

IN THE COURT OF APPEALS OF MARYLAND

STATE OF MARYLAND

v.

ADNAN SYED

Filed
SEP 21 2018
Petitioner **Steph M. Decker, Clerk**
Court of Appeals
of Maryland

Respondent

No. 24
September Term, 2018

On Writ of Certiorari to the Court of Special Appeals

Joint Record Extract - Volume II of II

BRIAN E. FROSH
Attorney General of Maryland

THIRUVENDRAN VIGNARAJAH
Special Assistant Attorney General

DLA Piper LLP (US)
100 Light Street, Suite 1350
Baltimore, Maryland 21202
(410) 580-3000 (O)
(410) 580-3001 (F)
thiru.vignarajah@dlapiper.com

Counsel for State of Maryland

C. JUSTIN BROWN
Brown & Nieto, LLC
231 E. Baltimore St., Ste. 1102
Baltimore, Maryland 21202
(410) 244-5444
brown@cjbrownlaw.com

CATE E. STETSON*
KATHRYN M. ALI*
JAMES W. CLAYTON*
W. DAVID MAXWELL*
Hogan Lovells US LLP
555 Thirteenth Street NW
Washington, DC 20004
(202) 637-5491
cate.stetson@hoganlovells.com

*Admitted *Pro Hac Vice*

Counsel for Respondent

JOINT RECORD EXTRACT

State of Maryland v. Syed

<u>Description</u>	<u>Extract Page #</u>
Docket Entries, Circuit Court of Baltimore City	E 000001
Judgment of the Court of Special Appeals (3/29/2018)	E 000017
Motion Hearing Transcript (7/9/1999)	E 000150
Ruling on Motion Hearing Transcript (7/23/1999)	E 000192
Cited Excerpts from Court Ruling granting Defense Motion for Mistrial (12/15/1999) (Pages 254-55)	E 000200
Cited Excerpts of State's Opening Statement at Trial (1/27/2000) (Pages 106, 109-10)	E 000204
Cited Excerpts of Trial Testimony from Emmanuel Obot (1/27/2000) (Pages 184-86, 202)	E 000208
Cited Excerpts of Trial Testimony from Young Lee (1/28/2000) (Pages 26-29)	E 000215
Cited Excerpts of Trial Testimony from Hope Schab (1/28/2000) (Page 149)	E 000221
Cited Excerpts of Trial Testimony from Nisha Tanna (1/28/2000) (Pages 185, 189-90)	E 000223
Cited Excerpts of Trial Testimony from Crystal Meyers (1/28/2000) (Page 209)	E 000227
Cited Excerpts of Trial Testimony from Aisha Pittman (1/28/2000) (Pages 237-40, 247-55)	E 000229
Cited Excerpts of Trial Testimony from Officer Scott Adcock (1/31/2000) (Page 8)	E 000243
Cited Excerpts of Trial Testimony from Officer Joseph O'Shea (1/31/2000) (Pages 25-27)	E 000246
Cited Excerpts of Trial Testimony from Romano Thomas (1/31/2000) (Pages 58-60; 118-19)	E 000250

<u>Description</u>	<u>Extract Page #</u>
Cited Excerpts of Trial Testimony from Sharon Talmadge (2/1/2000) (Pages 24-29)	E 000256
Cited Excerpts of Trial Testimony from Donald Clinedinst (2/1/2000) (Pages 72, 88)	E 000264
Cited Excerpts of Trial Testimony from Dr. Margarita Korell (2/2/2000) (Pages 39-41)	E 000267
Cited Excerpts of Trial Testimony from Yasser Ali (2/3/2000) (Pages 79-83, 88-133)	E 000272
Cited Excerpts of Trial Testimony from Inez Butler Hendricks (2/4/2000) (Pages 12, 97-100)	E 000325
Cited Excerpts of Trial Testimony from Jay Wilds (2/4/2000) (Pages 115-64)	E 000332
Cited Excerpts of Trial Testimony from Abraham Waranowitz (2/8/2000) (Pages 6-146)	E 000383
Cited Excerpts of Trial Testimony from Abraham Waranowitz (2/9/2000) (Pages 32-193)	E 000526
Cited Excerpts of Trial Testimony from Jennifer Pusateri (2/15/2000) (Pages 191-196)	E 000690
Cited Excerpts of Trial Testimony from Kristina Vinson (2/16/2000) (Pages 209-15, 225-39)	E 000698
Cited Excerpts of Trial Testimony from Deborah Warren (2/16/2000) (Page 300)	E 000722
Cited Excerpts of Trial Testimony from Deborah Warren (2/17/2000) (Pages 136-37)	E 000724
Cited Excerpts of Trial Testimony from Detective Gregory MacGillivray (2/17/2000) (Pages 154-55, 314-15)	E 000728
Cited Excerpts of Trial Testimony from Detective Gregory MacGillivray (2/18/2000) (Page 186)	E 000733

<u>Description</u>	<u>Extract Page #</u>
Cited Excerpts of Trial Testimony from Alonzo Sellers (2/23/2000) (Pages 4, 22-23, 38, 79-81)	E 000736
Cited Excerpts of Trial Testimony from Michael Sye (2/23/2000) (Pages 100-104)	E 000745
Cited Excerpts of Trial Testimony from Syed Rahman (2/23/2000) (Pages 274-75)	E 000751
Cited Excerpts of Trial Testimony from Syed Rahman (2/24/2000) (Pages 16-17)	E 000754
Cited Excerpts of Trial Testimony from Saad Chaudry (2/24/2000) (Pages 116-17, 151)	E 000758
Cited Excerpts of Trial Testimony from Saad Patel (2/24/2000) (Page 185)	E 000762
Cited Excerpts of Trial Testimony from Maqbool Patel (2/24/2000) (Pages 193-96)	E 000764
Cited Excerpts of Jury Instructions (2/25/2000) (Pages 32-33)	E 000769
Cited Excerpts of State's Closing Statement at Trial (2/25/2000) (Page 50, 54, 65-66, 125)	E 000773
Cited Excerpt of Trial Verdict (2/25/2000) (Pages 133-35)	E 000779
Cited Excerpt of State's Post-Conviction Motion for Court Order (11/29/2010) (Pages 5-6)	E 000783
Cited Excerpt of Petitioner's Opening Statement at Post-Conviction Hearing (10/11/2012) (Pages 5-8)	E 000787
Cited Excerpts of Post-Conviction Hearing Testimony from Kevin Urick (10/11/2012) (Page 30)	E 000793
Cited Excerpts of Post-Conviction Hearing Testimony from Rabia Chaudry (10/11/2012) (Pages 26-29, 33-78)	E 000795
Cited Excerpts of Post-Conviction Hearing Testimony from Shamin Rahman (10/11/2012) (Pages 84-85, 98-100)	E 000846

<u>Description</u>	<u>Extract Page #</u>
Cited Excerpts of Post-Conviction Hearing Entry of Stipulation (10/25/2012) (Pages 4-5)	E 000852
Cited Excerpts of Post-Conviction Hearing Testimony from Adnan Syed (10/25/2012) (Pages 8-34, 38-39, 57-59)	E 000856
Cited Excerpts of Post-Conviction Hearing Testimony from Margaret Meade (10/25/2012) (Page 98)	E 000889
Cited Excerpt of Petitioner's Closing Statement at Post-Conviction Hearing (10/25/2012) (Pages 106, 113)	E 000891
Cited Excerpts of Post-Conviction Testimony from William Kanwisher (2/3/2016) (Pages 104-06)	E 000894
Cited Excerpts of Post-Conviction Hearing Testimony from Asia McClain-Chapman (2/3/2016) (Pages 167-277)	E 000899
Cited Excerpts of Post-Conviction Hearing Testimony from Asia McClain-Chapman (2/4/2016) (Pages 1-179)	E 001012
Cited Excerpts of Post-Conviction Hearing Testimony from Sean Gordon (2/5/2016) (Pages 12, 52, 62)	E 001192
Cited Excerpts of Post-Conviction Hearing Testimony from David Irwin (2/5/2016) (Pages 123-25, 128, 148-49)	E 001197
Cited Excerpts of Post-Conviction Hearing Testimony from Steven Mills (2/8/2016) (Page 229)	E 001204
Handwritten Letter of Asia McClain (3/1/1999)	E 001207
Typed Letter of Asia McClain (3/2/1999)	E 001210
Affidavit of Asia McClain (3/25/2000)	E 001212
Affidavit of Asia McClain (1/13/2015)	E 001214
Billing Summary for March 1999 (from defense file, A-0374)	E 001216
Memo to Cristina Gutierrez re: Interview with Adnan's Brother, Ali (August 21, 1999) (from defense file, A-0150)	E 001218

<u>Description</u>	<u>Extract Page #</u>
Memo to Cristina Gutierrez re: Interview with Adnan Syed with handwritten account by Adnan Syed regarding January 13, 1999 (August 25, 1999) (from defense file, A-0153-54)	E 001220
Memo to Cristina Gutierrez re: Interview with Adnan Syed (January 15, 2000) (from defense file, A-0234-35)	E 001223
Memo to Cristina Gutierrez re: Interview with Adnan Syed (October 6, 1999) (from defense file, A-0182-83)	E 001226
Memo to Cristina Gutierrez re: Interview with Adnan Syed (October 12, 1999) (from defense file, A-0189-92)	E 001229
Memo to Cristina Gutierrez re: Track Team Roster with handwritten notes from Cristina Gutierrez (October 16, 1999) (from defense file, A-0195-202)	E 001234
Memo to Cristina Gutierrez re: Adnan Syed (February 28, 2000) (from defense file, A-0241)	E 001243
Internal Defense Notes with Task List and handwritten notes of Cristina Gutierrez (from defense file, A-0261-66)	E 001245
Internal Defense notes of Cristina Gutierrez re: "How did Adnan get in Hae's Car" (from defense file, A-0775)	E 001252
Internal Defense Notes (7/13/1999) (from defense file)	E 001254
Internal Defense Notes stating "Asia + boyfriend saw him in library 2:15-3:15"	E 001256
Detective Interview Notes of Debbie Warren (February 14, 1999) (B-0006)	E 001258
Detective Interview Notes of Inez Butler (March 23, 1999) (B-0191, B-0193)	E 001260
Detective Interview Notes of Virginia Madison (March 24, 1999) (B-0247-48)	E 001263
Detective Interview Notes of Cheryl Metzger (March 24, 1999) (B-0251)	E 001266
Detective Interview Notes of Ja'uan Gordon (April 9, 1999) (B-0101, 0129-33)	E 001268
Baltimore Police Department Information Sheet re Ja'uan Gordon (April 20, 1999) (B-0293-95)	E 001275

<u>Description</u>	<u>Extract Page #</u>
Sworn Affidavit by Ja'uan Gordon for Post-Conviction Hearing (February 7, 2016)	E 001279
Defendant's Alibi Notice (10/4/1999)	E 001282
Handwritten Letter of Hae Min Lee	E 001286
Diary of Hae Min Lee	E 001289
AT&T Fax Cover Sheet	E 001354
Verification of Authenticity of Wireless Invoice (State's Exhibit 31)	E 001356
Affidavit of Abraham Waranowitz (10/5/2015)	E 001362

Cited Excerpt of Petitioner's
Opening Statement at
Post-Conviction Hearing
(10/11/2012) (Pages 5-8)

COPY

1

ADNAN SYED VS. STATE OF MARYLAND
 October 11, 2012 BEFORE JUDGE MARTIN P. WELCH

ADNAN SYED	*	IN THE
Petitioner	*	CIRCUIT COURT
V.	*	FOR
STATE OF MARYLAND	*	BALTIMORE CITY,
Respondent	*	STATE OF MARYLAND
	*	199103042-046 and
	*	Post-Conviction No. 10432

* * * * *

TRANSCRIPT OF OFFICIAL PROCEEDINGS

(Post-Conviction)

BEFORE: THE HONORABLE MARTIN P. WELCH, Judge

HEARING DATE: October 11, 2012

APPEARANCES:

For the Petitioner: Justin Brown, Esquire

Melissa Kujda, Esquire

For the Respondent: Kathleen Murphy, Esquire

Transcriptionist: Erika B. Newton

Transcription Service: ACCUSCRIBES TRANSCRIPTION SERVICE

1301 York Road, Suite 601

Lutherville, Maryland 21093

Proceedings recorded by digital media with video,
 transcript produced by transcription service.

ACCUSCRIBES TRANSCRIPTION SERVICES

410-466-2033

410-494-7015

ADNAN SYED VS. STATE OF MARYLAND
October 11, 2012 BEFORE JUDGE MARTIN P. WELCH

1 and maybe -- I may understand them better that way.

2 MR. BROWN: Okay. And, Your Honor, normally
3 when I do a post-conviction, I don't give an opening
4 statement. But I thought I would just give a very brief
5 description of what issues are in play. In the sense that
6 what issues we are presenting evidence to support.
7 Because there has been a lot of briefing and this case has
8 gone on for a long time.

9 THE COURT: Certainly.

10 MR. BROWN: The first issue that we are
11 presenting to the Court is the issue of an alibi witness.
12 And that alibi witness is named, Asia McClane. When --
13 after Mr. Syed had been arrested, while he was detained
14 and while he was awaiting his trial date, he received two
15 letters, which we will attempt to introduce into evidence.
16 And those letters were from a fellow student of his, a
17 high school student named, Asia McClane.

18 And in those letters, Ms. McClane wrote to Mr.
19 Syed that, hey, don't you remember that you were with me
20 on the day when this murder allegedly took place. And
21 even more specific than that, this woman wrote to him the
22 approximate times when she recalls being with Mr. Syed.
23 And those times correspond directly to the time when,
24 according to the State, the murder took place. So we have
25 a pure alibi witness in Asia McClane.

ADNAN SYED VS. STATE OF MARYLAND
October 11, 2012 BEFORE JUDGE MARTIN P. WELCH

1 Now, upon receiving these letters, Mr. Syed
2 informed his attorney, Christina Gutierrez, that there was
3 a witness who could help him account for where he was on
4 the day of the murder. And the way we know that, the way
5 we know that, is because in Ms. Gutierrez's file, there
6 were notes. And those notes were actually written by one
7 of Ms. Gutierrez's law clerks at the time. A gentleman
8 named, Ali Cornedor (phonetic).

9 And Ms. Murphy has stipulated to that, his
10 affidavit, in which he -- in which he says and he confirms
11 that it was he who wrote out those notes, based on an
12 interview he had at the detention center with Mr. Syed.
13 So, we know that Mr. Syed conveyed to his defense attorney
14 that there was this alibi witness out there.

15 In addition to that, Mr. Syed will testify that,
16 of course, he informed his attorney and any other
17 surrogate who she sent to visit him, that there's an alibi
18 witness. Who wouldn't inform their attorney of that?

19 Next, we know that Ms. Gutierrez never followed
20 up with that alibi witness. She never contacted, never
21 interviewed, never spoke to Asia McClane. And how do we
22 know that? We have an affidavit from Asia McClane, which
23 was taken just after Mr. Syed's conviction.

24 And while we do not have Asia McClane here as a
25 witness today, we do have Rabia Chaudry, who is the person

ADNAN SYED VS. STATE OF MARYLAND
October 11, 2012 BEFORE JUDGE MARTIN P. WELCH

1 who took that affidavit and who was with Asia McClane and
2 who spoke to her, in detail, about this.

3 So this is the alibi witness issue. There was
4 an alibi witness who was willing to testify. Who, in
5 fact, wanted to testify. Yet, the defense attorney never
6 even followed up, never investigated, never called Asia
7 McClane as a witness. And, Your Honor, this is a powerful
8 witness. In a close case like this, it's an extremely
9 powerful witness.

10 And does -- the test that we have to determine
11 or that the Court has to determine is, did this error by
12 Ms. Gutierrez undermine our confidence in the outcome of
13 this case? And it's our position that absolutely. It
14 absolutely undermines our confidence in the outcome of
15 this case. Because this would have been an entirely
16 different case with this alibi witness. Okay. So that's
17 the first issue.

18 The second issue is the plea bargaining issue.
19 You will hear testimony from Mr. Syed and we've written
20 this up in a supplement to the original petition. That
21 he, like any other defendant, at one point inquired of his
22 attorney, what is my plea offer? What's the State
23 offering me? Mr. Syed will testify he was over at
24 Baltimore City jail and was talking, you know, all the
25 inmates, what's your offer? What's your deal? What's

ADNAN SYED VS. STATE OF MARYLAND
October 11, 2012 BEFORE JUDGE MARTIN P. WELCH

1 your deal?

2 He inquired to his attorney, Ms. Gutierrez, what
3 is the State offering? And Ms. Gutierrez responded to
4 him, saying, that they are not offering you a deal. They
5 are not offering you any kind of deal, whereby, you can
6 plead guilty to this offense. Well, it has since come to
7 our attention and you will hear the testimony today of
8 Kevin Urick, who was one of the prosecutors on the case,
9 that Ms. Gutierrez never approached the State to ask for a
10 plea offer.

11 There have been a number of cases recently
12 involving issues in which the defense attorney gets a plea
13 offer and fails to convey it to her client. That was the
14 issue in a case called Merzbacher vs. State, a Cristina
15 Gutierrez case, in which she admitted that she failed to
16 convey a plea offer to her client.

17 It's our position that this violation is even
18 worse. Because in Merzbacher at least she went to get the
19 offer. Here, the client asks her for an offer. She does
20 nothing. Comes back to him and lies. And says, the State
21 isn't making an offer. So that's our second issue.

22 The third issue, Your Honor, is the Motion for
23 Modification. This is a much shorter issue. It won't
24 take as much of the Court's time. But there is some
25 testimony related to it.

Cited Excerpts of Post-Conviction
Hearing Testimony from Kevin Urick
(10/11/2012) (Page 30)

ADNAN SYED VS. STATE OF MARYLAND
October 11, 2012 BEFORE JUDGE MARTIN P. WELCH

1 rephrase the question?

2 THE COURT: You may.

3 BY MS. MURPHY:

4 Q Mr. Urick, how did you learn that the
5 Defendant had filed this petition?

6 A A young lady named, Asia, called me.

7 Q And what did she say?

8 A She was concerned, because she was being
9 asked questions about an affidavit she had written back at
10 the time of the trial. She told me that she had only
11 written it because she was getting pressure from the
12 family. And she basically wrote it to please them and get
13 them off her back.

14 Q Is there anything else you recall about
15 that particular conversation?

16 A She was concerned if she had to come out
17 here. I explained to her, I was not her attorney. But I
18 told her that she would have to be served. And if she was
19 served, and if they made the proper arrangements, she
20 would have to show up.

21 Q Thank you.

22 MS. MURPHY: I have no further questions, Your
23 Honor.

24 THE COURT: Any redirect?

25 MR. BROWN: Just a few questions.

ACCUSCRIBES TRANSCRIPTION SERVICES

410-466-2033

410-494-7015

Cited Excerpts of Post-Conviction
Hearing Testimony from Rabia Chaudry
(10/11/2012) (Pages 26-29, 33-78)

ADNAN SYED VS. STATE OF MARYLAND
October 11, 2012 BEFORE JUDGE MARTIN P. WELCH

1 plea. We just proceeded to trial.

2 As far as I can recall in the dental student
3 case, where Chip Dorsey was the defense attorney. I can't
4 recall any discussion there of a defense -- of a plea.
5 And I have a very distinct remembrances of Mr. Dorsey
6 making it clear, that he was going to try to establish the
7 innocence of the defendant in that case.

8 BY MS. MURPHY:

9 Q Had you been asked to extend any kind of an
10 offer in a case such as this one, how would you handle
11 that?

12 A The first thing I would have done, would
13 have been to talk to the family. In a case like this, you
14 give even more consideration to a family of a homicide
15 victim. You try always to be considerate of a victim, and
16 the victim's family in all cases. But a homicide case,
17 it's even more so. So, I would have talked to Ms. Lee's
18 family, see what they thought. Then after I talked to
19 them, I would have gone probably to Sal Fili, and told him
20 that we were beginning to talk about plea and I was
21 planning to go to Mark Cohen to discuss it. Just so Sal,
22 Mr. Fili, would feel that I wasn't cutting him out of the
23 loop or anything like that. I would have then gone to
24 talk to Mark Cohen to see what he felt. And I'm pretty
25 certain that in this particular case, he would have

ADNAN SYED VS. STATE OF MARYLAND
October 11, 2012 BEFORE JUDGE MARTIN P. WELCH

1 suggested that we go to Ms. Jessamy with it and see where
2 she stood on it as well.

3 THE COURT: I'm sorry, sent you to Ms. Jessamy?

4 THE WITNESS: I think that Mr. Cohen would have
5 said that in a case such as this, that we also needed to
6 go to Ms. Jessamy to see what her feelings were about it.
7 BY MS. MURPHY:

8 Q Then you became aware, at some point last
9 year, that the Defendant had filed his post-conviction
10 petition; is that correct?

11 A That's correct.

12 Q Did there come a time, not long after that,
13 that you received a phone call from an Asia McClane?

14 A That's actually how I found out about this

15

16 MR. BROWN: Objection.

17 THE COURT: I'm sorry?

18 MR. BROWN: Again, this is way outside the
19 scope.

20 THE COURT: Ms. Murphy?

21 MS. MURPHY: Your Honor, I believe Mr. Urick's
22 responses to these questions will support the State's
23 contentions regarding the liability of Ms. McClane's
24 statement.

25 THE COURT: All right. Well, I guess the

ADNAN SYED VS. STATE OF MARYLAND
October 11, 2012 BEFORE JUDGE MARTIN P. WELCH

1 question is, I'll sustain the objection, because it's
2 outside the scope. But let me see Counsel at the bench
3 just on scheduling.

4 BENCH CONFERENCE

5 (Bench Conference begins - 2:49 p.m.)

6 (All Counsel approach the bench where the
7 following ensues:)

8 THE COURT: I mean, it is technically outside
9 the scope. The only issue is --

10 MS. MURPHY: Expedience, Your Honor.

11 THE COURT: The expedience. And the other
12 option is to finish up your cross where you are, any
13 redirect. And for the sake of trying to complete the
14 case, you could possibly call Mr. -- then, immediately
15 then, if Mr. Brown is willing to let us switch around,
16 then call him as your witness.

