pass them back to the witness or the
 23 lawyers when they're near so we don't loose them on the
 24 floor. Anything else back there? Okay.
 25 BY MS. GUTIERREZ:

1 Q Mr. Bianca, I'm going to show you what's
 2 already been admitted as State's Exhibit 28. That is
 3 the form request for the laboratory examination and the
 4 chain of custody log, is it not?
 5 MR. BIANCA:
 6 A That is correct.
 7 Q Okay. And on the chain of custody log at the
 8 bottom of the page your name is listed.
 9 A That is correct.
 10 Q And your name is listed and dated as 9/24/99
 11 at 4:00 p.m., is it not?
 12 A That is correct.
 13 Q And that's the last time that you would have
 14 handled the blood sample that you've described to us
 15 that you cut from the shirt and froze?
 16 A I didn't handle it then, I had it in a
 17 package and this is the date and time that I turned
 18 that package over to the Maryland State Police for
 19 analysis.
 20 Q On this form, Mr. Bianca, there is a part of
 21 a form, a block that says examination requested by, is
 22 there not?
 23 A That is correct.
 24 Q And this examination that is of DNA. RFTIP is
 25 requested by yourself, is it not?

1 A That is -- that is correct.
 2 Q Your name is in that blank, is it not?
 3 A That is correct.
 4 Q And that requested was to take the frozen
 5 blood sample that you've described to us and submit it
 6 to a lab that was capable of comparing those frozen
 7 blood samples with other evidence?
 8 A That sample with standard samples of the
 9 victim and suspects.
 10 Q Okay. And you said suspects with an S, did
 11 you not?
 12 A Yes.
 13 Q And that indicates more than one suspect,
 14 does it not?
 15 A No, that means there's a victim sample and
 16 there's people to be tested against.
 17 Q Okay. But you chose the word suspect when I
 18 asked you that question, did you not?
 19 A Yes and that's a force of habit.
 20 Q And you used it -- you used it in the plural,
 21 did you not?
 22 A There's two names on there besides the
 23 victim.
 24 Q Okay. And those two names are Adnan Syed,
 25 correct?

1 A That is correct.
 2 Q And Jay Wilds, is that correct?
 3 A That is correct.
 4 Q And the form indicated what was submitted
 5 were blood samples from both Adnan Syed and Jay Wilds,
 6 is that correct?
 7 A That is correct.
 8 Q Together with a blood sample from the victim
 9 Hae Lee?
 10 A Correct.
 11 Q And those submitted together with the blood
 12 sample from the shirt that you had excised and then
 13 frozen from the shirt, is that correct?
 14 A That is correct.
 15 Q And that was submitted to a lab who could
 16 compare those blood samples with the frozen sample that
 17 you made to determine who's if anyone's blood that was,
 18 is that correct?
 19 A That is correct.
 20 Q Okay. And you were correct it's the proper
 21 procedure for you having identified that the substance
 22 that you froze was human blood would be to pass it on
 23 to someone else to determine if further identification
 24 of that blood could be made, is it not? It's proper
 25 procedure for you to do that, is it not?

1 A That is once it's been requested of me to do
 2 so.
 3 Q Okay. And that form, sir is there a date on
 4 the request itself?
 5 A Heres the date I took the sample there.
 6 Q And that date is?
 7 A 9/24/99.
 8 Q Just a couple of months ago?
 9 A That is correct.
 10 Q On the shirt you indicated when you were
 11 showing it that there are -- there appears on the shirt
 12 red dots, do you recall that?
 13 A That is correct.
 14 Q Okay. Those red dots are marks on the shirt
 15 that you made, is that correct?
 16 A That is correct.
 17 Q They were not there on the shirt when it was
 18 submitted to you?
 19 A That's correct.
 20 Q You made them to be able to identify from
 21 where you were extracting or noticing what appeared to
 22 you to be blood before you tested to confirm that in
 23 fact, it was human blood?
 24 A Correct.
 25 Q Is that correct? Okay.

1 A The red stains that you see red that are
 2 circled are the blood stains and some of the red marks
 3 on there are not blood stains. In fact, they're more
 4 like perspiration, body fluid stains.
 5 Q There are often time stains that appear to be
 6 human blood, but are not?
 7 A No.
 8 MR. URICK: Objection.
 9 THE COURT: Sustained. If you'll let the
 10 witness answer the question before posing another
 11 question.
 12 MS. GUTIERREZ: Well, I imposed --
 13 THE COURT: It will make the transcript a lot
 14 clearer that way. Thank you.
 15 MS. GUTIERREZ: Thank you, Your Honor. For
 16 the record he was not answering the question that I
 17 posed.
 18 THE COURT: He was trying to answer the
 19 question, Ms. Gutierrez. We'll have no debate between
 20 you and me about those objections.
 21 MS. GUTIERREZ: Yes, Your Honor.
 22 THE COURT: We'll just move on in hopes of
 23 getting this case tried this year, is that correct?
 24 MS. GUTIERREZ: Yes, Your Honor.
 25 THE COURT: Thank you, Ms. Gutierrez.

1 BY MS. GUTIERREZ:
 2 Q Mr. Bianca, what question are you answering?
 3 MR. BIANCA:
 4 A I am answering the question about the red
 5 dots and they're made by a magic marker that I make.
 6 Now, there are red dots on there for a reason and the
 7 red dots are so that I can see them in normal light.
 8 One of the tests that I did on this shirt was to see if
 9 there was semen, I explained that earlier. And the way
 10 we test for that, the first test we do is to use a
 11 laser in a darkened room. Body fluids, some of our
 12 juices and fluids come out, urine is one of them that
 13 will glow, but semen glows very strongly and intensely.
 14 Unfortunately, because of the decomposition of the
 15 body and wearing of the -- excuse me, because of the
 16 fluids from perspiration and other things we test the
 17 samples in a darkened room with a laser and anything
 18 that glows you see those little circles, you see those
 19 dots in red. Then we come out -- I come out into the
 20 normal light and look at these areas and test those
 21 areas because you can't see the glowing in normal
 22 light.
 23 So, that's why you see red stains that are
 24 obviously blood and some of the red marks around those
 25 and then you see other areas that appear to be nothing

1 circled in red dots. They are areas that glowed under
2 the laser light and when I tested them it turned out to
3 be nothing.

4 Q It turned out not to be blood and not to be
5 semen?

6 A Not to be semen and not to be --

7 Q And not to be anything else that you reported
8 on that report, is that correct?

9 A That is correct.

10 Q But those reds dots were not there when the
11 shirt was submitted to you?

12 A No, I placed them on there.

13 Q And, sir, other than whatever analysis you
14 conducted and reported in your report dated 8/31/99,
15 you've done nothing else with that evidence have you?
16 Other then send it forward for the DNA analysis?

17 A The shirt in particular, yes.

18 Q Okay. Thank you. Nothing further.

19 THE COURT: Redirect?

20 MR. URICK: Yes, thank you, Your Honor.

21 REDIRECT EXAMINATION

22 BY MR. URICK:

23 Q Did you ever get the results of that analysis
24 back?

25 MR. BIANCA:

1 A Yes, I did.

2 Q And what were they?

3 A The blood, the human blood matched --

4 MS. GUTIERREZ: Objection.

5 THE COURT: Basis?

6 MS. GUTIERREZ: That's not the person that
7 did the results. The results are not in evidence, they
8 can not be admitted through this witness.

9 THE COURT: Are the results in evidence? I
10 thought the report was in.

11 MS. GUTIERREZ: Not the DNA report.

12 MR. URICK: No, just the request.

13 MS. GUTIERREZ: Only the request.

14 THE COURT: Then sustained.

15 MR. URICK: I'm showing the Defense an item I
16 wish to approach the witness with.

17 THE COURT: Okay.

18 MS. GUTIERREZ: I would object and ask to
19 approach the bench.

20 THE COURT: Okay.

21 (Counsel approached the bench and following
22 ensued:)

23 THE COURT: What is it?

24 MS. GUTIERREZ: Judge --

25 THE COURT: No, no what is this?

1 MR. URICK: It is rec sheet by a mobile unit
2 technician.

3 THE COURT: Um-hum. And what are you trying
4 to elicit it for?

5 MR. URICK: A business record made by the
6 police department in the ordinary course of business
7 where the information on it was entered by a person who
8 has information roughly at the time that the
9 information is entered on it.

10 THE COURT: What is it that you're trying to
11 get it in for?

12 MR. URICK: On the second page, second page.

13 THE COURT: The page I had?

14 MR. URICK: Yeah. Lets see. Shirt with
15 suspected blood.

16 THE COURT: Okay.

17 MS. GUTIERREZ: Well, Judge this is rebuttal
18 and has not been admitted as a business record, it
19 can't be established as a business record through this
20 witness. There's nothing that challenges anything that
21 was brought out on cross regarding the shirt. The only
22 thing that was asked about the shirt was connected to
23 the red dots that certainly don't appear on that and
24 that's written by a person who can only characterize as
25 suspected blood. It's beyond the scope and it would be

1 improper to introduce or attempt to even ask this
2 witness to look at it.

3 THE COURT: What does it add?

4 MR. URICK: It adds that the Defense has been
5 on notice since February 28th.

6 THE COURT: No, no what does it add? I mean
7 don't you have that blood stains were recovered from
8 the shirt and you have the shirt in place in the truck
9 with the photo? Is there something extra that comes in
10 from this exhibit?