17 MS. MURPHY: I would --

18 THE COURT: I'm just trying to take full
19 advantage of the time and not require Mr. Urick to come
20 back again.

21 MS. MURPHY: Right.

22 MR. BROWN: That sounds -- I mean, you would
23 just call him as your own witness.

24 THE COURT: So, would you have any objection to
25 going slightly out of order then?

ACCUSCRIBES TRANSCRIPTION SERVICES

410-466-2033

410-494-7015

ADNAN SYED VS. STATE OF MARYLAND
October 11, 2012 BEFORE JUDGE MARTIN P. WELCH

1 MR. BROWN: Are there any other -- if there are
2 like this, I would just -- I have no problem with you
3 doing it now --

4 THE COURT: Let's suck it up.

5 MR. BROWN: -- rather than you recalling him.
6 As long as you don't do it in a leading manner.

7 MS. MURPHY: Oh, I see.

8 MR. BROWN: As if you were on -- if she does it
9 as if she were on direct.

10 THE COURT: Solely up to you.

11 MS. MURPHY: I can do that, Your Honor.

12 THE COURT: Okay.

13 MR. BROWN: Are there other issues you intend on
14 going into?

15 MS. MURPHY: No, I'm just about finished.

16 MR. BROWN: Okay.

17 THE COURT: Okay. So why don't we just rephrase
18 the question and maybe there won't be an objection. All
19 right.

20 MR. BROWN: Okay.

21 MS. MURPHY: Thank you.

22 (Bench Conference concluded at 2:50:23 a.m.)

23 (All Counsel return to trial tables where the
24 following ensued:)

25 MS. MURPHY: Thank you, Your Honor. If I may

ADNAN SYED VS. STATE OF MARYLAND
October 11, 2012 BEFORE JUDGE MARTIN P. WELCH

1 name for the Court, please?

2 THE WITNESS: It's R-A-B-I-A.

3 THE COURT: And last name, please?

4 THE WITNESS: C-H-A-U-D-R-Y.

5 THE COURT: Thank you. Mr. Brown?

6 DIRECT EXAMINATION

7 BY MR. BROWN:

8 Q Good afternoon, Ms. Chaudry.

9 A Good afternoon.

10 Q What is your profession?

11 A I'm an attorney.

12 Q And where did you go to law school?

13 A I went to law school at George Mason School
14 of Law in Arlington, Virginia.

15 Q What year did you graduate?

16 A I graduated in 2000.

17 Q Are you admitted to practice law in any
18 state?

19 A I am. I am admitted to practice in
20 Washington D.C.

21 Q And do you practice law right now?

22 A Right now I am running an organization that
23 does National Security Consulting for local and federal
24 law enforcement and government agencies.

25 Q Can you give me an example of some of the

ADNAN SYED VS. STATE OF MARYLAND
October 11, 2012 BEFORE JUDGE MARTIN P. WELCH

1 government agencies that you work with?

2 MS. MURPHY: Objection.

3 THE COURT: As to relevance?

4 MS. MURPHY: Relevance.

5 THE COURT: Overruled. You may answer.

6 THE WITNESS: Department of Justice, Department
7 of Homeland Security, the FBI, and local law enforcement.

8 BY MR. BROWN:

9 Q How do you know Adnan Syed?

10 A I know Adnan, he was a friend of my younger
11 brother's, family friends.

12 Q Is it fair to say he's a friend of the
13 family?

14 A Yes.

15 Q I'd like for you -- to take you back to
16 early 1999, around the time when Mr. Syed was arrested.
17 What were you doing then?

18 A I was living in Arlington, Virginia. I was
19 in my second year of law school.

20 Q And, again, where did you go to law school?

21 A George Mason School of Law, in Arlington,
22 Virginia.

23 Q And do you remember when Mr. Syed was
24 charged in this case?

25 A Yes, I do.

ADNAN SYED VS. STATE OF MARYLAND
October 11, 2012 BEFORE JUDGE MARTIN P. WELCH

1 Q How did you find out about it?

2 A I visited my parents every weekend who
3 lived in Baltimore. In fact, in the same neighborhood as
4 Adnan's family. And I was watching television one evening
5 and I saw it on television.

6 Q Okay. And do you recall that this case
7 drew a lot of media attention?

8 A It did seem to, yes. I had been following
9 the case, the disappearance of Hae Min, for many weeks
10 before then.

11 Q And what was -- what, if any, reaction did
12 you have when you learned that Adnan Syed had been
13 arrested?

14 A I was shocked. I had no idea there was any
15 connection between him and the case.

16 Q And why were you shocked that it was Adnan
17 in particular?

18 MS. MURPHY: Objection.

19 THE COURT: Overruled.

20 THE WITNESS: I knew Adnan in passing, when I
21 would see him with my brother once in a while at the
22 house. And he was just a very sweet, laid back, relaxed,
23 quiet boy. And he had a very good reputation in the
24 community. He was a volunteer EMT. He just was an all-
25 around good kid and that's how everybody knew him. So, we

ADNAN SYED VS. STATE OF MARYLAND
October 11, 2012 BEFORE JUDGE MARTIN P. WELCH

1 were all shocked.

2 BY MR. BROWN:

3 Q And were you aware at that time of whether
4 he had any criminal record?

5 MS. MURPHY: Objection.

6 THE COURT: Overruled.

7 THE WITNESS: I had no knowledge of any criminal
8 record. No.

9 BY MR. BROWN:

10 Q Okay. And do you know approximately how
11 old Mr. Syed was at that time?

12 A He was 17. He was a year younger than my
13 brother.

14 Q And do you recall what his personality was
15 like then, very briefly?

16 A Yeah. He was just very --

17 MS. MURPHY: Objection.

18 THE COURT: Overruled.

19 THE WITNESS: He was very laid back and relaxed.
20 And I use to joke and tell my brother, you're going to
21 corrupt him, 'cause he's such a sweet kid. He was a very
22 nice boy.

23 BY MR. BROWN:

24 Q Just for clarity, your brother would
25 corrupt Adnan?

ADNAN SYED VS. STATE OF MARYLAND
October 11, 2012 BEFORE JUDGE MARTIN P. WELCH

1 A Cristina Gutierrez.

2 Q And had you met Ms. Gutierrez before?

3 A Never, no.

4 Q And approximately how many days were you
5 present at the trial?

6 A Maybe -- not more than twice. Maybe,
7 either once or twice. During the first trial, just once
8 or twice.

9 Q And do you know how that first trial ended?

10 A It ended in a mistrial.

11 Q How did you get involved in -- with the
12 family and with the case?

13 A After the second trial began, I was able to
14 attend more frequently during that trial, so I did. I
15 think it was either the beginning of the semester or it
16 was during a break, between two semesters. So I had more
17 time during the day. And I really didn't get directly
18 involved until after the conviction, until after he was --
19 the verdict came in.

20 Q Okay. Let's go back roughly to the time of
21 the second trial. Do you recall that that took place in
22 January of 2000?

23 A Yes, it did.

24 Q Was there a time around then, that you had
25 the chance to meet with Ms. Gutierrez?

ADNAN SYED VS. STATE OF MARYLAND
October 11, 2012 BEFORE JUDGE MARTIN P. WELCH

1 Q Okay. And what do you recall happening at
2 that meeting?

3 A It was a very short meeting. I know the
4 family, there were many things the family wanted to talk
5 about. But Ms. Gutierrez was very intimidating and really
6 rude and short. And the only thing she wanted to talk
7 about was money. And so, she said at that time, that I
8 need \$5,000 to bus the jury to the location where the body
9 was found. And, yeah.

10 Q Do you recall whether the family members
11 paid her that money?

12 A Yeah. Adnan's father wrote her a check
13 immediately. And on the check he wrote, "For busing the
14 jury."

15 Q And are you aware of whether the jury was
16 actually bused to the scene where the body was found?

17 A The jury was never bused to the scene. No.

18 Q What was your impression of Ms. Gutierrez?

19 A I thought she was -- I didn't know what
20 kind of attorney she was at the point, but I thought she
21 was a terrible person. She was very mean. She was very
22 short. She would not talk about anything. She said,
23 clearly, you are not my clients. I don't know why you're
24 here. Adnan is my client. I don't have to answer to you
25 for anything or explain anything to you. All she wanted

ADNAN SYED VS. STATE OF MARYLAND
October 11, 2012 BEFORE JUDGE MARTIN P. WELCH

1 to talk about was money, money, money. That was it.

2 Q Did she answer the questions put to her by
3 the family?

4 A No, not at all. We had wanted to know how
5 we could help, you know, witnesses from the community, his
6 friends, whether we should talk to media or not talk to
7 media, things of that -- and she just did not talk about
8 anything related to the substance of the case.

9 Q And did she give you any impression as to
10 whether she was winning the case or not?

11 A She wouldn't talk about the case. We
12 didn't know at all.

13 Q Was there a second meeting? You mentioned
14 -- well, you mentioned there was two meetings with her.
15 Can you tell me about the second meeting?

16 A The second meeting was also before she had
17 put on her defense, and it was also very brief. And,
18 again, I don't really know who arranged it, but I was
19 asked to come. And, at that time, sometime during the
20 meeting, she had said that -- and you need to start
21 arranging for money for the appeal.

22 Q Were you surprised to hear that?

23 A We were surprised and we were very sad, of
24 course, because it didn't sound good.

25 Q And, again, when did this meeting take

ADNAN SYED VS. STATE OF MARYLAND
October 11, 2012 BEFORE JUDGE MARTIN P. WELCH

1 place with respect to the trial?

2 A It was during -- the trial was ongoing. It
3 was maybe just a few days after the first meeting, or
4 within the week, or something of that sort.

5 Q Okay. Do you remember how much money she
6 was asking for?

7 A She said \$50,000, you'll have to raise for
8 an appeal.

9 Q Okay. So those were two meetings you had
10 with Ms. Gutierrez. Were there any other encounters you
11 had?

12 A The last time I interacted with Ms.
13 Gutierrez was immediately after the verdicts came in and
14 we left the courtroom. Adnan had been convicted. So, we
15 left the courtroom and we entered the elevator. And in
16 the elevator was me, Adnan's mother, Ms. Gutierrez, maybe
17 a couple other people I didn't know. And, at the time,
18 she wouldn't even look at us. But before she left the
19 elevator she said, "Start putting together \$50,000 for the
20 appeal." That was the last thing I ever heard from her.

21 Q And what was your reaction to that?

22 A I mean, there was no love lost. I mean, we
23 were just disgusted, you know.

24 Q Did you have the opportunity to meet with
25 Syed after the jury verdict?

ADNAN SYED VS. STATE OF MARYLAND
October 11, 2012 BEFORE JUDGE MARTIN P. WELCH

1 A I did. That day, after he was convicted,
2 Adnan was being held somewhere downtown. So, I went to go
3 visit him. And that was the first time we had ever spoken
4 about, like, any substance related to the case.

5 Q And had you met with him, actually face-to-
6 face, prior to then?

7 A I think I had -- I can't remember clearly
8 because since then I've met him many times. Just, you
9 know, with my brother to visit. But I think once or
10 twice, we might have gone just to visit him while he was
11 incarcerated.

12 Q And you said that meeting took place in one
13 of the jails in Baltimore City?

14 A Yeah. It was somewhere here in the city.

15 Q Did the topic of Asia McClane come up at
16 that meeting?

17 A It did. So, what had happened was, when I
18 went to go see -- I didn't know all of the facts related
19 to the case. But I had said to Adnan that, you know, in
20 the closing remarks the prosecutor essentially said that
21 Asia McClane left school, and was killed within those 20
22 to 30 minutes right after she left school. So it really
23 comes down to those 20 or 30 minutes. Do you remember
24 where you were, but this over a year later? And Adnan
25 said, it was like any other day for me. The only thing

ADNAN SYED VS. STATE OF MARYLAND
October 11, 2012 BEFORE JUDGE MARTIN P. WELCH

1 that might be of possible assistance, was I got these
2 letters last year, after I was arrested. But I gave those
3 letters, they're from a girl named, Asia McClane. I gave
4 those letters to Cristina Gutierrez and she came back and
5 told me that they did not check out. The dates, that Asia
6 had her dates wrong.

7 Q Okay. And --

8 A That's the first time I heard of Asia
9 McClane. I did not know her.

10 Q Okay. And after speaking, after speaking
11 with him about Asia McClane, what, if anything, did you do
12 to follow-up on that?

13 A I asked Adnan -- I knew I couldn't speak to
14 Cristina Gutierrez. She wouldn't speak to anybody. So, I
15 asked Adnan, he had copies of the letters. I asked him to
16 send me copies of the letters, and I think I got them
17 maybe a week or two weeks later in the mail. And then I -
18 - there was a phone number on at least one of the letters,
19 maybe both, and so I called -- I called her.

20 Q Okay. And did she answer your call?

21 A I left a message with her grandfather. She
22 was living with her grandparents apparently. And she
23 returned my call, and we spoke.

24 Q And can you tell me how that phone
25 conversation went?

ADNAN SYED VS. STATE OF MARYLAND
October 11, 2012 BEFORE JUDGE MARTIN P. WELCH

1 A It was brief. She seemed very happy that
2 somebody was reaching out to her. And she was very
3 willing to meet. So we met, I think, in the next day or
4 two after our conversation.

5 Q Do you remember where you met?

6 A Yeah. We arranged to meet at the parking
7 lot of the library, the public library, right next -- I
8 think it's called the Woodlawn Library. Right next to the
9 high school, where they had attended high school.

10 Q And what impression did you have of Ms.
11 McClane upon meeting her?

12 A She seemed very earnest, and sincere, and
13 confused, about why nobody had, like, responded to her.
14 She was very happy to talk to me. And that was my
15 impression that she wanted to help. She wanted her story
16 to be heard.

17 Q And did you take any notes from that
18 meeting with her?

19 A I did. I think I spoke to her and I took
20 some notes afterwards or during. I can't remember. I did
21 take some notes.

22 MR. BROWN: Your Honor, may I approach the
23 witness?

24 THE COURT: You may.

25 MS. MURPHY: Your Honor, I'll object to the

ADNAN SYED VS. STATE OF MARYLAND
October 11, 2012 BEFORE JUDGE MARTIN P. WELCH

1 admission of further statements of Asia McClane, based on
2 my earlier argument. On the grounds of hearsay, Your
3 Honor.

4 THE COURT: And for what --

5 MR. BROWN: Would you like for me to have the
6 witness identify the exhibits?

7 THE COURT: Well, let's at least identify them.
8 Yes. And is that (inaudible), I'm not sure. Are they
9 premarked though, Mr. Brown?

10 MR. BROWN: I premarked. This has been
11 premarked as Defendant's Exhibit No. 1.

12 THE COURT: For identification purposes only.
13 (Whereupon, Counsel approached the witness stand
14 and the following ensued:)

15 BY MR. BROWN:

16 Q Can you take a look at Defendant's Exhibit
17 1. Do you recognize that document?

18 A Yes. This is -- these are notes I wrote.

19 Q And is that your handwriting?

20 A It is.

21 MR. BROWN: Your Honor, I would offer
22 Defendant's Exhibit No. 1 into evidence.

23 MS. MURPHY: The State's objection continues,
24 Your Honor.

25 THE COURT: And, Counsel, approach.

ADNAN SYED VS. STATE OF MARYLAND
October 11, 2012 BEFORE JUDGE MARTIN P. WELCH

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

BENCH CONFERENCE

(Bench Conference begins - 3:08:05 p.m.)

(All Counsel approach the bench where the following ensues:)

THE COURT: And the specific objection, they're being offered to show --

MR. BROWN: These are her notes.

THE COURT: (Inaudible.)

MR. BROWN: To confirm the reliability of her story.

THE COURT: Okay. But I assume, and I can only assume, within the notes, there's hearsay?

MR. BROWN: Your Honor, I would point out that hearsay is generally admissible in a post-conviction hearing. So regardless of whether there is hearsay or not, is of questionable relevance. I mean, we've already heard so much hearsay in the last half hour, Your Honor. She got hearsay testimony. And I assume the rules would be the same for both of us.

THE COURT: Ms. Murphy?

MS. MURPHY: Well, I think you're talking about double levels of hearsay, Your Honor. I mean, the applicability of the evidentiary rules is discretionary. And, again, I would reiterate those questions of reliability now that this witness is 10 years removed. We

ACCUSCRIBES TRANSCRIPTION SERVICES

410-466-2033

410-494-7015

ADNAN SYED VS. STATE OF MARYLAND
October 11, 2012 BEFORE JUDGE MARTIN P. WELCH

1 have no way to cross-examine her, to view her demeanor, to
2 ask her questions about these statements. We're only
3 hearing one side of this story. The notes themselves are
4 being offered, essentially, as a prior consistent
5 statement which is -- there's no foundation for that at
6 this point. If she needs to review these notes in some
7 sort of past recollection recorded, that's different. But
8 these on their face aren't automatically admissible. We
9 have no showing that she can't recall this conversation.

10 MR. BROWN: Your Honor, her credibility has
11 already been called into question. These notes help
12 establish her credibility --

13 MS. MURPHY: Her being --

14 MR. BROWN: -- they help establish her
15 recollection of these events.

16 THE COURT: Well --

17 MS. MURPHY: I'm not sure whose credibility is
18 in question here.

19 THE COURT: And I'm not, if I did see this
20 stuff, it's been months ago. So, I don't recall. I know
21 we had some discussion over what was -- some of the
22 discovery issues and everything else involved in this
23 post-conviction. But, it's one thing to say that she's --
24 it's one thing to offer them to say, you're offering to
25 show that she did, in fact, meet. And (inaudible) that

ADNAN SYED VS. STATE OF MARYLAND
October 11, 2012 BEFORE JUDGE MARTIN P. WELCH

1 meeting, she took notes. And I assume there's no
2 objection as to, as to that.

3 MS. MURPHY: Well, she's testified to that, Your
4 Honor.

5 THE COURT: All right. But, I guess, I'm going
6 to sustain the objection. If you just want to proceed
7 with you took notes and what did you find out.

8 MR. BROWN: Okay.

9 THE COURT: And let's deal with it on a --
10 'cause I'm not sure what -- there may be portions of it
11 that Ms. Murphy has no objection to if it's necessary.

12 MS. MURPHY: My objection is on two levels. I
13 think that Asia McClane's statements -- I'm objecting to
14 them coming in at all. That's one level. And the second
15 one, was that there's been no foundation to show that any
16 notes need to come in. They're prior consistent
17 statements of something that the witness presumably is
18 testifying about.

19 MR. BROWN: Your Honor, this is essentially a
20 bench trial. My experience with every post-conviction is
21 that hearsay comes in. And it's up to the judge to give
22 it the value that the judge thinks it deserves. The State
23 has already raised questions about, you know, Asia
24 McClane's willingness to provide an affidavit. They did
25 that through Mr. Urick's hearsay. And now we are trying

ADNAN SYED VS. STATE OF MARYLAND
October 11, 2012 BEFORE JUDGE MARTIN P. WELCH

1 to substantiate our side of the story. Substantiate this
2 witness who's on the stand right now, number one. And,
3 number two, show the reliability of Asia McClane's
4 statement itself.

5 THE COURT: Well, but if she's able to testify
6 as to what happened that day, right, isn't she basically
7 bolstering her own credibility?

8 MR. BROWN: Through the introduction of --

9 THE COURT: Right. Yeah.

10 MR. BROWN: She is bolstering her own
11 credibility, yes. And she --

12 THE COURT: Ms. Chaudry.

13 MR. BROWN: And she's also -- the State has
14 already raised a question of, it's 10 years old and the
15 bat somehow diminishes the reliability of this. But I
16 would argue that these notes show that --

17 THE COURT: All right. Well --

18 MR. BROWN: -- she has a way of overcoming that
19 10 year period.

20 THE COURT: I'm going to -- we'll mark them as
21 ID. I'm going to sustain the objection. But I think you
22 can go ahead and, you know, ask her if she took notes.
23 And if you want to offer it to simply show she took notes.

24 MR. BROWN: Okay.

25 MS. MURPHY: Just to clarify, Your Honor, is Mr.

ADNAN SYED VS. STATE OF MARYLAND
October 11, 2012 BEFORE JUDGE MARTIN P. WELCH

1 Brown able to ask what she was told by Asia McClane?

2 THE COURT: And that's where we're going to deal
3 with this specific hearsay objection. We might as well
4 deal with it now.

5 MR. BROWN: Her witness just testified as to
6 what Asia McClane told him.

7 THE COURT: And Mr. Urick said that she said she
8 got involved. That's his assessment, was that she got
9 involved because of the family's insistence; is that the -
10 - what he testified to?

11 MR. BROWN: We have to rebut that now.

12 MS. MURPHY: But, she's already testified, Your
13 Honor, that she seemed eager and wanted to respond to her.
14 So, if they want to rebut her willingness or not
15 willingness to give a statement, I believe, that's been
16 established. And what specifically she said is regarding
17 a non-inundated question is a different story.

18 MR. BROWN: Your Honor, the State can't limit
19 how we can rebut the primary allegation they've made.

20 THE COURT: Well, at this point, and I'm
21 considering Mr. Urick, that portion of his testimony to --

22 MS. MURPHY: And that was rebuttal testimony
23 done in anticipation of the following witness.

24 THE COURT: Right. I understand. I understand.
25 Well, let's take it step-by-step. I think you can clearly

ADNAN SYED VS. STATE OF MARYLAND
October 11, 2012 BEFORE JUDGE MARTIN P. WELCH

1 rebut the whole willingness issue. But I know it's going
2 to get sticky when you start talking about what -- 'cause
3 I'm assuming in that, I guess, what you proffer in there
4 is that she said that he was with her at the time, the
5 alternate alibi, right?

6 MR. BROWN: Correct.

7 THE COURT: I'll let it in, but I'll give it the
8 weight I think it deserves. But there are some -- you
9 know, it's hearsay, within hearsay, within hearsay.

10 MR. BROWN: And, Your Honor, we would like the
11 opportunity to establish what weight exactly it deserves.
12 I mean, the way we do that is by presenting testimony
13 about exactly what happened, exactly how it all went down,
14 exactly how that statement is obtained. And then it is up
15 to Your Honor to decide, is that worthy of great weight or
16 little weight.

17 THE COURT: Well, it's a slippery slope. And
18 that's why I'm exercising some discretion in trying to
19 limit what does come in.

20 MR. BROWN: I guess we'll deal with it blow-by-
21 blow.

22 THE COURT: Let's deal with it blow-by-blow.

23 MR. BROWN: Thank you, Your Honor.

24 MS. MURPHY: I just -- so I don't have to keep
25 interrupting. I want a continued objection to any

ADNAN SYED VS. STATE OF MARYLAND
October 11, 2012 BEFORE JUDGE MARTIN P. WELCH

1 statements made by Asia McClane.

2 THE COURT: To Ms. Chaudry.

3 MS. MURPHY: Yes.

4 THE COURT: You have a continuing objection.

5 MS. MURPHY: Thank you, Your Honor.

6 (Bench Conference concluded at 3:16 p.m.)

7 (All Counsel return to trial tables where the
8 following ensued:)

9 THE COURT: You may continue, Mr. Brown.

10 MR. BROWN: Thank you, Your Honor.

11 BY MR. BROWN:

12 Q And again you have exhibit number --
13 Defendant's No. 1 in front of you. Can you describe what
14 that document is?