11 MR. URICK: I believe so.

12 THE COURT: What is it?

13 MR. URICK: The date that the Defense has
14 been on notice and they've done absolutely nothing to
15 request any analysis of this blood stain.

16 THE COURT: They offered?

17 MR. URICK: No, but they have a burden?

18 THE COURT: Sustained.

19 MR. URICK: Ms. Murphy would like to raise a
20 point.

21 MS. MURPHY: Judge, I'm going to object to
22 Defense Counsel calling my co-Counsel an ass hole at
23 the trial table that she did just a moment ago.

24 THE COURT: Okay. I did not hear that. I

25 know Ms. Gutierrez. Although a pitbull on the pet leg

1 of justice is, at least in my experience has been a
2 courteous person. I'll assume for the moment that you
3 misheard her and I will assume that all Counsel will
4 conduct themselves with decor and properly in trial
5 because that would be just a horrible crisis to pay for
6 all of you if you don't. So, shall we do this and try
7 to stay on schedule.

8 (Counsel returned to the trial tables and
9 the following ensued:)

10 THE COURT: Objection was sustained.

11 BY MR. URICK:

12 Q Mr. Bianca, are Defense attorneys free to
13 make request of you to analyze items?

14 MS. GUTIERREZ: Objection.

15 THE COURT: Overruled.

16 MR. BIANCA:

17 A Yes. In fact, we received -- I've received
18 some personally.

19 BY MR. URICK:

20 Q As of today, December 10th, 1999 has any
21 request come from the Defense to analyze any of these
22 items?

23 MS. GUTIERREZ: Objection.

24 THE COURT: Overruled.

25 MR. BIANCA: No.

1 MR. URICK: We've gotten through five
2 witnesses, we're rolling very quickly. We haven't the
3 witness, but I'm not certain how long it will take.

4 THE COURT: Lets get this out of the witness
5 shall we?

6 (Counsel returned to the trial tables and
7 the following ensued:)

8 MR. URICK: If I may have the Court's
9 indulgence for just a second.

10 THE COURT: Yes.

11 MR. URICK: If I may continue to have the
12 Court's indulgence for just a second.

13 THE COURT: Yes, sir. State call it's next
14 witness please.

15 MR. URICK: Thank you, Your Honor. At this
16 time the State would call Romano Thomas to the stand.

17 THE CLERK: Please stand and raise your right
18 hand.

19 ROMANO THOMAS.

20 a witness produced on call of the State, having first
21 been duly sworn, was examined and testified as follows:

22 THE CLERK: You may be seated. Please speak
23 into the microphone, keep your voice up. For the
24 record state your name and your assignment.

25 MR. THOMAS: My name is Romano Thomas, I'm

1 MR. URICK: No further questions.

2 THE COURT: Cross.

3 RE-CROSS EXAMINATION

4 BY MS. GUTIERREZ:

5 Q Do defense attorneys have any obligations to
6 make any request to analyze any piece of evidence
7 against their clients, Mr. Bianca?

8 MR. URICK: Objection.

9 THE COURT: Overruled.

10 MR. BIANCA: I'm not a lawyer.

11 MS. GUTIERREZ: Thank you.

12 THE COURT: Good day, sir. Thank you very
13 much.

14 MR. BIANCA: Your welcome.

15 MR. URICK: May Counsel approach, Your Honor?

16 THE COURT: Yes.

17 (Counsel approached the bench and following
18 ensued:)

19 THE COURT: Marianne, can you get those bar
20 stools here so Counsel can get --

21 MS. GUTIERREZ: With wheels, with wheels.

22 MR. URICK: Your Honor, may the witness be
23 excused?

24 THE COURT: Yes, good day, sir. Okay. Here
25 we are again.

1 assistant supervisor with the mobile crime lab unit,
2 Baltimore Police Department.

3 DIRECT EXAMINATION

4 BY MR. URICK:

5 Q Good afternoon, Mr. Thomas.

6 MR. THOMAS:

7 A Good afternoon.

8 Q What is the mobile unit for the crime lab?

9 A The mobile unit is a specialized unit that
10 responds to crime scenes to photograph, document,
11 package and recover evidence.

12 Q And how long have you been employed by the
13 Baltimore City Police Department?

14 A Six years.

15 Q And what have your duties been during that
16 time?

17 A During that time, the first three years I was
18 assigned to the mobile unit classified as a crime lab
19 technician I in which I responded to various crime
20 scenes, crimes against persons and also property crimes
21 as well including burglaries. The past three years
22 I've been employed with the police department in the
23 mobile unit as an assistant supervisor.

24 Q And drawing your attention now to February
25 the 9th of 1999. Did you have occasion to respond to

1 the 4400 block of Franklin Town Road which is in
2 Lincoln Park in the city of Baltimore, State of
3 Maryland?

4 A Yes, sir I did.

5 Q What duties were you performing on that date?

6 A On that date I was performing supervisory
7 duties during that time.

8 Q And upon your arrival what did you observe?

9 A Upon my arrival there were several detectives
10 who were already present at the scene scouring the
11 crime scene for evidence. Upon my arrival they
12 directed me to what we believed to have been at that
13 time a human body that was buried.

14 Q If I may approach the witness at this time,
15 I'm going to ask him to examine what have been marked
16 for identification purposes as State's Exhibits 9 and
17 10 and 11.

18 (State's Exhibits No. 9, 10 &
19 11 was marked for
20 identification.)

21 THE COURT: Yes you may.

22 BY MR. URICK:

23 Q You want to take a few moments and examine
24 those items.

25 MR. THOMAS:

1 THE COURT: Yes it may.

2 MR. URICK:

3 Q If you would please would you hand that
4 exhibit to the woman to your right there so she can
5 pass it around. Please look now at State's Exhibit 10.
6 Can you identify those photographs?

7 MR. THOMAS:

8 A Yes, sir I can.

9 Q What do those represent?

10 A These photographs represent closer -- closer
11 photographs of the area where we believed the body was
12 found.

13 Q Do they fairly and accurately depict the
14 scene as you found it that day?

15 A Yes, sir they do.

16 MR. URICK: Would offer State's Exhibit 10,
17 the exhibit of photographs.

18 THE COURT: Without objection State's 10 is
19 admitted.

20 (State's Exhibit No. 10, previously
21 marked for identification, is
22 received into evidence.)

23 MR. URICK: I would ask that it be published
24 to the jury at this time.

25 THE COURT: It may be published.

1 A Okay.

2 Q Have you had a chance to examine the
3 exhibits?

4 A Yes, sir I have.

5 Q If you would please first find the one that's
6 marked as State's Exhibit 9.

7 A Okay.

8 Q Can you identify that exhibit?

9 A Yes, sir. These appear to be overall
10 photographs of the area, 4400 block of Franklin Town
11 Road.

12 Q And do those fairly and accurately depiction
13 the -- depict the scene as you saw it that morning?

14 A Yes, sir.

15 Q Or that afternoon rather.

16 A Yes, sir they do.

17 MR. URICK: We would offer State's Exhibit 9,
18 the photographs.

19 THE COURT: Without objection State's 9 is
20 admitted.

21 (State's Exhibit No. 9, previously
22 marked for identification, was
23 received into evidence.)

24 MR. URICK: May that exhibit be published to
25 the jury at this time?

1 BY MR. URICK:

2 Q And can you identify what's in State's
3 Exhibit 11?

4 MR. THOMAS:

5 A Yes, sir. These are close up photography
6 shots of the victim as we were unearthing her.

7 Q And do they fairly and accurately depict the
8 disinterment of the body on that date in question?

9 A Yes, sir they do.

10 MR. URICK: Would offer State's Exhibit 11 at
11 this time, the photographs.

12 THE COURT: Without objection State's Exhibit
13 Number 11 is admitted.

14 (State's Exhibit No. 11, previously
15 marked for identification, was
16 received into evidence.)

17 MR. URICK: Now --

18 THE COURT: And it may be published.

19 MR. URICK: Mr. Mack, do you have the other
20 photographs at this time? The ones of the car. No,
21 the ones of the items in the car. There should be
22 another one too.

23 THE COURT: Fourteen and 15.

24 BY MR. URICK:

25 Q Mr. Thomas, these are already in evidence,

1 but I'm going to ask you to take a look at them anyway.
 2 MR. THOMAS:
 3 A Okay. Okay.
 4 Q Do you recognize those?
 5 A Yes, sir I do.
 6 Q Drawing your attention to February -- on or
 7 about February 28th of 1999, did you have occasion to
 8 respond to headquarters at which time the vehicle was
 9 being processed?
 10 A Yes, sir.
 11 Q What was your duties on that date?
 12 A My duties on that date was supervisory.
 13 Q On both dates in question was all evidence
 14 that was seized, seized in your presence?
 15 A Yes, sir it was.
 16 Q And was it packaged in your presence?
 17 A Yes, sir.
 18 Q Now, what is an offense report number?
 19 A I'm sorry. What was that again?
 20 Q What is an offense report number?
 21 A An offense report number is a central
 22 complain number that's used with the Baltimore City
 23 Police Department.
 24 Q And was this incident involving the body in
 25 Lincoln Park given an offense report number or a