15 A This is a page from a legal pad that I had
16 made notes on when I met Asia.

17 Q Okay. And without reading it word-for-
18 word, can you describe what's contained in those notes?

19 A I just made notes summarizing what Asia had
20 said which was that she was with Adnan --

21 THE COURT: Well, don't tell us what she said
22 but just tell us.

23 THE WITNESS: Oh.

24 BY MR. BROWN:

25 Q Okay. Well, um, okay. Did -- as a result

ADNAN SYED VS. STATE OF MARYLAND
October 11, 2012 BEFORE JUDGE MARTIN P. WELCH

1 of your -- as a result of your conversation with Ms.
2 McClane, did you learn whether she ever tried to contact
3 the police about what she knew?

4 A Yes. She told me she tried to contact the
5 police, Adnan's family, his attorney. She wrote him
6 letters. She did everything she could to contact
7 somebody.

8 Q And what did you learn about her
9 interaction with Mr. Syed on the day in question?

10 A What I learned was that, she had seen him
11 after school that day at the library, which was next door
12 to the school. And she recalled the day very clearly.
13 She recalled very specific things about the day and she
14 had spent the time immediately after school with him for
15 about 15, 20 minutes.

16 MR. BROWN: Your Honor, just -- did I -- has
17 Exhibit No. 1 been admitted into evidence?

18 THE COURT: No, it's not been.

19 MR. BROWN: I would like to offer Defendant's
20 Exhibit 1 into evidence.

21 MS. MURPHY: I renew my objection, Your Honor.
22 There's been no foundation that the witness doesn't
23 independently recall this incident.

24 THE COURT: As to date and time?

25 MS. MURPHY: Date and time, substance. It's all

ADNAN SYED VS. STATE OF MARYLAND
October 11, 2012 BEFORE JUDGE MARTIN P. WELCH

1 A I was really angry and upset and shocked,
2 because I had never heard of this person before. And she
3 was clearly a very strong alibi witness. Her facts were
4 independently verifiable. And nobody had contacted her.
5 She had never heard from Cristina Gutierrez or anybody
6 from her firm.

7 Q And, at this time, did you pressure her in
8 any way to say something that she didn't want to say?

9 A Absolutely not. I didn't even know her.
10 This was completely her story, but it was consistent
11 through her letters, through everything she's told the
12 family. I just asked her, are you willing to put it down
13 on paper.

14 Q Okay. And after you asked her whether she
15 was willing to put it down on paper, what happened next?

16 A She said, yes, she would write it down on
17 paper. And, you know, do it in affidavit form so we could
18 go get it notarized. And she was completely willing to do
19 that.

20 Q I'm going to --

21 MR. BROWN: May I approach the witness, Your
22 Honor?

23 THE COURT: You may.

24 (Whereupon, Counsel approached the witness stand
25 and the following ensued:)

ADNAN SYED VS. STATE OF MARYLAND
October 11, 2012 BEFORE JUDGE MARTIN P. WELCH

1 BY MR. BROWN:

2 Q I'm showing the witness what's been marked
3 as Defendant's Exhibit No. 2, do you recognize this
4 document?

5 A I do.

6 Q What is that document?

7 A That is the handwritten affidavit of Asia
8 McClane.

9 Q And are there any parts of that document
10 that you wrote?

11 A I wrote the word "Affidavit" on top and
12 everything else is her handwriting.

13 Q It's a little bit hard to read, but are you
14 able to make out a signature at the bottom of that
15 document?

16 A Yeah, that is the notary signature.

17 Q And is there another signature on there?

18 A Asia McClane's signature.

19 Q And is there a date on there?

20 A March 25, 2000.

21 Q And is that date consistent with the date
22 on which you met Asia McClane?

23 A Yes, that's the day we met.

24 Q Okay. And can you describe what this
25 affidavit says?

ADNAN SYED VS. STATE OF MARYLAND
October 11, 2012 BEFORE JUDGE MARTIN P. WELCH

1 MS. MURPHY: Objection.

2 MR. BROWN: Your Honor it's my -- well, do we
3 need to approach?

4 THE COURT: I think you do.

5 BENCH CONFERENCE

6 (Bench Conference begins - 3:21:56 p.m.)

7 (All Counsel approach the bench where the
8 following ensues:)

9 MR. BROWN: I thought we just covered this?

10 MS. MURPHY: Just my continued objection.

11 THE COURT: It's the same issue.

12 MS. MURPHY: It's the same issue. It's clearly
13 hearsay being offered for the truth of the matter
14 asserted.

15 THE COURT: And we'll, a continuing objection.
16 I'm just more concerned of the document itself. She's --
17 now this is not her. This is not her. So, Defense
18 Exhibit 1 are her notes.

19 MR. BROWN: Okay. That's correct. This is a
20 notarized affidavit, Your Honor. That does lend some
21 additional credibility. And it was notarized specifically
22 for this purpose. And once again, I would propose we let
23 it in, and Your Honor gives it the weight it deserves.
24 And I understand Ms. Murphy has a continuing objection.

25 THE COURT: But you're now asking her questions,

ADNAN SYED VS. STATE OF MARYLAND
October 11, 2012 BEFORE JUDGE MARTIN P. WELCH

1 what does it say.

2 MR. BROWN: Well, I --

3 MS. MURPHY: It speaks for itself.

4 MR. BROWN: Okay. That's fine. I don't -- I'm
5 going it -- I thought we had agreed --

6 THE COURT: I think you're doing the best you
7 can, Mr. Brown. I'm not -- you know --

8 MR. BROWN: How do you want me to do it, Your
9 Honor? Is this coming in or not?

10 THE COURT: As to its admission, Ms. Murphy, the
11 same objection?

12 MS. MURPHY: Same objection as to the hearsay.

13 THE COURT: All right. The Court will, again,
14 give it the weight I think it deserves.

15 MR. BROWN: Okay. And just to be clear, am I
16 allowed to ask her to describe what's in here?

17 THE COURT: I don't think so, because it's not
18 her affidavit. It's not her. She may have assisted in
19 obtaining it, right?

20 MR. BROWN: Okay.

21 THE COURT: It's not her.

22 MR. BROWN: But I may ask her about her
23 discussions with, her conversation?

24 THE COURT: You've already -- yeah, you've done
25 that. And there's a continuing objection as to what she

ADNAN SYED VS. STATE OF MARYLAND
October 11, 2012 BEFORE JUDGE MARTIN P. WELCH

1 said.

2 MR. BROWN: Okay. Thank you, Your Honor.

3 (Bench Conference concluded at 3:24:11 p.m.)

4 (All Counsel return to trial tables where the
5 following ensued:)

6 MR. BROWN: Your Honor, I offer Defendant's
7 Exhibit No. 2 into evidence.

8 THE COURT: And you object for the reasons set
9 forth?

10 MS. MURPHY: Yes, Your Honor. Thank you.

11 THE COURT: On the record. The Court notes the
12 objection. The Court will admit into evidence then
13 Defendant's Exhibit No. 2.

14 (Whereupon, Defense's
15 Exhibit No. 2 was admitted
16 into evidence.)

17 MR. BROWN: Is it okay for me to leave it right
18 here?

19 THE COURT: Sure.

20 BY MR. BROWN:

21 Q Ms. Chaudry, you said that you had a
22 conversation with Ms. McClane prior to the taking of that
23 affidavit, correct?

24 A Yes.

25 Q Could you please read that affidavit right

ADNAN SYED VS. STATE OF MARYLAND
October 11, 2012 BEFORE JUDGE MARTIN P. WELCH

1 now and tell me if there's anything in that affidavit
2 that's inconsistent --

3 THE COURT: Read it to yourself.

4 MR. BROWN: Absolutely. Read it to yourself.

5 And tell me if there's anything in that affidavit that's
6 inconsistent with the conversation that you had with Ms.
7 McClane?

8 MS. MURPHY: Objection.

9 THE COURT: Same objection, Ms. Murphy?

10 MS. MURPHY: Same objection, Your Honor.

11 THE COURT: Duly noted, but overruled.

12 (Pause. Witness examined the exhibit.)

13 THE WITNESS: I'm done.

14 BY MR. BROWN:

15 Q Okay. Let me ask the question again. Is
16 there anything in that affidavit that's in any way
17 inconsistent with what Ms. McClane told you in person when
18 you talked to her?

19 A No, that's exactly what she said.

20 Q Okay. And why did you decide to get that
21 statement notarized?

22 A Honestly, I was in my second year of law
23 school. I wasn't sure, like, how to handle the situation.
24 I knew Cristina was not approachable, Cristina Gutierrez.
25 And it just seemed, like, you know -- and I also didn't

ADNAN SYED VS. STATE OF MARYLAND
October 11, 2012 BEFORE JUDGE MARTIN P. WELCH

1 really have any contact with Asia at all after that. So I
2 just wanted to get it on paper, to be able to also give it
3 to Cristina Gutierrez, and to show it to the family and to
4 provide it to the court. I thought it might help.

5 Q How did you get it notarized?

6 A There's a -- we were in the Security Mall
7 area. And there was a little check-cashing place across
8 the street, on Security Boulevard, and we just went there
9 and got it notarized.

10 Q Okay. And did Ms. McClane have any
11 objection to that?

12 A No, not at all.

13 Q How did you feel after having met her?

14 MS. MURPHY: Objection.

15 THE COURT: Overruled. You may answer.

16 THE WITNESS: I was furious. I felt like this
17 was a witness who would have changed the entire case. And
18 her -- the story she told me, she remembered so many
19 details. I was able to verify those, some of the details
20 later. There were two other witnesses involved in it and
21 the fact that Cristina Gutierrez had not even contacted
22 her, to me, was evidence that she was -- Gutierrez was
23 okay -- she wanted to lose the case. That's how I felt at
24 that point. That she wanted to lose that case.

25 MS. MURPHY: Objection.

ADNAN SYED VS. STATE OF MARYLAND
October 11, 2012 BEFORE JUDGE MARTIN P. WELCH

1 THE COURT: Sustained.

2 BY MR. BROWN:

3 Q Are you aware of any motive that she may
4 have had to lie about this?

5 THE COURT: I'm sorry?

6 MR. BROWN: Were you aware of any motive that
7 she might have had at that time to lie about her account?

8 MS. MURPHY: Objection.

9 THE COURT: Sustained.

10 BY MR. BROWN:

11 Q Did Ms. McClane say anything to you about
12 having a romantic interest in Mr. Syed?

13 A Absolutely not.

14 MS. MURPHY: Objection.

15 THE COURT: Sustained.

16 MR. BROWN: May we approach, Your Honor?

17 THE COURT: You may.

18 BENCH CONFERENCE

19 (Bench Conference begins - 3:28:12 p.m.)

20 (All Counsel approach the bench where the
21 following ensues:)

22 MR. BROWN: I believe it was you in your opening
23 statement said that there was clearly evidence of some
24 kind of romantic interest --

25 THE COURT: I missed that, if Ms. Murphy did.

ACCUSCRIBES TRANSCRIPTION SERVICES

410-466-2033

410-494-7015

ADNAN SYED VS. STATE OF MARYLAND
October 11, 2012 BEFORE JUDGE MARTIN P. WELCH

1 MR. BROWN: -- exemplified from that. And I
2 think that kind of opened the door to that question,
3 that's why I'm asking.

4 MS. MURPHY: It was an argument, Your Honor.
5 There was no testimony on that. And it's based on
6 documents, other than these, that were provided by the
7 Defense Counsel in his petition.

8 THE COURT: But did you mention -- I don't
9 recall that in today's opening?

10 MS. MURPHY: Yes, I did. When -- I will argue
11 about the credibility of this witness and things the State
12 would want to explore. There's certainly --

13 THE COURT: Right. 'Cause I assume there was?

14 MR. BROWN: No.

15 MS. MURPHY: -- statements in the letters.

16 MR. BROWN: It's our position there was not.

17 MS. MURPHY: There's statements made in the
18 letters that suggest a very strong affinity for the
19 Defendant by this witness.

20 THE COURT: But your objection again?

21 MS. MURPHY: This -- I mean, that was argument.
22 There's been no testimony and I just don't see how it's
23 relevant at this point.

24 THE COURT: (Inaudible) the question was, did?

25 MR. BROWN: Did she do anything to indicate that

ADNAN SYED VS. STATE OF MARYLAND
October 11, 2012 BEFORE JUDGE MARTIN P. WELCH

1 she -- or say anything that indicated to you, that she had
2 a romantic interest in Mr. Syed?

3 THE COURT: I'll overrule and allow it.

4 (Bench Conference concluded at 3:29:45 p.m.)

5 (All Counsel return to trial tables where the
6 following ensued:)

7 BY MR. BROWN:

8 Q Ms. Chaudry, I'll ask you the same question
9 again. Did Ms. McLane do, or say anything to you, that
10 led you to believe she had a romantic interest in Mr.
11 Syed?

12 A Not at all.

13 Q Okay. After you met with Ms. McClane, did
14 you make any effort to confirm the truth of what she told
15 you?

16 A I did. Yes.

17 Q And can you please tell the Court what you
18 did?

19 MS. MURPHY: Objection.

20 THE COURT: Overruled.

21 THE WITNESS: I -- Asia had conveyed that the
22 day she --

23 MS. MURPHY: Objection.

24 THE COURT: Sustained.

25 THE WITNESS: Okay. Um --

ADNAN SYED VS. STATE OF MARYLAND
October 11, 2012 BEFORE JUDGE MARTIN P. WELCH

1 BY MR. BROWN:

2 Q Can you -- can you just tell exactly what
3 you did.

4 A I checked the weather reports to see if
5 they were consistent with what she said. And I checked
6 the school closing records to check if it was consistent
7 with what she said.

8 Q And what did you find out? Was -- did
9 those -- that fact checking you did, was that consistent
10 with what she had said?

11 A It was completely consistent with what she
12 said.

13 Q And why did you think that?

14 A Because school had been closed for two
15 days. The day after Hae Min disappeared because there was
16 a heavy snowstorm that same night. And that's what Asia
17 had conveyed and that's what the record showed.

18 Q And what, if any, significance did that
19 have to you?

20 A That showed me that there were details
21 about that day. It was not just any other day for her.
22 She remembered specific details about that day, and her
23 details were verifiable.

24 Q What did you then do with that affidavit?

25 A I made a bunch of copies. I sent, I think,

ADNAN SYED VS. STATE OF MARYLAND
October 11, 2012 BEFORE JUDGE MARTIN P. WELCH

1 a copy maybe to Adnan. I showed it to his family. The
2 family decided to send a copy to Cristina Gutierrez.
3 Nobody was able to get in touch with her. She would not
4 respond to phone calls, not the family's or Adnan's. So,
5 we sent her a letter and a copy of the affidavit.

6 Q Okay.

7 MR. BROWN: May I approach?

8 THE COURT: You may.

9 (Whereupon, Counsel approached the witness stand
10 and the following ensued:)

11 MR. BROWN: I'm showing the witness what's been
12 premarked as Defense Exhibit No. 3.

13 BY MR. BROWN:

14 Q Do you recognize that document?

15 A Yes, I do.

16 Q What do you recognize it to be?

17 A This is a letter that Adnan's parents asked
18 me to help them draft and type up to send to Cristina
19 Gutierrez, along with a copy of the affidavit.

20 Q And why is it that they asked you to help
21 draft and type up that letter?

22 A I think, um -- I think they might not have
23 had a computer at home. But, also, again language issues.
24 And maybe they thought I would be able to use legal
25 language more appropriately.

ADNAN SYED VS. STATE OF MARYLAND
October 11, 2012 BEFORE JUDGE MARTIN P. WELCH

1 Q Okay. And could you please read that
2 letter out-loud to the Court?

3 A (Reading from exhibit.) "Dear, Ms.
4 Gutierrez. We would like for you to include in our Motion
5 for a New Trial, the newly discovered evidence provided by
6 Ms. Asia McClane. We are aware that under Maryland laws,
7 the evidence is considered newly discovered, only when it
8 is indeed newly discovered. We feel, however, that Asia's
9 information falls into a gray area. Because, in fact,
10 nobody contacted her for her story. And that, until now,
11 her story was undiscovered. Attached, please find a copy
12 of the affidavit signed and sworn to by Ms. Asia McClane.
13 According to her, the two other eyewitness alibis are also
14 willing to submit affidavits. Furthermore, for
15 sentencing, we would like to have mitigating witnesses
16 address the Court. Please contact us to arrange for this.
17 Thank you."

18 MR. BROWN: Your Honor, I'd like to offer
19 Defense Exhibit No. 3 into evidence.

20 THE COURT: Any objection, Ms. Murphy?

21 MS. MURPHY: No, Your Honor.

22 THE COURT: So admitted then as Defense Exhibit
23 No. 3.

24 (Whereupon, Defense's
25 Exhibit No. 3 was admitted

ADNAN SYED VS. STATE OF MARYLAND
October 11, 2012 BEFORE JUDGE MARTIN P. WELCH

1 into evidence.)

2 BY MR. BROWN:

3 Q And did you ever become aware of whether
4 Ms. Gutierrez responded to that letter?

5 A Ms. Gutierrez never responded to the
6 letter.

7 Q And did you have any direct contact with
8 Ms. Gutierrez after you obtained the affidavit?

9 A No, I did not.

10 Q Did you continue to assist Mr. Syed's
11 family with the case after that?

12 A I did. I helped them write -- because
13 there was no response from Cristina Gutierrez, out of
14 desperation, they wanted to write a letter to the judge.
15 So, I helped them draft a letter to the judge and also
16 included a copy of the affidavit.

17 Q I'm going to show you what's been premarked
18 as Defense Exhibit No. 4. Do you recognize that document?

19 A Yes, I do.

20 Q What do you recognize that to be?

21 A That's the letter that I helped Adnan's
22 parents draft, to send to the Honorable Wanda Keyes, who
23 was the judge in the case.

24 Q And, do you know whose signature is at the
25 bottom of that?

ADNAN SYED VS. STATE OF MARYLAND
October 11, 2012 BEFORE JUDGE MARTIN P. WELCH

1 her and get a public defender. But she would not respond.
2 And not just to the family but not to Adnan. And in order
3 for him to get a public defender, she had to withdraw from
4 the case, and file something with the court. But she
5 wasn't doing that either. So, we were asking for a
6 continuance on the -- I think, either on the sentencing or
7 a motion or something, so we could get another lawyer.

8 Q And were you involved in the family's
9 decision to fire Ms. Gutierrez?

10 A They fired her, but I supported it.

11 Q Why did you support that decision?

12 A I think -- I mean, after having met with
13 Asia, and knowing how she had treated the family and
14 Adnan, it was clear that her -- she was not representing
15 Adnan's interests.

16 MS. MURPHY: Objection, Your Honor.

17 THE COURT: Sustained.

18 BY MR. BROWN:

19 Q Moving on, did there come a time when you
20 obtained Ms. Gutierrez's case file?

21 A Yes. The family called me after Cristina
22 Gutierrez had been dismissed from the case, or she had
23 been fired from the case, and said that her office had
24 said his case files are in a warehouse. So, Adnan's
25 mother contacted me and asked to help go retrieve them.

ADNAN SYED VS. STATE OF MARYLAND
October 11, 2012 BEFORE JUDGE MARTIN P. WELCH

1 Q And did you do that?

2 A I did. Yes.

3 Q And were you involved in getting those
4 boxes delivered to my office?

5 A Yes, I was.

6 Q How did you do that?

7 A I delivered them with Adnan's younger
8 brother. We dropped them off at your office.

9 Q Okay.

10 MR. BROWN: May I have the Court's indulgence
11 for one moment?

12 THE COURT: You may.

13 (Pause.)

14 MR. BROWN: Your Honor, no further questions for
15 this witness.

16 THE COURT: Ms. Murphy?

17 MS. MURPHY: Thank you, Your Honor. Court's
18 indulgence for one moment, please.

19 CROSS-EXAMINATION

20 BY MS. MURPHY:

21 Q Good afternoon, Ms. Chaudry.

22 A Good afternoon.

23 Q You stated that you were able to attend the
24 second trial more so than the first; is that correct?

25 A Yes.

ADNAN SYED VS. STATE OF MARYLAND
October 11, 2012 BEFORE JUDGE MARTIN P. WELCH

1 Q And you are aware that trial took about six
2 weeks to complete?

3 A The second trial?

4 Q Yes.

5 A I'm not sure of the length of the trial. I
6 don't really know. I wasn't there the entire time.

7 Q Okay. Were you there enough to see that
8 there were many contentious legal discussions between
9 counsel and the judge?

10 A Yes, I did see some of that.

11 Q Were you aware enough to -- were you
12 present enough to be aware that Ms. Gutierrez felt that
13 she had appealable issues in the case?

14 MR. BROWN: Objection. As to her testifying
15 about how Ms. Gutierrez felt.

16 THE COURT: I'll sustain. You want to rephrase.
17 BY MS. MURPHY:

18 Q You stated that Ms. Gutierrez encouraged
19 the family to begin arranging money for appeal.

20 A Yes.

21 Q And are you aware that the case was, in
22 fact, appealed?

23 A Yes.

24 Q And the Defendant was not then represented
25 by Ms. Gutierrez; is that correct?

ADNAN SYED VS. STATE OF MARYLAND
October 11, 2012 BEFORE JUDGE MARTIN P. WELCH

1 A That's correct.

2 Q So, the family, in effect, did follow
3 through on her recommendation to pursue the appeal,
4 correct?

5 A What other option did the family have?
6 They were not just going to use her though.

7 Q The family pursued the appeal, correct?

8 A Of course.

9 Q Just as Ms. Gutierrez recommended?

10 A Before he was convicted, yes.

11 Q And you were aware that there were
12 contentious legal issues ongoing in the case?

13 MR. BROWN: Objection, Your Honor.

14 THE COURT: Overruled.

15 THE WITNESS: I did not know at that time a lot
16 of the facts of the case, no. I wasn't that involved
17 during the trial. No.

18 BY MS. MURPHY:

19 Q So, you wouldn't know one way or the other
20 whether Ms. Gutierrez's comments stem from issues that
21 were arising daily in the courtroom, would you?

22 A She was enigma. She was just rude. It
23 didn't matter. I don't know.

24 Q You don't know?

25 A I don't know.

ADNAN SYED VS. STATE OF MARYLAND
October 11, 2012 BEFORE JUDGE MARTIN P. WELCH

1 Q And you were not privy to any discussions
2 that occurred between her and her client, correct?

3 A There were none, I don't think.

4 Q Were you privy to discussions between Ms.
5 Gutierrez and her client?

6 A I don't understand the question. Do you
7 mean, do I have personal knowledge or did Adnan tell me
8 about those discussions? What does that mean?