1 BY MR. URICK:
 2 Q Have you had a chance to examine that?
 3 MR. THOMAS:
 4 A Yes, sir.
 5 Q And can you identify that object or objects?
 6 A This appears to be a map that was recovered
 7 from the vehicle on the 28th of February of '99, same
 8 case.
 9 Q If you look at the photographs, do you see an
 10 object in the photographs?
 11 A Yes, sir I do.
 12 Q And you actually have two objects, don't you?
 13 A Yes, sir that would be correct.
 14 Q And what is the item on top?
 15 A The item on top is one particularly case that
 16 was torn out of the map in question.
 17 Q And do you see the map book on these
 18 pictures?
 19 A Yes, sir I do.
 20 Q Where was the map book?
 21 A The map book itself was located in the rear
 22 seat of the vehicle.
 23 Q And do you see the page that was torn out?
 24 A Yes, sir.
 25 Q And where was that?

1 central complaint number?
 2 A Yes. Yes, sir. One was generated at the
 3 time of the original crime scene.
 4 Q And what was that number?
 5 A That number would be 998B, boy, 05801.
 6 Q And all further reports and evidence is
 7 referenced back to that number, is that correct?
 8 A Yes, sir that is correct.
 9 Q Now, what is the evidence control unit?
 10 A The evidence control unit is a section that's
 11 within the basement of the headquarters building. That
 12 is where all evidence that is seized not only
 13 throughout the crime lab, but police officers
 14 throughout the city submit all evidence.
 15 Q And what is a property control number?
 16 A A property control number is a number that's
 17 issued by the evidence control unit to identify
 18 property that's recovered from different individuals.
 19 Q Now, if I may approach the witness at this
 20 time? I'd ask you to examine that object and see if
 21 you can identify it.
 22 THE COURT: Is there an evidence number?
 23 MR. URICK: There's no number attached to it
 24 yet, I --
 25 MR. THOMAS: Okay. Okay.

1 A Again it was also located in the rear of the
 2 vehicle.
 3 Q At this time I'd ask is there -- if I may
 4 just for the jury's information. How is paper
 5 processed when it's seized?
 6 A Generally, when paper is seized by one of our
 7 units it's sent to our latent crime unit in which it is
 8 processed in a different manner other than the normal
 9 fingerprint powder which is a bi-chromatic powder.
 10 Q And has that paperwork been processed?
 11 A As far as I can tell, yes.
 12 Q Now, is there any reason it shouldn't be
 13 touched at this point or anything?
 14 A No, not at any time.
 15 Q I'd ask --
 16 THE COURT: Is the book 17 and the map itself
 17 16?
 18 MR. URICK: Yes, with the Court's permission
 19 at this time I will affix the labels to that affect.
 20 THE COURT: Okay.
 21 MR. URICK: For identification purposes the
 22 single page.
 23 THE COURT: Okay.
 24 MR. URICK: And the map book proper I'm
 25 affixing for identification purposes State's Exhibit

1 17.

2 (State's Exhibit No. 17 was
3 marked for identification.)

4 BY MR. URICK:

5 Q Was that item assigned a property control
6 number when it was submitted to the evidence control
7 unit?

8 MR. THOMAS:

9 A Yes, sir it was.

10 Q And how is the paperwork filled out on that?

11 A There's generally -- the general paperwork

12 that's filled out is a form known as a 56 form.

13 Basically that form is a property form which is filled
14 out. It includes the investigating officer's name, the
15 person who was recovering the evidence name as well as
16 what the items that are contained within the recovery.

17 Q And was that paperwork filled out on those --
18 that item?

19 A Yes, sir it was.

20 Q Was it filled out in your presence?

21 A Yes, sir it was.

22 Q Okay. And who's handwriting is on the form?

23 A It should be Franklin Sanders, technician
24 Sanders.

25 Q Now, what's the tape on the side for?

1 MR. THOMAS: That would be the area on
2 Lincoln Park. Would you like for me to present --

3 MR. URICK: I don't know if the Court would
4 want him to physically show it. It is a little bit
5 dusty and gritty.

6 THE COURT: Why don't you let him get off the
7 stand and then show it to the various sections of the
8 jury.

9 MR. URICK: Showing the side outward that had
10 that Lincoln Park on it. Start over there with the
11 lady on the far right. Thank you.

12 THE COURT: Does anyone on the jury have any
13 of our evidence by the way? Do we have everything
14 back? Thank you.

15 MR. URICK: At this time I would ask to
16 return those items to the Clerk and submit them as
17 evidence. You mine as well leave those on for a while.

18 MR. THOMAS: Too late, I took them off.

19 BY MR. URICK: Do you have a sticker?

20 Q I'd ask you to -- does that package reference
21 the offense report number in this case?

22 MR. THOMAS:

23 A Yes, sir it does.

24 Q And does it have a property control number to
25 items of evidence that are seized in this case?

1 A The tape on the bag is evidence tape that's
2 used to seal all evidence that's submitted to evidence
3 control section for purpose of -- for purposes of chain
4 of custody.

5 Q And was that bag sealed in your presence on
6 the day the item was seized?

7 A Yes, sir it was.

8 Q And is it substantially the same form as it
9 was on the day it was seized?

10 A Yes, sir.

11 MR. URICK: Would offer as State's 16 and 17,
12 the map book and the map page.

13 THE COURT: Without objection State's 16 and
14 17 are admitted.

15 (State's Exhibits No. 16 & 17,
16 previously marked for
17 identification, are received into
18 evidence.)

19 BY MR. URICK: If I may approach the witness
20 at this time, Your Honor I would like to direct his
21 attention to one spot on the map.

22 Q Officer Thomas, was it that I just pointed
23 to?

24 THE COURT: On State 16?

25 MR. URICK: Yes.

1 A Yes, sir it does.

2 Q And was that bag packaged in your presence?

3 A Yes, sir it was.

4 Q I'd ask you to open it at this time and
5 examine the contents.

6 A Okay.

7 Q Have you had a chance to examine those items?

8 A Yes, sir I have.

9 Q Can you identify those items?

10 A Yes, sir I can.

11 Q What are they?

12 A These are items that were also recovered from
13 the vehicle in reference to this case.

14 Q All right. I show you know what's already in
15 evidence as State's Exhibit 15 which is items in the
16 trunk of the vehicle. Do you see the items in there?

17 A Yes, sir.

18 Q At this time I would mark as State's Exhibit
19 19.

20 (State's Exhibit No. 19 was
21 marked for identification.)

22 Q A note that's labeled "Don".

23 A I lost a little piece.

24 Q And I'm marking for identification 20A and
25 20B. 20A being an envelope addressed to the Lee family

1 and 20 B being a note that's inside the item I
2 previously just listed it as a single Exhibit 20
3 because there are two paper objects there. At this
4 time we're marking them as A and B.

5 (State's Exhibits No. 20A & 20B are
6 marked for identification.)

7 Q If you would put the other items back in the
8 bag at this time. Now, the three items that I pulled
9 up, are those in substantially the same shape as they
10 were on the date that you received them?

11 A Yes, sir.

12 Q And did they seized the package in your
13 presence?

14 A Yes, sir they were.

15 MR. URICK: I would offer State's Exhibit 19
16 and 20A and B at this time.

17 THE COURT: Without objection State's 19 and
18 20A and 20B are admitted.

19 (State's Exhibit No. 19, 20A &
20 20B, previously marked for
21 identification, are received into
22 evidence.)

23 MR. URICK: I would ask that State's Exhibit
24 19 be published to the jury at this time by the witness
25 reading it.

1 A This package contains papers that were
2 recovered from the glove box of the vehicle.

3 Q I'd ask you to open the package at this time
4 and examine the contents. Specifically, I'd like to
5 see if there's a Nationwide Insurance card among the
6 papers.

7 A Okay. Yes, sir it is.

8 Q At this I'd mark it for identification as
9 State's Exhibit 22. Pardon me 24, the Nationwide
10 Insurance ID from the glove box.

11 (State's Exhibit No. 24 marked
12 for identification.)

13 Q Can I see that please?

14 A Yes.

15 Q Is that 24?

16 THE COURT: Yes.

17 MR. URICK:

18 Q This exhibit which has been marked for
19 identification purposes as State's Exhibit 24 and
20 substantially the same shape and form as it was when it
21 was received?

22 MR. THOMAS:

23 A Yes, sir it is.

24 Q And was it seized and submitted and packaged
25 in your presence?

1 THE COURT: Okay.

2 MR. THOMAS: State's Exhibit 19 reads, Hey,
3 cutie sorry I can't stay I have to go to a wrestling
4 match at Randallstown High, but I promise to page you
5 as soon as I get home. K? Till then take care and
6 drive safely. Always, Hai, H-A-I. P.S. -- P.S. the
7 interview went well and I promise to tape it -- to tape
8 it so you can see me as many as -- as many and as often
9 as you want.

10 BY MR. URICK:

11 Q And the note is addressed to whom on the
12 other side?

13 MR. THOMAS:

14 A Don.

15 MR. URICK: At this time I would ask the
16 exhibits be given to the Clerk to be entered into
17 evidence.

18 THE COURT: Yes.

19 BY MR. URICK:

20 Q If I may approach the witness again at this
21 time I'd ask him to examine this package. Have you had
22 a chance to examine the package?