9 Q Were you present for any discussions
10 between Ms. Gutierrez and her client?

11 A He was incarcerated. No, of course not.

12 Q You were present for discussions between
13 Ms. Gutierrez and the Defendant's family, correct?

14 A Yes, yes.

15 Q Now, at that point, you were a second year
16 law student. You're an attorney now, right?

17 A Yes.

18 Q Is it ethical for an attorney to disclose
19 communications from her client either to his client's
20 family?

21 MR. BROWN: Objection, Your Honor. She's not on
22 the stand as an expert in ethical matters.

23 THE COURT: Overruled.

24 THE WITNESS: Generally, no. Unless the client
25 has granted permission which was given in this case.

ADNAN SYED VS. STATE OF MARYLAND
October 11, 2012 BEFORE JUDGE MARTIN P. WELCH

1 BY MS. MURPHY:

2 Q Was the client present for those meetings?

3 A No.

4 Q And Ms. Gutierrez, you stated, indicated to
5 you that she didn't represent the family, correct?

6 A Yes.

7 Q She said, and I'll quote you, "Adnan is my
8 client."

9 A Yes.

10 Q You stated you spoke with Adnan about the
11 substance of his case after the verdict.

12 A Yes.

13 Q And the topic of Asia McClane came up then.

14 A Yes.

15 Q You stated Adnan said, that it was like any
16 other day?

17 A For him. He didn't have any specific
18 recollection of that day, no.

19 Q So he did not indicate to you that he felt
20 Asia McClane was true, her statements were true or not
21 true?

22 A He said he remembered meeting Asia one time
23 in the library, but he could not verify the date.

24 Q So, Adnan did not tell you that he saw this
25 witness in the library on the date?

ADNAN SYED VS. STATE OF MARYLAND
October 11, 2012 BEFORE JUDGE MARTIN P. WELCH

1 A Um, no. I mean, he said that he remembers
2 it but he didn't know the date.

3 Q Well, let's clarify. You said he
4 remembered seeing her one day in the library?

5 A Yes, yeah. But that's why he asked
6 Cristina to verify the date.

7 MS. MURPHY: Nothing further, Your Honor.

8 THE COURT: Any redirect?

9 MR. BROWN: Just very briefly, Your Honor.

10 REDIRECT EXAMINATION

11 BY MR. BROWN:

12 Q Ms. Murphy asked you about a -- that
13 particular date and whether you were able to verify that
14 that was, in fact, the date when Mr. Syed met with Asia
15 McClane. Were you able to verify that date?

16 MS. MURPHY: Objection. That was not the
17 State's question, Your Honor.

18 THE COURT: I'm sorry. Let me hear the question
19 again though, please. Don't answer. Let me hear the
20 question again.

21 MR. BROWN: Were you able to verify the date on
22 which Ms. McClane said that she met with Mr. Syed?

23 MS. MURPHY: Objection.

24 THE COURT: As to form?

25 MS. MURPHY: This was covered in her direct,

ADNAN SYED VS. STATE OF MARYLAND
October 11, 2012 BEFORE JUDGE MARTIN P. WELCH

1 Your Honor. And I only asked about the Defendant's
2 statements about that meeting. Not whether she did
3 independent investigation.

4 THE COURT: Overruled.

5 BY MR. BROWN:

6 Q Ms. Chaudry, were you able to verify that
7 date on which Ms. McClane stated that she met with Mr.
8 Syed?

9 A Yes, I was.

10 Q And can you tell the Court one more time
11 how you verified that?

12 A I verified it, because I checked the
13 weather records and the school closing records which is
14 how she remembered that day. She had been snowed in.

15 Q And again, were those records and those
16 weather reports consistent with what Ms. McClane had told
17 you?

18 A Absolutely.

19 MR. BROWN: No further questions.

20 THE COURT: Any limited recross, Ms. Murphy?

21 MS. MURPHY: Nothing further, Your Honor.

22 THE COURT: Ms. Chaudry, you may step down.

23 (Witness was excused.)

24 THE COURT: And, I need to take a quick break.
25 But, there are two more witnesses?

Cited Excerpts of Post-Conviction
Hearing Testimony from Shamin Rahman
(10/11/2012) (Pages 84-85, 98-100)

ADNAN SYED VS. STATE OF MARYLAND
October 11, 2012 BEFORE JUDGE MARTIN P. WELCH

1 Q How did you first come to know Cristina
2 Gutierrez?

3 A When Adnan got arrested the first time. So
4 we did hire the professor. Then he --

5 THE COURT: I'm sorry. You hired who?

6 THE WITNESS: The professor. We had the
7 professor, a professor.

8 BY MS. KUJDA:

9 Q Are you saying that you had a relationship
10 with a professor who --

11 A We hired him, yes.

12 Q And what did the professor do in regards to
13 Adnan's case?

14 A Yeah. He -- when Adnan got arrested, so we
15 hired him. So he introduced us to Ms. Gutierrez.

16 Q So the professor introduced you to
17 Cristina?

18 A Yes, Cristina.

19 Q Did you agree to meet with Cristina?

20 A Yes, we did.

21 Q Okay. Could you describe that meeting?

22 A Yeah. It was three lawyers. So, the
23 mosque, you know, they had -- they interviewed other three
24 lawyers. So they choose Cristina Gutierrez.

25 Q So you're saying that the mosque --

ADNAN SYED VS. STATE OF MARYLAND
October 11, 2012 BEFORE JUDGE MARTIN P. WELCH

1 A Yes.

2 Q -- which you attend, had interviewed --

3 A Yeah, Cristina.

4 Q -- some attorneys?

5 A Yes, the three of them.

6 Q Okay. So, did the people at your mosque
7 make a decision on who would represent Adnan?

8 A Yes, they did.

9 Q And who did they decide?

10 A Cristina Gutierrez.

11 Q When was the first time that you met with
12 Ms. Gutierrez without the individuals in your mosque?

13 A Yeah, me and my husband, we went to her
14 office and we signed the contract.

15 Q Okay. And when you went to her office, did
16 you talk to her at all about Adnan's case?

17 A We did. But she asked us for the money,
18 like \$50,000. So we had to take the money to her.

19 Q Okay. So she asked you for \$50,000?

20 A Yes.

21 Q Did you pay the \$50,000?

22 A Yes, we did.

23 Q And how did you pay that?

24 A Some of the mosque, you know, the community
25 gave us the money, and the rest of them we had to take up

ADNAN SYED VS. STATE OF MARYLAND
October 11, 2012 BEFORE JUDGE MARTIN P. WELCH

1 innocent?

2 A Yes, I know he's innocent.

3 Q Regardless of this belief, if Adnan had
4 come to you and said that he was considering pleading
5 guilty, what would you have done?

6 A I'd respect his wishes. Whatever he
7 decide, you know, is all right with me.

8 Q Would you have loved him and supported him?

9 A Of course. He's my child, yes.

10 MS. KUJDA: No further questions.

11 THE COURT: Just one second.

12 (Pause.)

13 THE COURT: And, Ms. Murphy, any cross?

14 MS. MURPHY: Just briefly, Your Honor.

15 CROSS-EXAMINATION

16 BY MS. MURPHY:

17 Q Good afternoon.

18 A Good afternoon.

19 Q You said you initially hired a professor.

20 A Yes.

21 Q Was that Michael Millman at the University
22 of Maryland?

23 A I don't remember his name, 'cause a long
24 time.

25 Q Was he at the University of Maryland?

ADNAN SYED VS. STATE OF MARYLAND
October 11, 2012 BEFORE JUDGE MARTIN P. WELCH

1 A Yes.

2 Q Was there also another professor named,
3 Doug Colbert who assisted?

4 A Yes, his first name.

5 Q And they actually recommended Cristina
6 Gutierrez, correct?

7 A Yes, yes.

8 Q And they told you that she had a reputation
9 for being very tough?

10 A Of course, yes.

11 Q And for fighting very hard for the client.

12 A Yes.

13 Q And, of course, that's what you wanted?

14 A Yeah, the expertise, you know.

15 Q So you were aware that she had an extensive
16 background in trying criminal cases?

17 A Yes, that's what they told us.

18 Q And then representing Defendants in
19 criminal cases, correct?

20 A Yes, uh-huh.

21 Q And as any mother, you wanted the best
22 attorney possible, right?

23 A Of course.

24 Q It's fair that you and your community
25 sacrificed a great deal to hire Ms. Gutierrez; is that

ADNAN SYED VS. STATE OF MARYLAND
October 11, 2012 BEFORE JUDGE MARTIN P. WELCH

1 correct?

2 A Yes, we did.

3 Q And you did that, because you hoped for an
4 acquittal in the case, right?

5 A Uh-huh.

6 MS. MURPHY: Nothing further, Your Honor.

7 THE COURT: Any redirect, Ms. Kujda?

8 MS. KUJDA: Court's indulgence. No redirect,
9 Your Honor.

10 THE COURT: And you may step down, Ms. Rahman.
11 (Witness was excused.)

12 THE COURT: Counsel, unfortunately, I think
13 based upon my schedule, this is probably an appropriate
14 time for us to break. And we're back again on October the
15 25th. Thank you. And thank you for your patience and
16 cooperation.

17 MR. BROWN: Thank you, Your Honor.

18 MS. MURPHY: Thank you, Your Honor.

19 (Off the record -- 4:16:16 p.m.)
20
21
22
23
24
25

Cited Excerpts of Post-Conviction
Hearing Entry of Stipulation
(10/25/2012) (Pages 4-5)

COPY

ADNAN SYED VS. STATE OF MARYLAND
October 25, 2012 BEFORE JUDGE MARTIN P. WELCH

ADNAN SYED	*	IN THE
Petitioner	*	CIRCUIT COURT
V.	*	FOR
STATE OF MARYLAND	*	BALTIMORE CITY,
Respondent	*	STATE OF MARYLAND
	*	199103042-046 and
	*	Post-Conviction No. 10432

* * * * *

TRANSCRIPT OF OFFICIAL PROCEEDINGS
(Post-Conviction)

BEFORE: THE HONORABLE MARTIN P. WELCH, Judge

HEARING DATE: October 25, 2012

APPEARANCES:

For the Petitioner: Justin Brown, Esquire
For the Respondent: Kathleen Murphy, Esquire

Transcriptionist: Erika B. Newton
Transcription Service: ACCUSCRIBES TRANSCRIPTION SERVICE
1301 York Road, Suite 601
Lutherville, Maryland 21093

Proceedings recorded by digital media with video,
transcript produced by transcription service.

ADNAN SYED VS. STATE OF MARYLAND
October 25, 2012 BEFORE JUDGE MARTIN P. WELCH

1 told her to be here around 2:00, but certainly I can shoot
2 her a text message or something to change that.

3 THE COURT: And any other witnesses after?

4 MR. BROWN: No, Your Honor.

5 THE COURT: Okay. Any, Ms. Murphy?

6 MS. MURPHY: At this point, the State is not
7 intending to call any witnesses, Your Honor.

8 THE COURT: Okay. Any idea -- well, and Mr.
9 Syed is probably your longest witness, I assume.

10 MR. BROWN: I would imagine.

11 THE COURT: Okay. Well let's sort of see where
12 we are and then we can always adjust. So, is the
13 Petitioner prepared to call its next witness then, Mr.
14 Brown?

15 MR. BROWN: Yes, Your Honor. I would like to
16 before I call Mr. Syed, I just want to address one issue
17 that came up at the last hearing. We -- I discussed, that
18 it was my understanding there was a stipulation regarding
19 a note that was found in Ms. Gutierrez's file. And Ms.
20 Murphy initially objected, that she didn't recall there
21 being a stipulation. But we have had the opportunity to
22 discuss it. And, in fact, there was an agreement that an
23 affidavit, she would not object to its admission into
24 evidence.

25 So, I would like to introduce it into evidence

ADNAN SYED VS. STATE OF MARYLAND
October 25, 2012 BEFORE JUDGE MARTIN P. WELCH

1 at that time and briefly explain to Your Honor what it is.

2 THE COURT: All right. And I missed the first
3 thing you said as to what it was. So maybe you'll --

4 MR. BROWN: Your Honor, there was a note found
5 in Ms. Gutierrez's file related to the alibi witness, Asia
6 McClane. And, essentially what the note said was, "Asia
7 McClane saw him in the library at 3:00. Asia, boyfriend
8 saw him too." That's a handwritten note.

9 And I was able to determine that that note was
10 written by a law clerk to Ms. Gutierrez named, Ali
11 Cornedor (phonetic), who's now an attorney in Washington
12 D.C. So I sent that note, along with some requests for a
13 jail visit to Mr. Cornedor, so that he could authenticate
14 them. And say that, indeed, that was his handwriting.
15 That by the best of his recollection, he visited Syed,
16 obtained that information, and that in the normal course
17 of being a law clerk, he would have relayed that
18 information to Ms. Gutierrez.

19 So, I believe we're on Defendant's Exhibit No.
20 5. And I would move that into evidence at this time, Your
21 Honor.

22 THE COURT: And, Ms. Murphy?

23 MS. MURPHY: No objection, Your Honor.

24 THE COURT: So admitted then as Defendant's
25 Exhibit No. 5.

**Cited Excerpts of Post-Conviction
Hearing Testimony from Adnan Syed
(10/25/2012) (Pages 8-34, 38-39, 57-59)**

ADNAN SYED VS. STATE OF MARYLAND
October 25, 2012 BEFORE JUDGE MARTIN P. WELCH

1 Q At that time, did you have any criminal
2 record?

3 A No.

4 Q Ever been arrested, any juvenile offenses,
5 anything?

6 A No.

7 Q Do you recall that you were arrested on
8 February 28, 1999?

9 A Yes.

10 Q And do you remember where you were detained
11 initially?

12 A At the Baltimore City Detention Center.

13 Q Were you able to get released on bail?

14 A No.

15 Q Were you represented by an attorney at your
16 bail hearing?

17 A Yes.

18 Q Do you recall the name of that attorney?

19 A I believe it was Professor Douglas Colbert.

20 Q Okay. And did there eventually come a time
21 when you obtained a lawyer other than Professor Colbert to
22 represent you?

23 A Yes.

24 Q And who was that other lawyer?

25 A Ms. Cristina Gutierrez.

ADNAN SYED VS. STATE OF MARYLAND
October 25, 2012 BEFORE JUDGE MARTIN P. WELCH

1 Q To the best of your recollection, how did
2 Cristina Gutierrez come to represent you?

3 A Well, when I was arrested, the community
4 that I was a part of, they raised money to hire an
5 attorney. So, that's how she was hired. The members of
6 the community, they hired her.

7 Q Okay. Were you personally involved in the
8 selection process?

9 A No.

10 Q Had you met with Ms. Gutierrez prior to the
11 time when she was officially retained?

12 A No.

13 Q Do you recall when you first met Ms.
14 Gutierrez?

15 A Yes.

16 Q And I assume that was prior to the trial;
17 is that correct?

18 A Yes.

19 Q Do you remember where that meeting took
20 place?

21 A In the city jail visiting room.

22 Q Okay. What was she like at that meeting?

23 A Well, I would characterize my interactions
24 with Ms. Gutierrez in the same manner that I would
25 interact with, I guess, my teachers, or my coaches, or

ADNAN SYED VS. STATE OF MARYLAND
October 25, 2012 BEFORE JUDGE MARTIN P. WELCH

1 even my doctor. In the sense that, they were very much,
2 you know, the adult. And they were in charge. And
3 whatever they said, that's what it was. You know, I
4 depended on them. I trusted on them. So, I guess, that
5 would be the best way to describe my interactions with Ms.
6 Gutierrez.

7 Q Is it fair to say that Ms. Gutierrez was
8 assertive?

9 A Yes.

10 Q Did you feel at all intimidated by her?

11 A To an extent. I guess, the best way to
12 describe it was like the relationships I just described,
13 that whatever she said, that's what it was.

14 Q Okay. And you testified before, that you -
15 - this was the first time you'd ever been arrested, right?

16 A Yes.

17 Q How much did you know about the whole
18 process of being charged with a crime?

19 A Other than what I had seen on T.V. or read
20 in the books, I didn't have any experience with it.

21 Q What, if anything, did you know about the
22 discovery process?

23 A I didn't know much of anything about it.

24 Q What, if anything, did you know about the
25 plea bargaining process?

ADNAN SYED VS. STATE OF MARYLAND
October 25, 2012 BEFORE JUDGE MARTIN P. WELCH

1 A I didn't -- until the initial hearings
2 began and through conversations with other inmates over at
3 the city jail, I didn't know anything about the plea
4 bargaining process.

5 Q Did you understand suppression issues and
6 other evidentiary issues?

7 A No.

8 Q Did you understand anything about jury
9 selection?

10 A Not in detail.

11 Q Did you know all the components of a jury
12 trial?

13 A No.

14 Q And did Ms. Gutierrez explain all of these
15 things to you?

16 A Not in any detail.

17 Q Now, I want to ask you a few questions
18 about the discovery in this case. Do you now know what I
19 mean when I use the word discovery?

20 A Yes.

21 Q Did Ms. Gutierrez explain to you the
22 State's evidence piece by piece, or at least what she
23 understood to be the State's evidence?

24 A Not in any detail.

25 Q Did she explain to you --

ADNAN SYED VS. STATE OF MARYLAND
October 25, 2012 BEFORE JUDGE MARTIN P. WELCH

1 MS. MURPHY: Your Honor, I'm going to object to
2 the leading nature of these questions.

3 THE COURT: Sustained.

4 BY MR. BROWN:

5 Q What, if anything, did Ms. Gutierrez
6 explain to you about cellular telephone evidence?

7 A She didn't really go into detail about any
8 aspects of cellular. Just, she did mention that -- when
9 she would describe the case to me, when I would ask her,
10 she would give me bits and pieces in a sense. And she
11 would tell me that, for example, they're trying to use
12 your cell phone to pinpoint where you were during the day.
13 So that was the gist of her explanations to me. They were
14 not in any great detail.

15 Q Did she attempt to explain to you what
16 other witnesses would testify to?

17 MS. MURPHY: Objection as to the leading nature
18 of the question.

19 THE COURT: Sustained.

20 BY MR. BROWN:

21 Q What, if anything, did Ms. Gutierrez tell
22 you about other witnesses and how they might testify
23 against you?

24 A She didn't go into great detail with me
25 about the total extent, I guess, of what she knew about

ADNAN SYED VS. STATE OF MARYLAND
October 25, 2012 BEFORE JUDGE MARTIN P. WELCH

1 the prosecutor's case.

2 MS. MURPHY: Objection, Your Honor. As to what
3 she knew.

4 THE COURT: Sustained as to what she knew.

5 BY MR. BROWN:

6 Q Let me ask you this, did you feel like you
7 had a good grasp of the evidence against you?

8 A Not to a great extent.

9 Q Now, you mentioned that there was at least
10 one meeting with Ms. Gutierrez. Did there ever come a
11 time when other people from her office would visit you?

12 A Yes.

13 Q And I'm going to read you a couple of names
14 and I want to ask you if you recall those people and
15 whether they visited you at all. Do you recall someone
16 named Michael Lewis?

17 A Yes.

18 Q Who is Michael Lewis?

19 A He was one of, I guess, a paralegal or a
20 law clerk or. I guess he was a lawyer who worked
21 underneath of -- I'm not even sure what the term is for
22 that.

23 Q What about Caleoby (phonetic) Farmamous
24 (phonetic)?

25 A She was in the same capacity.

ADNAN SYED VS. STATE OF MARYLAND
October 25, 2012 BEFORE JUDGE MARTIN P. WELCH

1 Q What about Rita Pazmiacous (phonetic)?

2 A She was an attorney who worked with her or.

3 Q Did you recall someone named Ali Cornedor?

4 A Yes.

5 Q And did any of these people ever visit you
6 prior to your trial?

7 A Yes.

8 Q Was there one in particular, or was it the
9 sum of them, or was it all of them? What do you recall?

10 A They would come at different intervals.
11 So, they would come individually, at different times.

12 Q And what, if anything, was your
13 understanding as to whether those people would relay
14 information to Ms. Gutierrez?

15 A I was under the impression that whatever I
16 told them, they would pass it along to her.

17 Q Okay. Now, prior, there were numerous -- I
18 want to ask you a few questions about your court
19 proceedings but not your trial, but prior to the trial.
20 Do you recall any of those proceedings?

21 A Yes.

22 Q And do you recall who represented you at
23 those proceedings?

24 A Yes.

25 Q Who was that?

ADNAN SYED VS. STATE OF MARYLAND
October 25, 2012 BEFORE JUDGE MARTIN P. WELCH

1 A Ms. Gutierrez.

2 Q Okay. Can you describe to the Court what
3 those proceedings were like?

4 A Well, it was always very crowded. The
5 courtroom was always full of people. And it was really
6 like emotionally charged atmosphere. And through the
7 first initial hearings, I was just really trying to pay
8 attention to what was going on. And whenever I would get
9 back to the jail, I would see on the news, news stories of
10 it, or someone would show me a paper -- excuse me, stories
11 from the newspaper. And, I guess, the sense that I got
12 was that, initially and throughout the entire proceeding
13 was that, this wasn't really -- this was really a
14 situation where I would have to prove that I didn't commit
15 this crime. This wasn't a situation where I could just
16 lay back and see, well they have to prove that I did it.
17 And, I guess, that understanding comes from, you know,
18 when you watch T.V. or you watch the legal shows. It's
19 the sense of innocent until proven guilty. But my
20 impression from going to court and seeing all the media
21 coverage and in the newspaper or on T.V., that that was
22 just the impression that stuck with me. That, I was going
23 to have prove that I didn't commit this crime. That in a
24 sense, I was already -- it felt like I was just presumed
25 guilty by everyone.

ADNAN SYED VS. STATE OF MARYLAND
October 25, 2012 BEFORE JUDGE MARTIN P. WELCH

1 Q Did you ever have the opportunity to speak
2 with your lawyer about how strong the case against you
3 was?

4 A Yes.

5 Q And what, if anything, do you recall her
6 saying?

7 A Well, I asked her and I asked some of her
8 legal people that work with her when they would come to
9 visit me. I would ask them, you know, what are the
10 elements of the State's case? You know, do you guys know
11 what they're going to present against me? Essentially,
12 what is it that I'm facing? And, they never really went
13 into great detail about it. They would just kind of ask
14 me the questions and then that was it. And to the extent
15 that I explained earlier, that that was my relationship
16 with them. I mean, specifically with Ms. Gutierrez that,
17 I trusted her. And I took it to be that, well, she
18 understood what was important, she would come and ask me
19 what it was. And I may ask her a question or not, but
20 whatever her response was, that's what it is. I mean, the
21 best way I can explain it is, is to be 17-year-old and go
22 visit your doctor. And your doctor asks you questions and
23 he tells you something, you listen to what they say. You
24 know, whatever they say, that's what it is.

25 Q But, did you feel like you understood how

ADNAN SYED VS. STATE OF MARYLAND
October 25, 2012 BEFORE JUDGE MARTIN P. WELCH

1 strong the case was against you or wasn't against you?

2 A I definitely did not have confidence that,
3 unless I was able to prove I didn't commit this crime,
4 because it seemed as if from what the State was saying at
5 these different hearings, that they were pinpointing,
6 like, an exact time and an exact place where this murder
7 took place.

8 Q Did there come a time when Ms. Gutierrez
9 sat down with you and explained your options with regards
10 to pleading guilty or going to trial?

11 A No.

12 Q Did you ever raise this issue with Ms.
13 Gutierrez?

14 A I did.

15 THE COURT: You said you didn't?

16 THE WITNESS: Oh, no, I'm sorry, Your Honor. I
17 said, I did. Yes sir, I did.

18 THE COURT: You did.

19 THE WITNESS: Yes sir, I did.

20 BY MR. BROWN:

21 Q And how did you -- you mentioned before
22 that you'd never been arrested for a crime. How did you
23 come to ask her about this issue, this issue about
24 pleading guilty or proceeding to trial? How did you come
25 to ask her about it?

ADNAN SYED VS. STATE OF MARYLAND
October 25, 2012 BEFORE JUDGE MARTIN P. WELCH

1 A Well, when I was housed in the city jail, a
2 lot of times, you know, other inmates and myself we would
3 talk about our cases. And my conversation with some older
4 guys, I would explain that, I really didn't have
5 confidence in my case. Because, I felt that, the time
6 that they said -- or excuse me, the time that it seems the
7 State's theory was that this murder took place or the time
8 that they were alleging in the bits and pieces of
9 information that Ms. Gutierrez was giving me, it seemed
10 that I couldn't prove I was somewhere else or with someone
11 else at that time. So, I felt that I was expressing I
12 didn't really have confidence in my case. And it was
13 suggested to me that, well, you should ask your attorney,
14 did the State offer a plea deal or, you know, what is the
15 possibility of that. And it was explained to me that
16 that's pretty much common practice. That in most cases,
17 the State will -- you know, a person will be offered a
18 plea deal. So that's how the conversation came up about
19 the plea deal and the idea came to me.

20 Q Okay. Do you know approximately when this
21 conversation took place?

22 A It was prior to the first trial.

23 Q And what exactly did you ask Ms. Gutierrez
24 to do?

25 A Well, I asked Ms. Gutierrez if the State

ADNAN SYED VS. STATE OF MARYLAND
October 25, 2012 BEFORE JUDGE MARTIN P. WELCH

1 offered a plea deal. She said no. My next question to
2 was to her, could she speak to the State's Attorney or
3 request some type of a plea. And I explained to her that
4 I didn't really have confidence that I'd be able to prove
5 I was somewhere else when the murder take place and when
6 the State's theory that the murder took place, from the
7 information that we were getting. So that's what I asked
8 her.

9 Q And how did she respond to your request?

10 A She responded in the affirmative. And I
11 took it to mean that, okay, she was going to ask her.

12 Q And did she ever follow-up on this?

13 A Well, my next time that I saw her, I asked
14 her, what was the end result? Did she get a chance to
15 speak to the State's Attorney? And her response was,
16 "They're not offering you a plea deal." So, when she said
17 that, that's what it was. There was nothing else for me
18 to ask her after that, because I believed that she went
19 and spoke to the State's Attorney, the State's Attorney
20 said no, and that's what it was. Whatever she said, I
21 mean, that's what it was. I didn't feel the need to
22 question her about it. I took her for her word.

23 Q Okay. And do you recall, do you recall how
24 your first trial ended?

25 A It ended in a mistrial.

ADNAN SYED VS. STATE OF MARYLAND
October 25, 2012 BEFORE JUDGE MARTIN P. WELCH

1 Q And do you recall why it ended in a
2 mistrial?

3 A Yes.

4 Q Why was that?

5 A Well, Judge Quarles had called Ms.
6 Gutierrez a liar during an exchange and Christopher Flohr
7 was sitting behind us. He made reference to Ms. Gutierrez
8 about it and Judge Quarles also stated that he received
9 the letter from the juror saying that they heard him call
10 her a liar in court.

11 Q Were you able to hear him call her a liar?

12 A I was able to hear it, yes.

13 Q What was that like to hear the judge call
14 your client -- your attorney a liar?

15 A I mean, it was -- I didn't really have a --
16 I don't even know what to say. I mean, I didn't -- it was
17 just kind of shocking to hear that.

18 Q Do you recall whether the mistrial occurred
19 before or after Jay Wilds (phonetic) testified?

20 THE COURT: I'm sorry, after who testified?

21 MR. BROWN: I said, does he recall whether the
22 mistrial occurred before or after Jay Wilds testified --

23 THE COURT: Jay Wilds.

24 MR. BROWN: -- testified in your trial, in that
25 first trial?

ADNAN SYED VS. STATE OF MARYLAND
October 25, 2012 BEFORE JUDGE MARTIN P. WELCH

1 THE WITNESS: I know that he had testified
2 extensively. I don't know if his testimony -- I can't
3 remember -- I don't recall if his testimony was complete
4 at this time.

5 BY MR. BROWN:

6 Q And is it fair to say that Jay Wilds was
7 the State's primary witness against you?

8 A I believe now that I'm able to say that the
9 answer is yes. And I was able to hear the State's entire
10 opening arguments. And specifically, at that time when
11 they pinpointed that at 2:36 p.m., I made a phone call to
12 Jay Wilds to come pick me up in the Best Buy parking lot,
13 and I showed him the body of Hae Lee in the trunk of the
14 car.

15 Q Now, after that mistrial, do you recall how
16 long it was until your second trial started?

17 A I believe it was several weeks. It wasn't
18 long at all.

19 Q And during that interim, did you have an
20 opportunity to speak to Ms. Gutierrez?

21 A Yes.

22 Q And did you, at any time, raise the issue
23 of a plea?

24 A Yes.

25 Q Can you describe to the Court what

ADNAN SYED VS. STATE OF MARYLAND
October 25, 2012 BEFORE JUDGE MARTIN P. WELCH

1 happened?

2 A Well, at this point, my fear was even
3 greater. And it was confirmed because, once again, back
4 to the original point, I felt that I needed to prove that
5 I didn't commit this crime. And I felt the best
6 opportunity to do that was to be able to prove at the time
7 they said the murder was committed, I was somewhere else
8 or with someone else. And absent of that, I didn't
9 believe that I would prevail at trial. And I had a pretty
10 good opportunity of seeing all of the State's case, so my
11 fears were confirmed earlier. And my request to her was,
12 I guess, based on an even greater fear that I wouldn't be
13 able to prevail at trial.

14 Q Can you tell me though, what did you tell
15 her with -- or what, if anything, did you tell her about
16 the pleas?

17 A Well, I expressed to Ms. Gutierrez again
18 that, I really didn't have confidence in the case because
19 now, my fears are confirmed that, that's essentially to me
20 what it came down to. The perception in my mind was, this
21 is what this case comes down to. Where was I at this
22 time. So, I asked Ms. Gutierrez once again, do you think
23 the State will offer a deal? Could you talk to them
24 again?

25 Q And, did she respond?

ADNAN SYED VS. STATE OF MARYLAND
October 25, 2012 BEFORE JUDGE MARTIN P. WELCH

1 A She responded that, they're not offering
2 you a deal.

3 Q I'm going to turn your attention to
4 somebody named, Asia McClane. Do you know Asia McClane?

5 A I went to school with her.

6 Q And how long did you know her at school?

7 A She was the girlfriend of a friend of mine,
8 who I had went to school with since middle school.

9 Q And what's that person's name?

10 A His name is Justin Adger (phonetic).

11 Q Justin Adger?

12 A Yes, sir.

13 Q Okay. Did you -- did you know her well?

14 A I only knew her through him. We had a few
15 classes together. But other than that, I only knew her
16 through him.

17 Q Were you aware of whether she had a
18 boyfriend?

19 A Well, when I knew her, she was his
20 boyfriend. I knew they had broken up. So, I did not know
21 at the time whether she had a boyfriend or not.

22 Q Okay. Were you aware of whether she was a
23 good student or not?

24 A We were in a lot -- some of the same
25 classes together. So, I believe, that she was a pretty

ADNAN SYED VS. STATE OF MARYLAND
October 25, 2012 BEFORE JUDGE MARTIN P. WELCH

1 good student.

2 Q And I believe you mentioned before that you
3 were in some type of Honors Program at the school; is that
4 correct?

5 A Yeah. It was a magnet program.

6 Q Were you aware of whether she was also in
7 that program?

8 A She was in some of the classes. So, I
9 believe she may or may not have been. But, I know we were
10 in a lot -- but we were in a few of the same classes
11 together.

12 Q And, did there come a time when she
13 contacted you following your arrest?

14 A Yes.

15 MR. BROWN: Your Honor, may I approach the
16 witness?

17 THE COURT: You may.

18 (Whereupon, Counsel approached the witness stand
19 and the following ensued:)

20 BY MR. BROWN:

21 Q I'm going to show you what's been marked as
22 Defendant's Exhibit 6. Do you recognize that document?

23 A Yes.

24 Q Can you describe for the Court what this
25 is?

ADNAN SYED VS. STATE OF MARYLAND
October 25, 2012 BEFORE JUDGE MARTIN P. WELCH

1 A It's the letter I received from Asia
2 McClane, probably within a few days after I was arrested.

3 Q And do you, do you need a chance to review
4 that letter or do you recall?

5 A I recall it.

6 MR. BROWN: Your Honor, I'd offer into evidence
7 Defendant's Exhibit No. 6.

8 THE COURT: Any objection, Ms. Murphy?

9 MS. MURPHY: No, Your Honor.

10 THE COURT: So admitted then as Defendant's
11 Exhibit No. 6.

12 (Whereupon, Defense's
13 Exhibit No. 6 was admitted
14 into evidence.)

15 BY MR. BROWN:

16 Q Can you explain to the Court what
17 impression this letter had upon you?

18 A I think that's the second letter.

19 Q Okay. Let me -- let's do this. Do you
20 recall that there was -- do you recall how many letters
21 you received from Asia McClane?

22 A I received two letters from her back to
23 back.

24 Q I want to show you what's been marked as
25 Defendant's Exhibit No. 7. Do you recognize Defendant's

ADNAN SYED VS. STATE OF MARYLAND
October 25, 2012 BEFORE JUDGE MARTIN P. WELCH

1 Exhibit No. 7?

2 A Yes.

3 Q What's Defendant's Exhibit No. 7?

4 A It's the first letter that she wrote me.
5 It's dated March 1, 1999 and I was arrested the day
6 before, February 28, 1999. So, I probably received it
7 maybe two or three days after I was arrested.

8 MR. BROWN: Your Honor, I would like to move
9 Defendant's Exhibit No. 7 into evidence.

10 THE COURT: And again, any objection, Ms.
11 Murphy?

12 MS. MURPHY: No, Your Honor.

13 THE COURT: So admitted then, as Defense Exhibit
14 No. 7.

15 (Whereupon, Defense's
16 Exhibit No. 7 was admitted
17 into evidence.)

18 BY MR. BROWN:

19 Q So, do you recall chronologically which
20 letter you received first?

21 A I received Exhibit No. 7 first. It's
22 dated, March 1, 1999.

23 Q And do you recall what impression these
24 letters had on you?

25 A Well, once I was arrested, I realized that

ADNAN SYED VS. STATE OF MARYLAND
October 25, 2012 BEFORE JUDGE MARTIN P. WELCH

1 it was very important for me to be able to recount exactly
2 what happened that day. And, when I received these
3 letters, it kind of fortified the memory that I had of
4 after school that day. School ended at 2:15, that after
5 school that day, I went to the public library. And I
6 stayed there between approximately 2:40 to 3:00, and then
7 I went to track practice. So, these letters essentially,
8 they verify in my mind what my memory was of that day.

9 Q Were you surprised to receive these
10 letters?

11 A I was surprised to received these letters.
12 And in them, she stressed several things to me. She
13 stressed number one, that she was very clear and concise
14 about remembering that day. And she was very emphatic
15 about being able to help me out. She was emphatic about,
16 she provided me with her phone number, her, I believe, her
17 mother or her grandmother's phone number. She requested
18 me to ask my attorney to contact her, so that she could
19 come forward with this information. And, I mean, she --
20 and, I guess, what surprised me in a sense was that, she
21 wrote me back to back. And she told me that she also took
22 it upon herself to visit my family and she spoke to my
23 mother. And, you know, she expressed these things to my
24 mother. So, yeah.

25 Q And all that's in those letters?

ADNAN SYED VS. STATE OF MARYLAND
October 25, 2012 BEFORE JUDGE MARTIN P. WELCH

1 A All of this contained in these letters.

2 Q If I could turn your attention to Exhibit
3 No. 6, is there a mention of someone named, Justin Adger?

4 A Oh, yes, sir. There is.

5 Q Is that the same Justin Adger who you
6 mentioned before in your testimony?

7 A Yes.

8 Q And, again, who is Justin Adger?

9 A He was a friend of mine, that I had known
10 since middle school.

11 Q And just to be absolutely clear, did those
12 letters come to you before the trial or after the trial?

13 A I received these letters within the first
14 week of being arrested. So that was way prior before the
15 trial.

16 Q And did you solicit these letters in any
17 way?

18 A Not at all.

19 Q Is what she said, in these letters about
20 January 13th true?

21 A I -- it's absolutely true. She -- one of
22 the things that really stuck out in my mind, was that she
23 stated that she spoke to the librarian who stated that
24 they had security cameras. And one of the things that she
25 mentioned was that, that's something that we should look

ADNAN SYED VS. STATE OF MARYLAND
October 25, 2012 BEFORE JUDGE MARTIN P. WELCH

1 at, trying to secure those or retrieve the security camera

2 Q Tell me, and not what these letters say,
3 but tell me what your own recollection is from that date
4 of January 13th, with regard to Asia McClane?

5 A I would say my -- well, my recollection is

6

7 THE COURT: And, I'm sorry, January 13th is the
8 date of the letter or?

9 MR. BROWN: Your Honor, that's the date when Ms.
10 McClane ran into Mr. Syed at the library. It's the date
11 when the murder took place.

12 THE COURT: Okay.

13 THE WITNESS: I was in the library and Asia
14 McClane, she came over and there were two other guys with
15 her. And she introduced them as her boyfriend and her
16 boyfriend's best friend. So, we sat, and we talked for a
17 little while about different things, like, college and
18 what's going on in high school. You know, things like
19 that. And, I would say the two things particularly that
20 really stuck out in my mind, and she did mention them --
21 excuse me, she did mention them -- excuse me. The one
22 thing that stuck out in mind was the fact that, there were
23 two snow days immediately after this day. And she
24 mentioned that in the letter. And, so, that would be
25 January 14th and 15th. We didn't have school those two

ADNAN SYED VS. STATE OF MARYLAND
October 25, 2012 BEFORE JUDGE MARTIN P. WELCH

1 days. And that stuck out in my mind was because, when I
2 met her boyfriend, I had put in my head that, well, when I
3 see Justin tomorrow in school, you know, I'm just going to
4 let him know, you know, I met Asia's boyfriend. He seemed
5 like a pretty nice guy. 'Cause I just felt like that was
6 something, you know, he -- you know, he may want to know.
7 But I didn't have a chance to tell him this until the
8 following Monday because we had two snow days.

9 Q Do you recall what you were doing at the
10 library at that time?

11 A I'm fairly certain that I was accessing my
12 e-mail from the library.

13 Q Okay. And why, why had you not told anyone
14 this before about the library?

15 A Well, prior to me being arrested, I had
16 absolutely no idea that I would need to -- have to recount
17 every single aspect of my day that day. I didn't know
18 that I was going to be charged with her murder. I had
19 absolutely nothing to do with her murder. So, up until
20 the day I was arrested, in my conversations with the
21 detectives or with anyone for that matter, I never went
22 into great extent or felt the need to, because I didn't
23 believe I needed to provide an alibi. I didn't know that
24 I was going to be charged with her murder.

25 Q And is it correct that, to the best of your

ADNAN SYED VS. STATE OF MARYLAND
October 25, 2012 BEFORE JUDGE MARTIN P. WELCH

1 recollection, the victim's body was not found until nearly
2 a month later, after this date, this January 13th date?

3 A I believe it was February 9th, 1999.

4 Q And is it correct that you were arrested on
5 February 28th, 1999?

6 A Yes.

7 Q And after receiving the letters from Ms.
8 McClane, did you notify Cristina Gutierrez?

9 A I immediately notified her.

10 Q How did you notify her?

11 A Well, it would have been, the next time
12 that I saw her on a visit, I showed her the two letters
13 and she read them. And I asked her, could she please do
14 two things, contact Asia McClane, and try to go to the
15 library to retrieve whatever security footage was there.

16 Q And do you recall whether this conversation
17 with Ms. Gutierrez took place prior to the start of the
18 trial?

19 A It took place very much prior to the start
20 of the first trial.

21 Q Do you -- we mentioned this name before.
22 I'm gong to run it by you again, Ali Cornedor. Do you
23 recall who he was?

24 A Yes. He was one of Ms. Gutierrez's law --
25 I don't know. He was a lawyer, I think. So, I don't know

ADNAN SYED VS. STATE OF MARYLAND
October 25, 2012 BEFORE JUDGE MARTIN P. WELCH

1 if that's called a law clerk. But he worked for her and
2 he would come talk to me about the case.

3 Q And do you recall meeting with him?

4 A Yes.

5 Q And did there come a time when you told him
6 about Asia McClane?

7 A Yes.

8 Q And, just very briefly, because we've been
9 over it. But what did you tell him about Asia McClane?

10 A Well, I told him that I remembered being in
11 the public library with her that day from right after
12 school, which is about 2:15 to around 2:40, 2:45'ish,
13 close to three.

14 Q And, again, when you spoke to him, was it
15 your understanding that that information would eventually
16 be conveyed to Ms. Gutierrez?

17 A True. And I specifically pointed out the
18 two things about this, the surveillance cameras. And I
19 also asked him if he could please, well, pass along that,
20 about the e-mail access. And I gave him my e-mail address
21 and the password.

22 Q Okay. And did Ms. Gutierrez, or anybody
23 working for her, working under her, ever get back to you
24 about Asia McClane?

25 A Subsequent to the time when I mentioned

ADNAN SYED VS. STATE OF MARYLAND
October 25, 2012 BEFORE JUDGE MARTIN P. WELCH

1 this to Ms. Gutierrez, the next visit, I immediately asked
2 her, what -- did you speak to Asia McClane? What did she
3 have to say? Were you able to secure the surveillance
4 cameras?

5 Q And how did she respond?

6 A Her response was, I looked into it and
7 nothing came of it.

8 Q Did you press her on this?

9 A When I asked her, and her response was
10 that, I asked her again, well, Ms. Gutierrez, did you go
11 speak to her? You know, did they say that -- I just began
12 in my mind to try to understand what she meant, but she
13 moved onto another subject. And I understand now, it
14 looks one way, but to be a 17-year-old kid in this type of
15 situation, whatever your lawyer tells you, that's what it
16 is.

17 Q And after you were told by Ms. Gutierrez
18 that nothing came of it, which is what you just testified
19 to. Did this -- what, if any, affect did this have about
20 how you felt about the strength of the case?

21 A Well, as I explained before about the plea
22 deal, this was what precipitated my fear, that I wouldn't
23 be able to prove where I was at this time. I didn't know
24 the exact timing at the time, but I would find out at the
25 first trial. But from the pieces and tidbits of

ADNAN SYED VS. STATE OF MARYLAND
October 25, 2012 BEFORE JUDGE MARTIN P. WELCH

1 information that was gleamed from the hearings that we had
2 and some of the things, Ms. Gutierrez, I understood that.
3 That was the most crucial time during the day, right after
4 school. People had seen me in school. People had seen
5 Hae Lee in school afterwards. People testified that they
6 saw her leaving by herself. People testified that they
7 saw me after school by myself. That this timing was the
8 most crucial time between 2:15 and come to find out later
9 2:36 p.m. It's the window of 21 minutes, that was the
10 most crucial time. If I was going to prove I didn't
11 commit this crime, that was where it was. My case lived
12 and died in those 21 minutes, that's it. There was
13 nothing else to -- you know, that's what it was.

14 So, when Ms. Gutierrez told me that I looked
15 into it and nothing came of it, I took that into mean
16 that, now I have no way to prove I was somewhere else at
17 this time. So that precipitated my fear and the
18 conversations about -- I didn't have confidence in my case
19 at all then, because that's where the case lived and died
20 at. At that time, right then and there.

21 Q Okay. And what, if any, affect did this
22 have on your willingness to take a plea?

23 A Well, at that time, particularly after the
24 first trial when I heard the -- for the most part, the
25 State's entire theory. The State's entire case was that,

ADNAN SYED VS. STATE OF MARYLAND
October 25, 2012 BEFORE JUDGE MARTIN P. WELCH

1 one puts me with Jay Wilds anywhere near 2:36 p.m. No one
2 puts me anywhere near Hae Lee at 2:36 p.m. It's just his
3 word versus nothing. And that's why I felt it was so
4 crucial about her contacting Asia McClane. So when she
5 contacted -- so when she impressed upon me that she spoke
6 to her and nothing came of it, that's what led to me, just
7 completely having lack of faith in my defense. Because I
8 realized that nothing -- it didn't matter if someone came
9 to court and said, I was a good son or I went to the
10 mosque, or I was a good student, or a good athlete. None
11 of this stuff mattered.

12 Because no one came to court, not one single
13 person, you can look at the transcript, and said they
14 witnessed me threatening Hae Lee, they witnessed me
15 physically abusing her, emotionally abusing her. Hae Lee
16 -- no one testified that Hae Lee expressed to them that
17 she was afraid of me. Except for Jay Wilds, no one said
18 anything about us being anything but friends. So, none of
19 that other stuff mattered about, if I was a good son.
20 This whole case was built -- could I prove that I was
21 somewhere else when Jay Wilds said I was here. And if I
22 couldn't do that, I had no confidence in the case
23 whatsoever.

24 Q Okay. How was your relationship with Ms.
25 Gutierrez throughout the second trial?

ADNAN SYED VS. STATE OF MARYLAND
October 25, 2012 BEFORE JUDGE MARTIN P. WELCH

1 A I mean, I trusted her as I did in the first
2 trial. I trusted her word completely. I didn't have any
3 reason to doubt up to that point.

4 Q Did she tell you what her strategy was in
5 the second trial?

6 A Absolutely not.

7 Q Did you keep her on -- and, in fact, you
8 were convicted, correct?

9 A Correct.

10 Q Did you keep her on for your sentencing?

11 A No.

12 Q Why not?

13 A Well, after I was convicted, I had made
14 mention to Rabia Chaudry about Asia McClane. And I had
15 made mention to her that, you know, I wish there was some
16 way that I could of proved that I was somewhere else at
17 this time. And I told her that, well, Ms. Gutierrez
18 checked into it and obviously it didn't pan out. So,
19 Rabia requested that I send her the information. She was
20 a law student at the time.