23 MR. THOMAS:

24 A Yes, sir I have.

25 Q And what is that package?

1 A Yes, sir it was.

2 MR. URICK: We would offer as State's Exhibit
3 24, the Nationwide Insurance card.

4 THE COURT: Without objection State's 24 is
5 admitted.

6 (State's Exhibit No. 24, previously
7 marked for identification, was
8 received into evidence.)

9 BY MR. URICK: If you could put those back in
10 the bag at this time. And I'll return that to the
11 Clerk at this time for safe keeping.

12 Q At this time I would like you to examine the
13 contents of what's labeled as property number 99009000.
14 Specifically, what I would like you to do is to see if
15 you can find this floral paper right on the items in
16 that bag. First of all can you identify that bag?

17 A Yes, I can.

18 Q And does it reference the offense report of
19 this incident?

20 A Yes, it does.

21 Q And does it have one of the property numbers
22 that was assigned to property that was submitted to the
23 ECU in this case?

24 A Yes, sir it does.

25 Q If you would please open the bag at this

1 time.

2 A And this would be the floral paper that's
3 represented in the photograph.

4 THE COURT: As loud as you can, sir so I can
5 get you near a microphone.

6 MR. THOMAS: Yeah, the floral paper contained
7 with that package here would be the floral paper that's
8 referenced to in the photographs.

9 BY MR. URICK:

10 Q Okay. I'm going to mark for identification
11 purposes that bag of various items and we'll just leave
12 that as one exhibit at this time.

13 (State's Exhibit No. 22 was
14 marked for identification.)

15 Was this item seized, packaged and submitted in your
16 presence?

17 MR. THOMAS:

18 A Yes, sir it was.

19 Q And is it in substantially the same condition
20 and shape as when it was seized?

21 A Yes, sir it is.

22 MR. URICK: Would offer as State's Exhibit
23 22, the floral paper exhibit.

24 THE COURT: Without objection State's 22 is
25 admitted.

1 look at this map.

2 THE COURT: Please don't block my jurors, Ms.
3 Gutierrez.

4 BY MR. URICK:

5 Q Have you had a chance to review the exhibit?

6 MR. THOMAS:

7 A Yes, sir I have.

8 Q And based on that can you in general terms
9 identify approximately where the body was located?

10 A In general terms the body was have been
11 located along this area in Lincoln Park. (inaudible)
12 Edmondson Avenue.

13 Q Please take the sticker which is marked B for
14 body and place it where the body would have been. You
15 may return to the seat at this time. If I may have the
16 Court's indulgence for just a second. Mr. Clerk, I'd
17 like you to mark for identification as State's Exhibit
18 30. We're marking for identification at this time as
19 State's Exhibit 30, the cell phone, the Defendant's
20 cell phone that was seized at his house pursuant to a
21 search and seizure warrant.

22 (State's Exhibit No. 30
23 premarked for identification.)

24 MR. URICK: Pursuant to stipulation we'd now
25 offer into evidence State's Exhibit 30, the Defendant's

1 (State's Exhibit No. 22, previously
2 marked for identification, was
3 received into evidence.)

4 BY MR. URICK: And I will give that to the
5 Clerk for (inaudible) to evidence at this time.
6 Prepackaged the larger bag.

7 Q Is there anything remaining in there at this
8 time?

9 MR. THOMAS:

10 A No, sir.

11 Q Mr. Mack you can use that larger bag to keep
12 it in. That one's apparently torn.

13 Q Do you recollect today approximately where
14 the body was located on Franklin Town Road in Lincoln
15 Park?

16 A As far as from the roadway or --

17 Q Just vaguely in the general geographical
18 terms. Let me show you a map and you take a look at
19 it.

20 A Okay.

21 Q If I may use the easel again at this time.

22 May the witness come down from the stand at this time?

23 THE COURT: Yes.

24 BY MR. URICK:

25 Q I'd ask you to take a few seconds and take a

1 cell phone.

2 THE COURT: Without objection and pursuant to
3 the stipulation or agreement State's Exhibit Number 30
4 is admitted.

5 (State's Exhibit No. 30, previously
6 marked for identification, was
7 received into evidence.)

8 MR. URICK: And if I may have the Court's
9 permission just to publish it by showing it to the jury
10 at this time.

11 THE COURT: You may.

12 MR. URICK: Mr. Clerk, here's the item I'd
13 ask you to mark it in as evidence now. Witness with
14 the Defense at this point.