21 So, I sent her the information. These two --
22 these letters -- well, copies of these letters, or these
23 letters. And she, in turn, contacted Asia McClane. And
24 Asia McClane informed her that she was never contacted.
25 No one ever reached out to her. No one ever talked to

ADNAN SYED VS. STATE OF MARYLAND
October 25, 2012 BEFORE JUDGE MARTIN P. WELCH

1 Q Right. So you knew, you were one of the
2 first to know essentially that, Hae Min Lee was missing,
3 correct?

4 A Yes, ma'am.

5 Q So that day would be significant to you,
6 correct?

7 A Well, as far as -- I didn't know that she
8 was missing. The only thing that he mentioned to me was
9 that, her family was -- she didn't -- I believe, she
10 didn't go pick up her cousin from school. So, as far as
11 saying that I knew that she was missing, I didn't know
12 that she was missing.

13 Q Okay. You and Hae Min Lee had been very
14 close that year, correct?

15 A We had been close for the four years that
16 we knew each other.

17 Q And that year in particular, you had been
18 very close, correct?

19 A We had dated for about six months.

20 Q And that included a sexual relationship,
21 correct?

22 A Yes, ma'am.

23 Q You spoke on the phone often, correct?

24 A Yes, ma'am.

25 Q You didn't call Hae Min Lee on the 13th,

ADNAN SYED VS. STATE OF MARYLAND
October 25, 2012 BEFORE JUDGE MARTIN P. WELCH

1 did you?

2 A Well, I would have seen her in school that
3 day. So, if we were both in school, I wouldn't have
4 called her.

5 Q You didn't call her after Officer Agcot
6 called you, did you?

7 A Did I call her?

8 Q Yes.

9 A Did I call her house? She didn't have a
10 phone or anything?

11 Q Did you call her house after Officer Agcot
12 called you?

13 A I did speak to several of her friends.
14 From what I understood from the conversation, he was at
15 her house saying that, asking me, had I seen her that day

16
17 Q I'm just asking you, did you call her
18 house?

19 A He called me from her house.

20 Q Did you call Hae Min Lee's house after you
21 spoke to Officer Agcot?

22 A When he called me from her house. I don't
23 understand, why would I call her house back if he's at her
24 house calling me, asking, you know, did I see her that day
25 or anything like that.

ADNAN SYED VS. STATE OF MARYLAND
October 25, 2012 BEFORE JUDGE MARTIN P. WELCH

1 Q So, I take it from your answer, that you
2 did not call Hae Min Lee's house after Officer Agcot spoke
3 to you on January 13th, correct?

4 A He called me from Hae Min Lee's house.

5 Q All right. So you spoke to Officer Agcot
6 on the 13th?

7 A Yes, ma'am.

8 Q You also were interviewed by detectives in
9 the days and weeks following, correct?

10 A I believe it was a Det. O'Shea, on the
11 25th.

12 Q From Baltimore County, right?

13 A Yes, ma'am.

14 Q Less than a week later?

15 A It was on the -- yes, ma'am.

16 Q And Det. O'Shea asked you where you were on
17 the 13th, right?

18 A I believe that he asked me if I had seen
19 Hae Lee that day.

20 Q You told Det. O'Shea you had been at school
21 that day and had gone to track practice, correct?

22 A Yes, ma'am.

23 Q And that was in response to his questions,
24 I presume, correct?

25 A Yes, ma'am.

Cited Excerpts of Post-Conviction
Hearing Testimony from Margaret Meade
(10/25/2012) (Page 98)

ADNAN SYED VS. STATE OF MARYLAND
October 25, 2012 BEFORE JUDGE MARTIN P. WELCH

1 Gutierrez. Because, when I first saw her, when I was
2 clerking for Judge Prevas, and she was the only woman out
3 there, doing criminal defense. So, she was sort of a
4 semi-mentor, semi-idol, for a while. So, I was --

5 Q But you didn't have any extensive
6 discussions with her about this case?

7 A No, no.

8 Q I assume you didn't have any discussions
9 with Judge Quarles or Judge Heard about the case?

10 A No.

11 Q Did Mr. Brown provide you with just the
12 transcript of the closing argument and no other
13 transcripts?

14 A I looked at some other transcripts but it
15 was mainly going through, he explained the circumstances
16 and the evidence, and going through the petition and his
17 supplemental petition.

18 Q But you didn't get all 35 volumes?

19 A Oh, no.

20 Q You would remember that, right?

21 A I would remember that. There was one other
22 part. It was sections of it that I reviewed.

23 Q So, basically the only knowledge you have
24 of this case is what the Defendant has provided you?

25 A Right.

Cited Excerpt of Petitioner's
Closing Statement
at Post-Conviction Hearing
(10/25/2012) (Pages 106, 113)

ADNAN SYED VS. STATE OF MARYLAND
October 25, 2012 BEFORE JUDGE MARTIN P. WELCH

1 Now, there was a hearsay objection to that
2 affidavit coming in. And one of the arguments that I
3 would like the Court to consider is because this issue is
4 framed as a failure to investigate, that affidavit should
5 also come in, because it's not hearsay. It's not offered
6 to necessarily prove what is written in the affidavit.
7 Rather, the fact is, that that affidavit was out there and
8 those statements were out there. And, therefore, the
9 attorney had the duty to at least investigate it. Not
10 necessarily, it's not necessarily provable in the sense
11 that things would have turned out that way. But at the
12 very least, Cristina Gutierrez had to investigate such an
13 alibi witness.

14 We heard from Kevin Urick about the same alibi
15 witness. Kevin Urick spoke to her on the phone. We heard
16 from him that she lives in Oregon now. Your Honor, we
17 tried -- and I submit, as an officer of the court, Your
18 Honor, has granted a certification in which we attempted
19 to get her here. For whatever reason, she evaded service
20 in Oregon. We could not produce her. But we know from
21 Kevin Urick that she's real. That she exists. That she
22 called him up. Sure, she said that she felt coerced or
23 pressured into signing that affidavit. But, by saying
24 that, she's acknowledging that she did, in fact, sign that
25 affidavit.

ADNAN SYED VS. STATE OF MARYLAND
October 25, 2012 BEFORE JUDGE MARTIN P. WELCH

1 was evidence against him. And, he had to be able to show
2 where he was when this murder took place. There was an
3 alibi witness. There was an alibi witness who was willing
4 to talk. But his defense attorney completely blew that
5 off. As his hopes were dwindling, mentally, he turned
6 more toward the plea deal. Yet, she failed him again.
7 Because she never followed up on that plea deal. So the
8 two additives that he had for resolving this case, trial
9 and guilty plea, they were both ruined by his lawyer. His
10 lawyer, who has been disbarred. Who, this Court is well
11 aware of, there were scores of clients whom she cheated
12 out of their money.

13 THE COURT: Well, I, I -- the Court is unaware
14 of that. And --

15 MR. BROWN: Okay. Well, you heard testimony
16 from Mr. Syed's mother about those interactions.

17 THE COURT: Yeah. But I, in all fairness, Mr.
18 Brown, to the late Ms. Gutierrez.

19 MR. BROWN: I understand your point, Your Honor,
20 without you saying it. She certainly had some great
21 moments as a defense attorney. But, I think the record,
22 that we have established is that, she also had some not so
23 great moments. And, this was one of them. Thank you,
24 Your Honor.

25 THE COURT: I didn't mean to cut you off.

Cited Excerpts of Post-Conviction
Hearing Testimony
from William Kanwisher
(2/3/2016) (Pages 104-06)

CO COPY

ADNAN SYED v. STATE OF MARYLAND
February 3, 2016 BEFORE MARTIN P. WELCH, JUDGE

ADNAN SYED,	*	IN THE
	*	
PETITIONER,	*	CIRCUIT COURT
	*	
V.	*	FOR
	*	BALTIMORE CITY
	*	
STATE OF MARYLAND.	*	CASE: 199103042-46
	*	

* * * * *

TRANSCRIPT OF OFFICIAL PROCEEDINGS

(EVIDENTIARY HEARING)

BEFORE: THE HONORABLE MARTIN P. WELCH, JUDGE

HEARING DATE: FEBRUARY 3, 2016

APPEARANCES:

For the Petitioner: C. Justin Brown, Esquire
Christopher C. Nieto, Esquire
For the State: Thiruvendran Vignarajah, AAG
Matthew Krimski, AAG
Tiffany Harvey, AAG

Transcriptionist: Patricia Noell

AAERT Cert. No.: CET 362

Transcription

Service: ACCUSCRIBES TRANSCRIPTION SERVICE

Proceedings recorded on digital media with video,
transcript produced by transcription service.

ADNAN SYED v. STATE OF MARYLAND
February 3, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 A I can.

2 Q All right. If it's easier I can give you just a
3 straight hard copy. Yeah.

4 A Actually, that would be fine too, but -- yeah.

5 Q Here you go.

6 A Thanks.

7 Q All right, sir. So I draw your attention to
8 paragraph no. 6.

9 A Yes, sir.

10 Q Okay. Now, you stated that the alibi notice
11 does not lock the defense attorney into a particular
12 strategy; do you remember writing that?

13 A Yep.

14 Q Now, with regards to Ms. Gutierrez's practice,
15 per your experiences and observations, what did you mean
16 by that?

17 A Cristina's philosophy was always to try and keep
18 as many doors open as she possibly could. In answering
19 any kind of pretrial motion or demand she would try to
20 craft it so that she didn't in fact pin herself down to
21 any case theory, if she could. So for something like an
22 alibi notice, she would have treated it the same way.
23 Tina would have likely tried to put as much information
24 and as many names into an alibi notice as she possibly
25 could. This is so the State would not be able to focus in

ADNAN SYED v. STATE OF MARYLAND
February 3, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 on the one or two alibi witnesses that she may have
2 planned to call. That was one of her tactics. Also she
3 would have done that so that the State would expend
4 resources and time and energy possibly going and either
5 interviewing or re-interviewing the witnesses that she
6 named as alibi witnesses.

7 Q All right. So if I may draw your attention
8 additionally to paragraph 7 or 8, and I think you've
9 addressed some of that. In this affidavit you speak to
10 her tactics and the use of this necessary alibi notice,
11 right?

12 A Uh-huh.

13 Q And so if I understand your testimony, then, the
14 idea is to put as many witnesses on the list so as to
15 potentially confuse the State; is that fair to say?

16 A That's correct.

17 Q And also to keep her or your options open.

18 A Correct.

19 Q Now, if a witness were not put on the alibi
20 notice, what would that mean for purposes of trial?

21 A Well, Tina understood the rules and she would
22 have understood that if she had an alibi witness that she
23 had actually either was planning or maybe just considering
24 using that her failure to put it on the list could
25 preclude her from actually presenting that at trial.

ADNAN SYED v. STATE OF MARYLAND
February 3, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 Q And you'd also said that part of Ms. Gutierrez's
2 tactics were to put essentially as many witness names on
3 the list as possible? Is that fair to say, or not?

4 A I mean, within reason, yeah.

5 Q Within reason. Would that be hinged upon her
6 expectation to call them as witnesses, or no?

7 A No. Not necessarily. She would have -- and in
8 an abundance of caution if she had even the slightest
9 inkling that she might call them she would have included
10 them. She might have included some people that she had no
11 intention whatsoever of calling just to basically get the
12 State to, as I said, spend resources interviewing and
13 re-interviewing these witnesses.

14 Q All right. So, Mr. Kanwisher, I'd like to show
15 you what's --

16 MR. NIETO: I believe, Your Honor, already been
17 introduced as Exhibit 11. I don't know if it's PC2-11.
18 Do you have that?

19 MR. BROWN: Your Honor, this is an exhibit that
20 was introduced and admitted at the previous
21 post-conviction proceeding. We have it listed as PC2-11.

22 MR. VIGNARAJAH: I presume this is the notice
23 about alibi witnesses.

24 MR. BROWN: That's right.

25 MR. VIGNARAJAH: State has no objection.

Cited Excerpts of Post-Conviction
Hearing Testimony
from Asia McClain-Chapman
(2/3/2016) (Pages 167-277)

CG COPY

ADNAN SYED v. STATE OF MARYLAND
February 3, 2016 BEFORE MARTIN P. WELCH, JUDGE

ADNAN SYED,	*	IN THE
	*	
PETITIONER,	*	CIRCUIT COURT
	*	
V.	*	FOR
	*	
	*	BALTIMORE CITY
	*	
STATE OF MARYLAND.	*	CASE: 199103042-46
	*	

* * * * *

TRANSCRIPT OF OFFICIAL PROCEEDINGS

(EVIDENTIARY HEARING)

BEFORE: THE HONORABLE MARTIN P. WELCH, JUDGE

HEARING DATE: FEBRUARY 3, 2016

APPEARANCES:

For the Petitioner: C. Justin Brown, Esquire
Christopher C. Nieto, Esquire
For the State: Thiruvendran Vignarajah, AAG
Matthew Krimski, AAG
Tiffany Harvey, AAG

Transcriptionist: Patricia Noell

AAERT Cert. No.: CET 362

Transcription

Service: ACCUSCRIBES TRANSCRIPTION SERVICE

Proceedings recorded on digital media with video,
transcript produced by transcription service.

ADNAN SYED v. STATE OF MARYLAND
February 3, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 MR. BROWN: Thank you, Your Honor.

2 THE COURT: -- prepared to call its next
3 witness?

4 MR. BROWN: The Petitioner calls Asia Chapman.
5 (Witness summoned)

6 MADAM CLERK: Remain standing and raise your
7 right hand.

8 ASIA CHAPMAN
9 called as a witness on behalf of the Petitioner, first
10 duly sworn according to law, was examined and testified as
11 follows:

12 MADAM CLERK: You may be seated.

13 MS. CHAPMAN: Thank you.

14 MADAM CLERK: And please state your full name
15 for the record.

16 MS. CHAPMAN: Asia Chapman.

17 MADAM CLERK: Thank you. She's been sworn.

18 THE COURT: Okay. Mr. Brown?

19 MR. BROWN: Thank you, Your Honor.

20 DIRECT EXAMINATION

21 BY MR. BROWN:

22 Q Good afternoon, Ms. Chapman.

23 A Good afternoon.

24 Q Did you formerly go by the name Asia McClain?

25 A Yes, I did.

ADNAN SYED v. STATE OF MARYLAND
February 3, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 Q And is it okay if I refer to you as Asia McClain
2 throughout the course of this examination?

3 A Yes, it is.

4 Q And Chapman is your married name, right?

5 A Yes.

6 Q Were you with Adnan Syed on January 13th, 1999
7 at the Woodlawn Public Library?

8 A Yes, I was.

9 Q Where do you currently live?

10 A In the State of Washington.

11 Q And do you have a family?

12 A I do. I'm married with two children and one on
13 the way.

14 Q When are you expecting?

15 A The first week of July.

16 Q What is your educational background?

17 A I graduated from Woodlawn in 1999 and then I
18 went to Catonsville Community College for a short time and
19 then I attended Guilford Tech Community College in North
20 Carolina, sorry, and then after that I attended American
21 Intercontinental University.

22 Q Okay. Are you currently represented by counsel?

23 A Yes, I am.

24 Q Who's your lawyer?

25 A Gary Proctor.

ADNAN SYED v. STATE OF MARYLAND
February 3, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 Q And don't worry. I won't hold that against you.
2 (Laughter)
3 BY MR. BROWN:
4 Q Is Mr. Proctor present in court today?
5 A Yes, he is. Right there (indicating).
6 Q Ms. McClain, have you ever testified in court
7 before?
8 A No.
9 Q Is it fair to say you're a little nervous right
10 now?
11 A Very.
12 Q Okay. Do your best.
13 A I'm trying.
14 Q Were you a student at Woodlawn High School?
15 A Yes, I was.
16 Q And what years did you attend Woodlawn?
17 A 1995 through 1999.
18 Q Were you a good student?
19 A Yes.
20 Q Who were you living with at the time when you
21 attended Woodlawn?
22 A I lived with my mother and my two grandparents.
23 Q And did you know Adnan Syed?
24 A I did know him.
25 Q Did you know him well?

ADNAN SYED v. STATE OF MARYLAND
February 3, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 A No. We were friendly. But he was a friend of
2 other friends of mine.

3 Q Okay. Did you know of Hae Min Lee?

4 A Yes, I did know of her.

5 Q And how did you know her?

6 A The same. She was a friend of several of my
7 other friends that were in the magnet program.

8 Q Did you also play sports with her?

9 A I tried out for phil hockey one year but I
10 didn't make the team so that's about the closest I got.

11 Q Okay. Okay. I want to turn your attention to
12 January 13th, 1999, which is the day that Hae Min Lee went
13 missing.

14 A Uh-huh.

15 Q Did you go to school that day?

16 A Yes, I did.

17 Q Do you remember how long you stayed at school?

18 A Well, usually I would go to school and get out
19 at 10:40 because I was involved in a cooperative education
20 program where students were allowed to leave early for the
21 day because we had already completed our high school
22 graduation credit requirements.

23 Q Okay. And do you remember, was 10:40 the time
24 you finished with your classes, approximately?

25 A Yes.

ADNAN SYED v. STATE OF MARYLAND
February 3, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 Q I'm going to show you what's been pre-marked as
2 PC2-38.

3 THE COURT: PC2-38?

4 MR. BROWN: Correct.

5 BY MR. BROWN:

6 Q And approach you. Do you recognize this
7 document?

8 A I do.

9 Q Is this a fair and accurate copy of what appears
10 to have been an -- some kind of identification?

11 A Yes. It was essentially a hall pass so that if
12 I was stopped while still on school grounds or even off of
13 school grounds that I had permission to -- for early
14 dismissal.

15 (Petitioner's Exhibit No. PC2-38, Hall Pass, marked
16 for identification)

17 BY MR. BROWN:

18 Q And does that document say when you can get your
19 early dismissal?

20 A Yes. At 10:40 a.m.

21 Q And what are the -- what is the date range that
22 you also see on that document?

23 A It says November 10th of '98 through May 21st of
24 1999.

25 Q Okay. Ms. McClain, I have to ask you, why do

ADNAN SYED v. STATE OF MARYLAND
February 3, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 you still have this?

2 A Because I save everything. (Laughs)

3 Q Okay.

4 A It was in my senior yearbook, so.

5 Q Okay. On the date that we're talking about,
6 January 13, 1999, where did you go after your classes
7 ended?

8 A After I checked out with the teacher running the
9 program I went over to the Woodlawn Public Library.

10 Q Okay. Now, incidentally, did you consider the
11 library to be part of the school campus?

12 A Oh, yeah.

13 MR. BROWN: Your Honor, may I approach the with
14 an exhibit marked PC2-39?

15 THE COURT: You may.

16 MR. BROWN: In fact --

17 BY MR. BROWN:

18 Q Do you recognize this photo?

19 A Yes.

20 Q Is this a fair and accurate depiction of
21 approximately how the Woodlawn campus looked at that time?

22 A Yes.

23 (Petitioner's Exhibit No. PC2-39, Photograph, marked
24 for identification)

25 BY MR. BROWN:

ADNAN SYED v. STATE OF MARYLAND
February 3, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 Q Okay. Now, are you able to identify from there
2 where the school building is?

3 A Yes. Right here (indicating).

4 Q Okay. I'm going to give you --

5 A See the gym and --

6 Q I'm going to give you a pointer and we're going
7 to see how good your aim is.

8 A I don't know.

9 Q Oh, you've got to --

10 A Apparently very bad.

11 Q -- you've got to hold the button down.

12 A Okay.

13 Q Okay? So I'm going to ask you to point to where
14 the school was.

15 A Right here. This is the gymnasium, locker rooms
16 and this is the main classroom area (indicating).

17 Q Okay. And can you point to where the library
18 was?

19 A Right over here (indicating).

20 Q Okay. Thank you. Now, why did you go to the
21 library?

22 A Well, normally after I checked out of school I
23 would take a school bus designated for the co-op kids but
24 that day I had made arrangements with my boyfriend, who
25 went to Milford Mill High School to pick me up during his

ADNAN SYED v. STATE OF MARYLAND
February 3, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 lunch hour and he was going to drop me off at his house
2 and go back to school because he lived right across the
3 street from Milford Mill, so that was the plan.

4 Q Okay.

5 MR. BROWN: Your Honor, I apologize. I'm going
6 to backtrack a little bit. I need to formally -- just to
7 be -- out of an abundance of caution enter Exhibit 38 into
8 evidence, which is the school pass, and also 39, which is
9 the map.

10 THE COURT: Any objection to their introduction?

11 MR. VIGNARAJAH: No objection, Your Honor.

12 Thank you.

13 THE COURT: Court then will admit into evidence
14 then Petitioner's Exhibit PC2-38 and PC2-39.

15 (Petitioner's Exhibit Nos. PC2-38 and PC2-39,
16 previously marked and identified, received into evidence)

17 BY MR. BROWN:

18 Q And I -- I'm sorry. Can you repeat your answer
19 as to why you were going over to the library?

20 A Yes. My boyfriend and I made arrangements for
21 him to come pick me up, drop me off at his house and then
22 for him to go back to school.

23 Q Okay. What was the name of your boyfriend at
24 the time?

25 A Derek Banks.

ADNAN SYED v. STATE OF MARYLAND
February 3, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 Q And when you went to a library, did Mr. Banks
2 come and pick you up as planned?

3 A No. Not at -- not on time, no.

4 Q What happened?

5 A I ended up sitting there for several hours,
6 waiting.

7 Q And how did you feel about him not showing up?

8 A Not too happy.

9 Q Were you still at the library when school let
10 out?

11 A Yes, unfortunately.

12 Q How do you know that?

13 A Because I was aware that the -- the normal
14 school buses that came to pick up the, you know,
15 everybody, they were already in the circle right there in
16 front of the school.

17 MR. BROWN: If we could have the exhibit one
18 more time, Exhibit 39?

19 BY MR. BROWN:

20 Q Are you able to point to --

21 A Yes. Sorry.

22 MR. NIETO: If I may, Your Honor?

23 MS. CHAPMAN: Yeah. So the buses would come up
24 this driveway and they would all park around here and so
25 when the students would come out at the end of the day

ADNAN SYED v. STATE OF MARYLAND
February 3, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 they would all get on their buses and leave for the day
2 and I was already aware that all the buses were lined up
3 waiting for everyone to come out.

4 BY MR. BROWN:

5 Q Right. And what time did school get out?

6 A 2:15.

7 Q Okay. Were you concerned about how you would
8 get home?

9 A Yes. At that point I still didn't know if Derek
10 was going to show up or if I was going to be forced to
11 take one of the school buses or if I was going to stick
12 around and wait for -- and if he didn't come I would have
13 to take public transportation and I absolutely hated the
14 NTA back then, so.

15 Q Okay. Did there come a time when you had a
16 conversation with Adnan Syed in the library?

17 A Yes, there was.

18 Q And approximately when did that conversation
19 take place?

20 A Shortly after 2:15.

21 Q Okay. And how did that conversation go?

22 A Well, I was sitting there waiting for my ride at
23 one of the tables and he walked in and I was so glad to
24 see someone that I knew because I hadn't been -- I had
25 been sitting there all day practically by myself and so

ADNAN SYED v. STATE OF MARYLAND
February 3, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 when he came in I -- we saw each other and he came over
2 and sat down across the table from me.

3 Q And what was his demeanor during the
4 conversation?

5 A Completely normal.

6 Q Do you have an idea of approximately how long
7 the conversation lasted?

8 A Well, honestly, I'd have to refer to my original
9 affidavit and -- I think it was about 15 to 20 minutes.

10 Q And have you in fact looked at this prior to
11 your testimony, that prior affidavit, to refresh your
12 recollection?

13 A Yes.

14 Q Okay. Do you remember how the conversation
15 ended?

16 A Yeah.

17 Q With Mr. Syed.

18 A Yes. We were in the middle of a conversation
19 and my boyfriend and his friend, Jarah (ph.) Johnson,
20 walked in and the entrance was behind where Adnan was
21 sitting, so he couldn't see them and I said, hey, my
22 ride's here. He turned around to see who I was talking
23 about and the two guys came over. Everybody said, hi, and
24 then we left.

25 Q Okay. Was your boyfriend mad at you?

ADNAN SYED v. STATE OF MARYLAND
February 3, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 A Not so much mad. He was more jealous. He
2 wanted to know, like, who that guy was and if that guy was
3 hitting on me. And I was more concerned with why he was
4 so hours late.

5 Q Fair to say you were mad at him?

6 A Yeah. We got in a argument about everything
7 after -- in the car.

8 Q Where did you go after the library?

9 A He dropped me off at his house and I assume he
10 went back to school.

11 Q Okay. And did you stay at his house for a
12 while?

13 A Yes.

14 Q Did you stay later than you normally would stay
15 out?

16 A Yes.

17 Q Okay. How did that come to be?

18 A Well, while I was at his house and I knew the
19 weather was getting bad so I called my mom and I told her
20 I didn't think it would be a good idea to drive home
21 right, you know, before my curfew so to speak and so she
22 agreed and so I was able to hang out a little bit longer
23 with Derek, so it worked out.

24 Q Okay. Did you eventually go home that night?

25 A I did.

ADNAN SYED v. STATE OF MARYLAND
February 3, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 Q And how did you eventually get home that night?

2 A Derek drove me home.

3 Q Do you recall whether you had school the next
4 day?

5 A No. It was closed for the next two days.

6 Q Closed the next two days. That would have been
7 January 14 and January 15?

8 A Yes.

9 Q On February 28th, 1999 Adnan Syed got arrested.
10 And do you remember hearing about that?

11 A Yes, I do.

12 Q Do you remember where you were when you heard
13 about it?

14 A I don't remember.

15 Q After hearing about the arrest did you tell
16 anyone that you had been with Adnan at the library on the
17 13th?

18 A Yes. I told Justin Adger about it.

19 THE COURT: I'm sorry? I can't hear you.

20 MS. CHAPMAN: Oh, sorry. I told Justin Adger
21 about it.

22 BY MR. BROWN:

23 Q Okay. And can you tell the Judge, again who
24 Justin Adger is?

25 A He's a -- he was an ex-boyfriend and a close

ADNAN SYED v. STATE OF MARYLAND
February 3, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 friend at the time.

2 Q Was Justin Adger someone who you trusted?

3 A Yes. A lot.

4 Q And did you think that he was someone who would
5 know what to do with this information?

6 A Yeah. I trusted his opinion.

7 Q Okay. And did there come a time when the two of
8 you essentially decided what to do?

9 A Yes. He thought it would be a good idea if we
10 told Adnan's family about me seeing him that day.

11 Q Okay. And did you in fact do that?

12 A Yes. We agreed that he would come pick me up
13 and take me.

14 Q Okay. Did you know where the Syed family lived?

15 A No, I didn't.

16 Q Did Justin?

17 A Yes.

18 Q Do you remember being at the Syed house that
19 evening?

20 A I do.

21 Q And do you remember speaking to anyone from the
22 family?

23 A I think I spoke to the family, but even shortly
24 afterwards I wasn't sure who was who.

25 Q Okay. Were there more than one -- were there a

ADNAN SYED v. STATE OF MARYLAND
February 3, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 lot of people there?

2 A Yes. There were a lot. There were people
3 outside and people in -- a lot of men in one room and a
4 lot of women in the other room.

5 Q Okay. Did that seem a little unusual to you?

6 A It did. I didn't know I had to take my shoes
7 off and there were just different customs that I wasn't
8 used to.

9 Q Prior to that evening had you had a lot of
10 interaction with Muslim people?

11 A No.

12 Q Okay. And you -- so you spoke to someone. What
13 did you tell them?

14 A I basically told them that I didn't know if it
15 would be helpful but that, you know, that I had remembered
16 seeing him in the library that day and had just spoke to
17 him and that he seemed pretty normal. And so I didn't
18 know what to expect from it, but that was pretty much the
19 information that I had.

20 Q Okay. Did there come a time when you wrote a
21 letter to Mr. Syed?

22 A Yes. After coming back I wrote the letter.
23 That night.

24 Q Okay.

25 MR. BROWN: Would you put up Exhibit 4?

ADNAN SYED v. STATE OF MARYLAND
February 3, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 BY MR. BROWN:

2 Q Does this letter look familiar?

3 A Yes.

4 MR. BROWN: And if we could go to the bottom of
5 the second page?

6 BY MR. BROWN:

7 Q Is that your signature?

8 A Yes, it is.

9 Q Okay. Is that the letter you wrote?

10 A Yes.

11 Q So first I want to draw your attention to --

12 THE COURT: And you're --

13 BY MR. BROWN:

14 Q -- to something very --

15 THE COURT: -- just so we're clear, you're
16 referring to that as?

17 MR. BROWN: I -- I'm sorry, Your Honor. We
18 have -- this is a -- an exhibit that's already in
19 evidence, but we're calling it --

20 THE COURT: Okay. That's fine.

21 MR. BROWN: -- PC2-4.

22 THE COURT: So it's already admitted. There's
23 no need to admit.

24 MR. BROWN: It's already admitted into evidence,
25 yes, Your Honor.

ADNAN SYED v. STATE OF MARYLAND
February 3, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 BY MR. BROWN:

2 Q First if I could draw your attention to the line
3 right above where it says, Dear Adnan? What does that
4 say?

5 A It says, I just came from your house an hour
6 ago. It's late.

7 Q Okay. And is that a reference to the visit you
8 just described?

9 A Yes. At his family's house.

10 Q Okay. Let me go a little bit further down
11 starting with, I'm not sure.

12 A It says, I'm not sure if you remember talking to
13 me in the library on January 13th, but I remembered
14 chatting with you.

15 Q And why did you write that? What did that mean?

16 A Well, I mean, it's self-explanatory. I didn't
17 know if he remembered talking to me, but --

18 Q You know --

19 A -- I did.

20 Q -- sometimes lawyers ask stupid questions. And
21 that's a perfect example. If I could go a little bit
22 further down, the sentence starting, I went to your
23 family's house.

24 A Yes. I went to your family's house and
25 discussed your calm manage wisdom (ph.). Keep going?

ADNAN SYED v. STATE OF MARYLAND
February 3, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 Q Did you -- well, tell me just a little bit about
2 that. Did you think that was important?

3 A Well, yeah, because it was kind of weird if he
4 was normal and calm and now he's in jail for murder.

5 Q I'd like to go -- the next sentence down, tell
6 me about that. I mean, first read it and then tell me
7 about it.

8 A It says, I also called the Woodlawn Public
9 Library and found that they have a surveilling system
10 inside the building.

11 Q Now, do you have any additional memories about
12 that, in addition to what's written there?

13 A Well, I don't remember when I called, but I do
14 recall that I did call to find out if they had cameras
15 there. Just -- my thought process was, you know, hey, if
16 he was there, obviously -- and they have cameras that he
17 would be on camera and there would be evidence showing
18 that he was there.

19 Q Right. Go down a little bit further to the part
20 starting, my number is.

21 A Yes. My number is 410-486-7655.

22 Q Why did you provide your number?

23 A I figured that would be the best way for someone
24 to reach out to me if what I remembered was important.

25 Q Okay. Moving on to the next page, if we go --

ADNAN SYED v. STATE OF MARYLAND
February 3, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 if so, I will try my best to help account for some of your
2 unwitnessed, unaccountable lost time. Is that what you
3 wrote?

4 A Yes.

5 Q Tell me what you meant by that.

6 A Well, when I went to the family's house that
7 night they said that Adnan was struggling to remember what
8 happened after school that day and I knew that I had been
9 with him during that short amount of time at the library
10 so I was stepping up to let them know or whoever know that
11 I, you know, that I could account for that small amount of
12 time throughout the day and, like I said, I was told that
13 he couldn't remember -- he was struggling to remember what
14 happened after school up until the time where he went to
15 church or the Mosque, I guess.

16 Q Okay. And does that statement mean that you
17 could provide information about where he was, for example,
18 from 4:00 p.m. to 8:00 p.m.?

19 A No. Just the short time that I saw him in the
20 library.

21 Q Okay. Going a little further down the page
22 there's a line that says, thank Justin. Who --

23 A Yes.

24 Q Who, again, is Justin?

25 A My ex-boyfriend and friend.

ADNAN SYED v. STATE OF MARYLAND
February 3, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 Q Last name?
2 A Adger, sorry, Justin Adger.
3 Q Okay. By the way, how do you spell Adger?
4 A A-d-g-e-r.
5 Q Okay. And then a little bit further down --
6 A Uh-huh.
7 Q -- is another phone number.
8 A Yes. That's --
9 Q Is it fair --
10 A -- my grandparents' main line.
11 Q Is it fair to say you were trying to make
12 yourself available if someone wanted to call?
13 A Yes.
14 Q Okay. Now go all the way down to the bottom
15 left-hand corner. Can you read that out loud and then
16 explain what you meant by that?
17 A It says, if you were in the library a while tell
18 the police and I will continue to tell what I know even
19 louder than I am. My boyfriend and his best friend
20 remember seeing you there too. That means, like if you
21 were in the library longer after we left, you know, like,
22 hey, dude, you need to say something, you know? Like, and
23 if you come forward and say, you know, that you were in
24 the library, I'll continue to say, you know, that I saw
25 you between the -- that time period that we talked and

ADNAN SYED v. STATE OF MARYLAND
February 3, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 after he was arrested I actually had a conversation with
2 my boyfriend and his friend Jarah Banks (ph.) -- I mean,
3 Jarah Johnson (ph.) and basically it -- I said, you guys
4 remember that guy that was in the library the day you
5 picked me up and they said, yeah. And I said, he got
6 arrested for killing somebody, you know, and so they
7 remembered seeing him in the library that day too, so
8 that's what that means.

9 Q Okay. All right. And did you mail that letter?

10 A Yes.

11 Q Did there come a time when you wrote a second
12 letter to Mr. Syed?

13 A Yes. The next day. During school.

14 Q The next day?

15 A Uh-huh.

16 MR. BROWN: I'm going to ask to put up what we
17 have pre-marked as PC2-5, which is also already in
18 evidence in this case.

19 THE COURT: And the Court will note that it's --
20 was previously admitted in the last post-conviction
21 hearing.

22 MR. BROWN: Thank you, Your Honor.

23 BY MR. BROWN:

24 Q I'd like to draw your attention to the very top.
25 There's a number there. What does that number mean to

ADNAN SYED v. STATE OF MARYLAND
February 3, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 you, if anything?

2 A I don't know.

3 Q Okay. Do you remember how you got that number?

4 A I don't.

5 Q Okay. Going further down in that first
6 paragraph there's a sentence that starts, this information
7 that I know about, right, all, the whole -- the rest of
8 that -- oh, no, I'm sorry, that's all right. Just that
9 first sentence. Can you explain -- can you read that and
10 then explain what you mean by that?

11 A It says, the information that I know about you
12 being in the library could be helpful, unimportant, or --
13 wait. Sorry. The information that I know about you being
14 in the library could be unhelpful, unimportant or
15 unhelpful to your case.

16 Q Okay. Do you --

17 A Did I read that right?

18 Q I think it -- well --

19 A It could be helpful, unimportant or helpful to
20 your case.

21 Q Okay.

22 A Sorry, I'm nervous.

23 Q Okay. I think you got most of it right. Just
24 for the record I'm going to read it, and it says, the
25 information that I know about you being in the library

ADNAN SYED v. STATE OF MARYLAND
February 3, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 could helpful, unimportant, or unhelpful to your case.

2 A Yes.

3 Q Explain that, please.

4 A Well, I -- like I said, I didn't know if -- it
5 was such a short amount of time, I didn't know if it was
6 relevant or if it could be helpful or not so.

7 Q Okay. Now, going down a little further on that
8 page there's a paragraph number 2. Is that another
9 reference to the -- to surveillance at the library?

10 A Yes. I was curious as to how long he stayed in
11 the library after the three of us left.

12 Q Okay. And all the way down at the bottom
13 left-hand corner, all the way down, all the way down, is
14 there a date there?

15 A Yes. March 2nd, 1999.

16 Q Is that when you wrote the letter?

17 A Yes.

18 Q Okay. Going on to the next page, halfway
19 through the second paragraph there's a sentence that
20 starts with, Mr. Parker.

21 A Yes.

22 Q Do you remember who Mr. Parker was?

23 A Yes. He was my Spanish level 5 teacher.

24 Q Okay. And what is indicated by this sentence
25 here? Well, from --

ADNAN SYED v. STATE OF MARYLAND
February 3, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 A Oh.

2 Q Sorry to interrupt.

3 A That's okay. Well, the whole topic came up and
4 Mr. Parker seemed pretty unopinionated (sic). He
5 didn't --

6 Q Okay.

7 A -- seem to have a -- he didn't have an opinion
8 and so I told him that I had recently spoke to Adnan's
9 family the night before and that I had told them that I
10 remembered seeing him that day and he seemed, you know,
11 happy that I was doing the right thing and reaching out
12 and telling somebody.

13 Q Okay. What in the world is that picture next to
14 it?

15 A (Laughs). That would be old-school clip art. I
16 don't know what an explosion has to do with anything but I
17 was 17 and I had a home computer, which was rare for kids,
18 so just --

19 Q Okay.

20 A -- playing around.

21 Q You were a 17-year-old kid when you wrote this
22 letter.

23 A Yeah. I think so.

24 Q Turning your attention to the next page, there's
25 a sentence near the top that says, everything was cool.

ADNAN SYED v. STATE OF MARYLAND
February 3, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 If you'd read that sentence out loud into the record?

2 A Okay. Everything was cool that day. Maybe if I
3 would have stayed with you longer or something this entire
4 situation could have been avoided.

5 Q Well, what did you mean by that?

6 A Well, you know, perhaps if my ride didn't show
7 up and I was stuck there and -- because when Derek and
8 Jarah (ph.) came in they interrupted our conversation so
9 ultimately who knows how long we would have sat there and
10 talked and if it would have made any kind of difference
11 or, I don't know.

12 Q To the best of your recollection, was everything
13 in that letter truthful?

14 A Yes.

15 Q And the previous letter we shared with you. To
16 the best of your recollection was everything in that
17 letter truthful?

18 A Yes.

19 Q Now, at the time when you wrote these letters
20 did you know when the State theorized that the murder took
21 place?

22 A No. I had no idea.

23 Q After you wrote those letters and -- did I -- is
24 it fair to say you mailed the second letter as well as the
25 first?

ADNAN SYED v. STATE OF MARYLAND
February 3, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 A Yes.

2 Q Did anyone from Syed's defense team ever contact
3 you?

4 A No.

5 Q The lawyer contact you?

6 A No.

7 Q An investigator?

8 A No. No one.

9 Q Law clerk?

10 A No.

11 Q If someone from the defense team had contacted
12 you would you have spoken to them?

13 A Yes, definitely.

14 Q And would you, if asked to, would you have
15 testified truthfully at a trial?

16 A Yes. Definitely.

17 Q Did you -- when Mr. Syed ended up going on
18 trial, were you in college at the time?

19 A Yes.

20 Q And were you paying attention to the trial?

21 A No. I was too busy trying to adjust to college.

22 Q Okay. I want to turn your attention to the
23 affidavit that's dated March 25th, 2000. Hang on one
24 second. And that's a exhibit that is already in evidence.
25 I'm going to refer to it PC2-6. Is that the affidavit

ADNAN SYED v. STATE OF MARYLAND
February 3, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 that you wrote on March 25th, 2000?

2 A Yes.

3 Q Can you tell the Judge how you ended up writing
4 that affidavit?

5 A I was home one afternoon and there was a knock
6 at the door. I opened it and it was Rabbia (ph.) and she
7 wanted to know if I had in fact had a conversation with
8 Adnan in the library on January 13th. I told her, yes,
9 and she asked me, would I be willing to, you know, write
10 and sign something to that effect and I said I would be.

11 Q Okay. Were you pressured in any way into
12 writing that affidavit?

13 A No. She was very nice about it.

14 Q And those letters that you previously wrote,
15 were you pressured in any way by anyone into writing them?

16 A No. Not at all.

17 Q The affidavit. Was the affidavit truthful?

18 A Yes.

19 Q And how did you come -- if you look all the way
20 down at the bottom of the affidavit, it's kind of hard to
21 see because this has been copied so many times, but do you
22 know what that is underneath your signature?

23 A I believe it's the notary's signature, but, like
24 you said, it's kind of hard to make out.

25 Q Well, do you remember whether you got that

ADNAN SYED v. STATE OF MARYLAND
February 3, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 letter notarized?

2 A We did. We -- she asked me if I would be
3 willing to have it notarized to make it official and I
4 agreed so we got in her car and we went to I believe it
5 was a shopping center to have it notarized. And it was
6 the first time I'd ever had anything notarized, so I
7 remember it.

8 Q Okay. Whose idea was it to get it notarized?

9 A She -- hers. She said it would be more official
10 if it was notarized.

11 Q Okay. How long after signing that affidavit did
12 you remain in Baltimore?

13 A A few months.

14 Q And where did you move to?

15 A I moved to Greensboro, North Carolina to go to
16 school down there.

17 Q Okay. Did you -- and did you eventually end up
18 moving out to Oregon?

19 A Yes. About six and a half years later I moved
20 to Vancouver, Washington and I worked across the river in
21 Oregon so.

22 Q Okay. And were you living in Oregon in April of
23 2010?

24 A Yes.

25 Q How did you become aware that someone from the

ADNAN SYED v. STATE OF MARYLAND
February 3, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 Syed defense was trying to contact you?

2 A My husband was on his way home and I guess when
3 he got to the door he was approached by someone that asked
4 for me by my maiden name and at the time he had a bunch of
5 stuff in his hands so he asked them to hold on for a
6 minute and then he came in the house. And as he came in
7 the house to drop his stuff off he told me that someone
8 was looking for me by my maiden name and that was kind of
9 weird. And so he said, I think his exact words were, I
10 think it might have something to do with that girl that
11 got killed at your high school. And so I asked him to
12 take the person's information for me. And he agreed and
13 went back outside to talk to them.

14 Q Okay. And when you said, just to take his --
15 their information, did that mean you did not want to speak
16 to them directly?

17 A I didn't want to speak to them at that time, but
18 I wanted him to, I guess, go on a fact-finding mission for
19 me and then bring me the information and the contact
20 information so I could figure out what I needed to do from
21 there.

22 Q Okay. And did you receive a business card or
23 something?

24 A I did.

25 Q Do you know whose business card it was?

ADNAN SYED v. STATE OF MARYLAND
February 3, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 A It was yours.

2 Q And just for the record she's -- you're pointing
3 to --

4 A Justin Brown.

5 Q Okay.

6 (Pause)

7 BY MR. BROWN:

8 Q And did you end up calling Kevin Urick later
9 that day?

10 A I did. After he brought me the card and the
11 person left I went on the internet to see if there was any
12 local news about, you know, anything going on about the
13 case but all I could find was a old Baltimore Sun article
14 and -- about it and so in the article it listed the
15 prosecutor as Kevin Urick and so that's how I knew who he
16 was.

17 Q Kevin Urick?

18 A Yes.

19 Q Okay. And was the date when all this happened
20 April 11th, 2010?

21 A Yes.

22 Q Why did you decide to call Kevin Urick?

23 A I don't have a lot of court or law experience
24 and so at the time I assumed that he would be, I guess you
25 could say, less biased because he wasn't, you know, you're

ADNAN SYED v. STATE OF MARYLAND
February 3, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 Adnan's attorney and so at the time I thought, you know,
2 that the prosecutor was, you know, how they say, the good
3 guys that wear the white hat and that, you know, he would
4 probably be a better person to give me, you know, more
5 non-biased information about the case or what was going on
6 at that time.

7 Q Okay. And you said you looked -- how -- well,
8 how did you find his phone number?

9 A I used internet search to -- with his name to
10 find the phone number for him.

11 Q Okay. And did you then call him?

12 A Yes, I did.

13 Q And when you called, who picked up the phone?

14 A He did. Kevin Urick.

15 Q Did you take notes during this conversation?

16 A I did.

17 Q Why did you take notes during the conversation?

18 A I tend to be a little meticulous at times and I
19 wanted to make sure I remembered what, you know, the
20 information because I was asking him specifics about the
21 case. I wanted to make sure that I had that for my own
22 personal records and so I could remember.

23 Q Okay.

24 MR. BROWN: I'm approaching the witness with
25 what's been pre-marked as PC2-9.

ADNAN SYED v. STATE OF MARYLAND
February 3, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 THE COURT: And again, something that's --
2 was --

3 MR. BROWN: Your Honor, this is --

4 THE COURT: -- admitted --

5 MR. BROWN: -- this is a new exhibit.

6 THE COURT: New exhibit? All right.

7 BY MR. BROWN:

8 Q Can you take a look at that and tell me whether
9 those are your notes?

10 A I'm sorry. I didn't hear you.

11 Q I'm sorry. Can you take a look at that and tell
12 me whether those are your notes?

13 A Yes. They are.

14 (Petitioner's Exhibit No. PC2-9, Handwritten Notes,
15 marked for identification)

16 MR. BROWN: Your Honor, I would offer PC2-9 into
17 evidence.

18 THE COURT: And any objection to its
19 introduction, Mr. Vignarajah?

20 MR. VIGNARAJAH: No, Your Honor. Is this the
21 original that's being entered into evidence?

22 MR. BROWN: No. It's a copy.

23 MR. VIGNARAJAH: Do we have the original?

24 MS. CHAPMAN: I do.

25 BY MR. BROWN:

ADNAN SYED v. STATE OF MARYLAND
February 3, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 Q Do you have it with you?