15 THE COURT: Cross.

16 MS. GUTIERREZ: No questions.

17 THE COURT: May the witness be excused?

18 MR. URICK: Yes.

19 THE COURT: Thank you, Mr. Thomas. Good day,
20 sir. Ladies and gentlemen, we've come to the end of
21 our first day of trial. I will send you back to your
22 jury room and when you're dismissed I'll ask you to go
23 home and have good weekends. Please be back here
24 between 9 and 9:15 on Monday morning to be paid. After
25 you have been paid if you will report to your jury room

1 on 2.

2 Remember over the course of the weekend don't
3 discuss the case with anyone, no family members, not
4 among yourselves. Don't go out and visit any of the
5 scenes. Again your evidence has to be -- your verdict
6 has to be based on the evidence that you see and hear
7 inside this courtroom. Also remember don't read any
8 newspaper generally, any story at all or listen to any
9 story at all obviously about this case or about crime
10 in general or sentencing in general or any of those
11 things.

12 So, take a much needed break from the cities'
13 crime news if you would during the course of this
14 trial, have good weekends. Please return to the jury
15 room.

16 (The jury was excused from the courtroom.)

17 THE COURT: Alternate number 1 if you would
18 come up for a moment. Come up. You had asked to see
19 me. Don't cover it. Come over and talk into it.

20 JUROR: Yes, Your Honor. I was sitting in
21 the, Wednesday, there was a couple of questions I
22 missed. One is my sister she is a 911 operator with
23 the police department, the question I missed and the
24 second question was I'm also a victim of a violent
25 crime.

1 THE COURT: What time of the year was it last
2 year?

3 JUROR: June, July.

4 THE COURT: So, we can find a police report
5 on it?

6 JUROR: Yes.

7 THE COURT: Okay. Go on.

8 JUROR: And the assailants found I didn't
9 have anything on me and they shot me in the rib.

10 THE COURT: Now, would the fact that you had
11 been a victim of a shooting keep you from reaching a
12 fair and impartial verdict at this trial?

13 JUROR: I think it would, Your Honor.

14 THE COURT: So, you just remembered that you
15 were shot and you just remembered that that would stop
16 you from being a good witness. Did you remember
17 anything else over yesterday?

18 JUROR: That's it, Your Honor.

19 THE COURT: Okay. Well, you are going to
20 obviously be excused from the jury. You'll also be

21 serving jury duty for the next month as well anyway.

22 So, you are excused number 4. Don't discuss this
23 testimony with anyone else and be prepared to spend the
24 next month -- the rest of this month in another trial.

25 JUROR: Okay.

1 THE COURT: Sir?

2 JUROR: I've been a victim of a violent
3 crime.

4 THE COURT: Okay. Counsel, please approach.
5 (Counsel approached the bench and following
6 ensued:)

7 THE COURT: This is alternate number 1 who
8 has just remembered that he's been a victim of a
9 violent crime. Yes, what violent crime slipped your
10 memory, sir?

11 JUROR: I was shot in a hold up attempt.

12 THE COURT: And you forgot about that?

13 JUROR: It was a question you said related to
14 a murder case, that's a violent crime, but it's not
15 related to a murder case.

16 THE COURT: What were the circumstances under
17 which you were shot?

18 JUROR: I was going to a chinese restaurant
19 for some chinese food, two assailants came in there,
20 held me up?

21 THE COURT: When was this?

22 JUROR: It was last year.

23 THE COURT: Okay. When last year?

24 JUROR: I'm not sure the exact date, its been
25 about --

1 THE COURT: Do you have any belongings
2 upstairs?

3 JUROR: Yes, sir.

4 THE COURT: Stay -- stay down here if you
5 will number 4. Number 1, I'm sorry alternate, number 1
6 if you'll go out into the hallway and wait out on the
7 bench outside in the hall. Come here. Alternate 1,
8 alternate 1. Go get alternate 1. Go upstairs, get
9 your belongings, don't discuss anything we've discussed
10 here with anybody up there and stay up there until we
11 dismiss the jury. Okay? Okay. Counsel, is there
12 anything else?

13 MS. GUTIERREZ: No, Your Honor, but what time
14 precisely do you want us here?

15 THE COURT: If you will be in place at 10:30.

16 MS. GUTIERREZ: At 10:30?

17 THE COURT: 10:30 on Monday morning. Okay.

18 Counsel, have good weekends, everybody else thanks for
19 your help. Good night.

20 THE CLERK: All rise.

21 (The trial was recessed.)

CERTIFICATE

This is to certify that the proceedings in the matter of State of Maryland views. Adnan Syed, 199103042-46, held on December 10, 1999, were recorded by means of videotape.

I do hereby certify that the foregoing 128 pages constitute the official transcript as transcribed by me from said videotaped proceedings in a complete and accurate manner.

In Witness Whereof, I have hereunto subscribed my name this 22nd day of September, 2000.

Christopher W. Metcalf
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Official Court Reporter

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