2 A Yes.

3 Q Do you have it -- can you reach it right now or
4 is it in your purse?

5 A My husband's -- has my purse. He's right
6 outside the door.

7 Q Okay. We'll -- so we'll go back to that.

8 THE COURT: Well, before I -- I'll hold my
9 ruling --

10 MR. VIGNARAJAH: It's fine, Your Honor. No --

11 THE COURT: -- subject to the original in, the
12 Court will otherwise admit it subject to the original.

13 (Petitioner's Exhibit No. PC2-9, previously marked
14 and identified, received in evidence)

15 BY MR. BROWN:

16 Q Does that copy that you're holding look just
17 like the original?

18 A Yes, it does.

19 Q Okay. Could you go through these notes line by
20 line and tell me what they say and explain what was going
21 on in that conversation?

22 A Okay. Well, when I called Urick, I didn't know
23 if he -- well, I knew he wouldn't know who I was, but I
24 didn't know if he knew the case that I was referring to
25 and so I told him it was, you know, Adnan Syed and I gave

ADNAN SYED v. STATE OF MARYLAND
February 3, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 him a little bit of background and he said, oh, yeah, I
2 definitely remember the case. And so I asked him if he
3 knew if anything was going on and, you know, why a
4 detective man showed up and he said he wasn't sure and he
5 told me he would look into his computer system to see if
6 there were any open cases and so he said that there were
7 no open cases, so that's why I wrote that. And he said
8 most likely, he said, it's been about 10 years since he
9 was convicted so most likely they're trying to get an
10 appeal because he has a life sentence and he said most
11 likely, you know, it -- you know, if they can try to
12 present something that's new evidence, then they're trying
13 to get an appeal because it's his last opportunity to do
14 that. And you can only do that within a 10-year period
15 and then there's no other recourse.

16 Q Okay. And I'm not going to ask you to disparage
17 me. However, what does it say next?

18 A It says, Brown is BS. Adnan's lawyer is not
19 incompetent despite health issues and basically it -- he
20 was telling me that if they were trying to open -- if they
21 were trying to get an appeal because of his lawyer having
22 health issues and her state of mind that it was complete
23 BS and that they didn't have any case and so that's why I
24 wrote, no case, in relation to that statement.

25 Q Okay. Further down?

ADNAN SYED v. STATE OF MARYLAND
February 3, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 A He told me that Jay (ph.) had helped Adnan bury
2 the body and had testified against him and that he got a
3 plea bargain for doing that and he told me that -- and
4 none of this I knew, by the way, but he told me that there
5 were cell phone records at the time -- that the court had
6 cell phone records that placed Adnan in Lincoln Park and
7 that's during the time when Jay (ph.) said her -- they
8 were burying her body.

9 Q And now I want to just stop you for one second.
10 What did you say before that, that you -- did you say that
11 you didn't know any of this information at the time?

12 A No. I didn't know anything. I was basically
13 just asking him, like, things about the case because I
14 didn't even -- I didn't know anything about what happened
15 during the trial. So I was pretty much getting all my
16 information from him that day.

17 Q Okay.

18 A He told me over here -- up on the side there in
19 the margin, he told me that during the course of the trial
20 that there were a bunch of witnesses that were ready to
21 testify that Adnan was at the Mosque but that after they
22 presented the cell phone records showing that he was in
23 the park when Jay (ph.) said that they were burying her
24 all of those people backed down and they never testified
25 because they didn't want to perjure themselves, basically.

ADNAN SYED v. STATE OF MARYLAND
February 3, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 And then he assured me that -- he -- I mean, he flat out
2 said that Adnan killed her, you know? He said, oh, he
3 killed that girl. And then he said -- and I guess he was
4 trying to make me feel better about it because he said
5 that if -- it says that if he had any doubt that Adnan
6 didn't kill Hae that it would be his moral obligation as
7 the prosecutor to see that Adnan didn't serve any time.
8 And then he went on to say that basically you, Mr. Brown,
9 that there was a snowball's chance in hell that they could
10 get the case reopened with the accusations about Adnan's
11 previous lawyer, let alone get him off for the murder.

12 Q Okay.

13 A And so that's pretty much what he said.

14 MR. BROWN: Your Honor, we do have the original
15 letter now.

16 THE COURT: All right. So I assume there's no
17 objection, Mr. Vignarajah, correct?

18 MR. BROWN: Would you like to inspect it?

19 MR. VIGNARAJAH: That would be fine, Your Honor.

20 (Pause)

21 MR. VIGNARAJAH: That's fine. Thank you, Your
22 Honor.

23 THE COURT: All right.

24 MR. BROWN: And, Your Honor, we also have the
25 original hall pass if Brother Counsel wants to inspect

ADNAN SYED v. STATE OF MARYLAND
February 3, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 that as well.

2 MR. VIGNARAJAH: That's fine. Thank you.

3 THE COURT: All right. So the Court will admit
4 that, then, as --

5 MR. BROWN: Did you want to inspect it?

6 THE COURT: -- as --

7 MR. VIGNARAJAH: Okay.

8 THE COURT: -- PC what -- Respondent's PC2-9.

9 MR. BROWN: Do you want us to enter the original
10 one in?

11 THE COURT: Yes. I think that was the basis of
12 the admission. Its admission.

13 (Pause)

14 MR. BROWN: Do you -- would you like a cup of
15 water?

16 MS. CHAPMAN: Yes, please.

17 MR. BROWN: All right. May I approach and give
18 her --

19 THE COURT: Certainly.

20 MR. BROWN: -- a glass of water?

21 MS. CHAPMAN: I'm dying up here. Why not?

22 (Pause)

23 THE COURT: Thank you.

24 MS. CHAPMAN: Thank you.

25 BY MR. BROWN:

ADNAN SYED v. STATE OF MARYLAND
February 3, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 Q Did this phone conversation you had with Kevin
2 Urick influence your decision of whether to talk to Adnan
3 Syed's defense team?

4 A Yeah. Completely. I walked away feeling that,
5 like Urick suggested, that essentially, you know, you guys
6 were just trying to play the system, manipulate the courts
7 just to try to get him in front of a judge because it was
8 his last chance and that he was a hundred percent guilty
9 and that the State had all the evidence to show that he
10 was guilty and that, you know, because of what Urick said
11 that it was just a waste of time for me to get involved
12 with something that was just obviously a tactic to
13 manipulate the court system.

14 Q And what was your decision? Did you end up
15 responding to our inquiries?

16 A No, I didn't. Me and my husband, we were
17 planning to move or looking to move and I just didn't see
18 the need to get involved with this when he obviously,
19 based on everything that Urick said, was guilty. So.

20 Q Okay. Do you know how long this phone
21 conversation you had with Kevin Urick, how long it lasted?

22 A Yes. I do. It was 34 minutes.

23 Q Thirty-four minutes? Why is that important to
24 you?

25 A Well, after the podcast came out I saw an

ADNAN SYED v. STATE OF MARYLAND
February 3, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 interview where Urick said that he approximated our
2 conversation was about five minutes so I went and actually
3 requested my phone records and once I received them I went
4 through all of the Maryland numbers that I didn't
5 recognize during that period and Googled every one of them
6 and the 34-minute phone call was a -- the same number that
7 was listed to Kevin Urick.

8 Q And just to be clear, did I help you get those
9 phone records?

10 A Yes. You -- Sprint was not the easiest to work
11 with.

12 Q Okay.

13 A I had to have, you know --

14 Q I'm going to --

15 A -- a legal reason to have them, so.

16 MR. BROWN: I'm going to approach the witness
17 with what has been pre-marked as Exhibit PC2-8.

18 THE COURT: And this is one already admitted or?

19 MR. BROWN: No, this is a new exhibit, Your
20 Honor.

21 THE COURT: New exhibit. All right.

22 BY MR. BROWN:

23 Q I'd like for you to take a look at these phone
24 records --

25 A Okay.

ADNAN SYED v. STATE OF MARYLAND
February 3, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 Q -- take your time.

2 (Pause)

3 BY MR. BROWN:

4 Q Are these your phone records?

5 A They are.

6 (Petitioner's Exhibit No. PC2-8, McCain Phone
7 Records, marked for identification)

8 BY MR. BROWN:

9 Q In whose name are these records?

10 A They're in my husband's name because he --

11 Q You guys share a phone?

12 A We share an account and my phone number is
13 listed on the account with his phone number, so.

14 Q Okay.

15 MR. BROWN: Your Honor, I'd offer into
16 exhibit -- is -- offer into evidence Exhibit PC2-8.

17 THE COURT: And any objection, Mr. Vignarajah?

18 MR. VIGNARAJAH: No objection, Your Honor.

19 THE COURT: So admitted, then, as Petitioner's
20 Exhibit PC2-8.

21 (Petitioner's Exhibit No. PC2-8, previously marked
22 and identified, received in evidence)

23 BY MR. BROWN:

24 Q And I'd like to turn your attention to line 135
25 on those records. Is that the call to Kevin Urick?

ADNAN SYED v. STATE OF MARYLAND
February 3, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 THE COURT: I'm sorry, what line was that?

2 MR. BROWN: 135.

3 MS. CHAPMAN: Yes, it is.

4 BY MR. BROWN:

5 Q And how long is it indicated on there that call
6 is?

7 A Thirty-four minutes.

8 Q And how do you know that that's Kevin Urick's
9 phone number?

10 A Like I said, I went to Google after getting the
11 phone records and went through all the numbers that I
12 didn't -- the Maryland numbers -- because most of these
13 are family, like my mom and -- and that came up as a Kevin
14 Urick phone number.

15 Q Okay.

16 A Or a number for him.

17 Q And you described a conversation that you had
18 had with Mr. Urick. Did anyone witness this conversation?

19 A My husband came in at the tail end of the
20 conversation and I shooed him away.

21 Q Okay. Moving forward to 2013 --

22 A Uh-huh.

23 Q -- did there come a time when you had a
24 conversation with a now famous radio reporter named Sarah
25 Koenig?

ADNAN SYED v. STATE OF MARYLAND
February 3, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 A Yes. I believe it was January of --

2 Q January? Okay.

3 A -- 2014.

4 Q And were you recorded in that conversation?

5 A Yes, I was.

6 Q And prior to that conversation did you know that
7 your voice would be broadcast?

8 A No. I don't know -- I guess maybe I was in such
9 shock, but when she told me she was NPR, I didn't know
10 what that was. I assumed she was a internet, like,
11 newspaper or magazine writer, reporter type. I didn't
12 realize it was a podcast because I guess nobody really
13 knew what podcasts were back then. (Laughs) And --

14 Q And how did --

15 A And so it kind of went over my head that it was
16 a -- internet radio is described and so she asked me if
17 she could record the conversation and I said, sure, but I
18 thought it was going to be for dictation purposes, like,
19 later on if she was writing her article and she needed to
20 remember something that she, you know, she could go back
21 to the recording. I didn't realize it was going to be --
22 I was going to hear myself.

23 Q Right. Well, how did you find out that you were
24 on Serial?

25 A I think it was, like, almost a year later in

ADNAN SYED v. STATE OF MARYLAND
February 3, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 October of 2014. I started getting a bunch of Facebook
2 messages and emails and just people calling me and they
3 were, like, I'm listening to you on the radio. And I'm,
4 like, what are you talking about? And they're, like,
5 you're on the radio. And I'm, like, what station? Like
6 what are you talking about? And they're, like, no
7 internet radio. And so, you know, they're like, this
8 thing called Serial. And so I Googled it and I go to the
9 website and lo and behold it says, The Alibi. And I'm,
10 like, okay, and so I start listening. (Laughs)

11 Q Were you concerned about being in the public
12 eye?

13 A I was, for a -- for lack of better terms it was
14 pretty freaky to hear yourself and know that it was on the
15 internet and that, you know, people were more and more
16 interested about the case and, you know, had a lot of
17 questions about it and so it was kind of nerve wracking.

18 Q Okay. And did you subsequently listen to
19 Serial?

20 A I listened to the first two episodes and I
21 started to really freak out and so I kept telling my
22 husband, you need to help me. You need to listen to this.
23 And finally he sat down and listened and then he's, like,
24 okay, let's listen to the whole thing. So we binge
25 listened to it in about, I think, eight hours.

ADNAN SYED v. STATE OF MARYLAND
February 3, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 Q Okay. And did you learn anything from Serial
2 that changed the way you thought about your importance to
3 the case?

4 A Yes. The things that I thought I knew from
5 talking to Kevin Urick I couldn't -- I was a little
6 confused based on what he told me and what was in the
7 podcasts and I didn't realize that he had testified at the
8 previous post-conviction hearing and I was a little
9 concerned about that portion of what happened that I
10 was -- wasn't aware of.

11 Q Okay. Let -- let's go back to that in a second,
12 but just to be clear, what did you think about your
13 importance to this whole case before listening to Serial?

14 A I didn't think it -- I was very important at
15 all. Well, I guess because I didn't know any of the trial
16 aspects of when the State thought that Hae had been
17 murdered, even until listening to the podcasts I didn't
18 know that so I didn't ever think that the time period that
19 I spoke to him was of any importance, especially when no
20 one ever -- from the -- from his previous lawyer reached
21 out to me. I just -- I didn't think anything I had to say
22 was important and come to find out after listening to the
23 podcasts I realized that, you know, as Sarah said, in the
24 podcasts, you know, well, maybe it is important. So
25 definitely placed a greater weight on my heart so to speak

ADNAN SYED v. STATE OF MARYLAND
February 3, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 as far as making sure all the information was available to
2 both sides and making sure that, you know, justice could
3 be fairly evaluated.

4 Q You mentioned before that at some point you
5 learned that Kevin Urick had testified in a courtroom
6 proceeding. Is that right?

7 A Yes.

8 Q And what did you learn about that?

9 A Well, everything about it. I learned that he
10 said that he had a conversation with me and that I told
11 him that everything I had said prior to that was not true
12 and that the only reason I ever said anything or wrote the
13 affidavit was because I was somehow pressured from the
14 Syed family. All of it was news to me.

15 Q Okay. And that -- after hearing this, how did
16 you feel?

17 A Well, I mean, of course I was in shock and I was
18 fairly unhappy, to say. I was mostly angry with myself
19 that I was in a situation where I had allowed my thoughts
20 and opinions to be represented by a third party and, you
21 know, that's, you know, that -- I don't like it when
22 people try to put words in my mouth, so I was fairly
23 bothered by it.

24 Q Do you remember contacting me in December of
25 2014?

ADNAN SYED v. STATE OF MARYLAND
February 3, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 A Yes, I do, in mid-December.

2 Q How did you get my number?

3 A I don't remember.

4 Q And do you remember specifically why you reached
5 out to me or why did you want to talk to me?

6 A I assumed that you were the person I needed to
7 speak to because my original affidavit was being
8 questioned and that was information that you had so I
9 don't know why. I just assumed that you were the person
10 that I needed to reach out to.

11 Q Okay. And did you pretty much tell me the whole
12 story which you've testified to today in court?

13 A I did.

14 Q And do you remember, how did you come to get a
15 lawyer?

16 A Well, finding a lawyer when you're on the
17 opposite side of the state is kind of difficult, so --

18 Q Well, let me -- I'm sorry. Before you go into
19 that, please tell me how did you get the idea to -- what
20 made you think you would need a lawyer?

21 A Well, I realized that after the whole unveiling
22 of what happened with Urick that perhaps I didn't know how
23 the court system works and maybe I needed somebody who
24 did. And so I figured the best course of action would --
25 to -- would be to have my own lawyer, someone who would

ADNAN SYED v. STATE OF MARYLAND
February 3, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 have my best interests. Because, you know, I didn't
2 necessarily want to be with the Defense or the
3 Prosecution. I wanted to be my own person and tell the
4 truth about what I knew, you know, without -- someone who
5 wouldn't allow you or you (indicating) to try to pull me
6 in any direction.

7 Q Okay. And how specifically did you come to find
8 Mr. Proctor?

9 A Well, first I asked some of my family members
10 that are lawyers in Washington and they told me that they
11 couldn't help because I needed a Maryland attorney. I
12 reached out to my grandfather's attorney and nobody ever
13 called me back. And then I told Sarah that I was having
14 trouble finding a lawyer and she said, well, if you want I
15 can ask around and give you a couple recommendations for
16 people in town. So she gave me two numbers. One -- the
17 first guy that I called was a guy named Larry but after
18 speaking to him I realized that he was a little on the
19 pricey side so I couldn't afford him and so then I
20 eventually ended up contacting Gary Proctor and he agreed
21 to work with me.

22 Q Okay. And after contacting Mr. Proctor, did you
23 write another affidavit?

24 A I did.

25 MR. BROWN: I'm going to approach the witness

ADNAN SYED v. STATE OF MARYLAND
February 3, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 with Exhibit PC2-7.

2 THE COURT: And --

3 MR. BROWN: This is a new exhibit.

4 THE COURT: This is new? All right.

5 MS. CHAPMAN: Oh. I can barely read that even
6 with my glasses.

7 MR. BROWN: Does that help?

8 MS. CHAPMAN: Yeah. Thank you.

9 BY MR. BROWN:

10 Q Take a look at that affidavit.

11 A Uh-huh.

12 Q Is that your affidavit?

13 A Yes, it is.

14 (Petitioner's Exhibit No. PC2-7, Affidavit, marked
15 for identification)

16 BY MR. BROWN:

17 Q And is that your signature on the bottom?

18 A Yes, it is.

19 Q And what's the date that you see there?

20 A January 13th, 2015.

21 Q Okay. And did you explain in that affidavit --
22 and perhaps I should have asked this question earlier --
23 but when you learned that Kevin Urick had testified about
24 you in trial -- in a courtroom hearing as a witness --

25 A Uh-huh.

ADNAN SYED v. STATE OF MARYLAND
February 3, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 Q -- were the things that he said, were they true?

2 A No.

3 Q Is that reflected in this affidavit?

4 A Yes, it is.

5 Q Did you -- did your attorney or people from his
6 law office, did they help you prepare that affidavit?

7 A I wrote it and after I wrote it I asked them to
8 look it over and let me know if, you know, for grammar, as
9 to anything didn't read well and so they came back to me
10 with any corrections that needed to be made to it.

11 Q Okay. And did you do your -- make your best
12 effort to make that as true and accurate as possible?

13 A Yes, I did.

14 Q Ms. McClain, did I subpoena you for court today?

15 A You gave me a subpoena, yes.

16 Q Okay. And without a subpoena would you have
17 come here too?

18 A Yes, completely. I would have.

19 Q And why did you want to testify here in
20 Baltimore?

21 A Well, I felt it was the right thing to do and I
22 think in order for justice to be served all the
23 information needs to be on the table and I felt the best
24 way to have that happen would be for me to show up and say
25 what I know, you know? In the interest of telling the

ADNAN SYED v. STATE OF MARYLAND
February 3, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 truth and having full disclosure I just thought it was the
2 right thing to do.

3 Q Okay.

4 MR. BROWN: Your Honor, and I would like to
5 offer Exhibit No. 7 into evidence.

6 THE COURT: Any objections --

7 MR. VIGNARAJAH: No objection.

8 THE COURT: -- to its introduction? So
9 admitted, then --

10 MR. BROWN: Which --

11 THE COURT: -- as --

12 MR. BROWN: -- which is in.

13 MS. CHAPMAN: Oh.

14 MR. BROWN: And I'm --

15 THE COURT: -- as Petitioner's Exhibit PC2-7.

16 (Petitioner's Exhibit No. PC2-7, previously marked
17 and identified, received in evidence)

18 MR. BROWN: If you can give me one moment, Your
19 Honor?

20 (Pause)

21 MR. BROWN: No further questions for this
22 witness.

23 THE COURT: All right. And let me see Counsel
24 at the bench on scheduling just briefly and we'll be with
25 you in one minute --

ADNAN SYED v. STATE OF MARYLAND
February 3, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 MS. CHAPMAN: Okay.

2 THE COURT: -- Ms. Chapman.

3 BENCH CONFERENCE

4 (Bench conference begins - 3:33:15 p.m.)

5 (All Counsel approach the bench where the following
6 ensues:)

7 THE COURT: I'm just going to ask is this
8 probably -- and I'm not sure whether she needs a break,
9 and you all probably could use one, if we could use
10 this --

11 MR. BROWN: She's --

12 THE COURT: -- as a mid-afternoon break?

13 MR. BROWN: I believe she's pregnant. She
14 probably very much --

15 THE COURT: She -- I'm sure she does.

16 MR. BROWN: -- needs a break.

17 MR. VIGNARAJAH: Can't hurt.

18 THE COURT: Ideally --

19 MR. VIGNARAJAH: I'm not pregnant and I could
20 use a break.

21 THE COURT: Ideally I'd like to break at about
22 4:30 or so, so -- but again, I want to be sensitive to her
23 needs. I'm not sure whether she's going back or --

24 MR. BROWN: I think if -- I imagine -- would you
25 like me to go over and ask her?

ADNAN SYED v. STATE OF MARYLAND
February 3, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 THE COURT: No, no, I'm just saying if -- I'm
2 not sure how long you think you'll be, Mr. Vignarajah.

3 MR. VIGNARAJAH: Your Honor, I unfortunately
4 expect a lengthy cross examination. So I don't know what
5 that means.

6 THE COURT: Okay. So she's still here tomorrow,
7 I assume?

8 MR. BROWN: Your Honor, I would really --

9 THE COURT: May -- let's go on a break.

10 MR. BROWN: -- I would like to go as long as we
11 can, possibly, and I don't want to -- we'd like to do it
12 today and it's pretty important to us.

13 THE COURT: I'd like to as well, but I want to
14 be sensitive to staff and --

15 MR. BROWN: Right.

16 THE COURT: -- the limitations and we know
17 what's going to go on afterwards with the exhibits and
18 everything else, so I'm trying to stay reasonably within
19 that calendar. Let's go ahead and take a break just sort
20 of figure out if -- we may get lucky, you all get it done.
21 But if not, just get some sense of what her availability
22 may be --

23 MR. BROWN: Okay.

24 THE COURT: -- first thing in the morning.
25 Okay?

ADNAN SYED v. STATE OF MARYLAND
February 3, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 MR. VIGNARAJAH: Very good.

2 THE COURT: All right.

3 MR. BROWN: Very good, Your Honor.

4 THE COURT: So why don't we tell everybody,
5 like, a 10-minute recess.

6 MALE VOICE: Okay.

7 THE COURT: Okay.

8 (Bench Conference concluded - 3:34:31 p.m.)

9 (All Counsel return to the trial tables where the
10 following ensues:)

11 THE COURT: Ms. Chapman?

12 MS. CHAPMAN: Yes?

13 THE COURT: We're going to take a brief recess.

14 MS. CHAPMAN: Okay.

15 THE COURT: And you may certainly make yourself
16 comfortable but I do want to remind you that you're on the
17 stand --

18 MS. CHAPMAN: Okay.

19 THE COURT: -- and you can't speak with anyone
20 concerning your testimony --

21 MS. CHAPMAN: Okay.

22 THE COURT: -- until after you get back on the
23 stand, all right?

24 MS. CHAPMAN: No problem.

25 THE COURT: All right. Court will take just a

ADNAN SYED v. STATE OF MARYLAND
February 3, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 10-minute recess.

2 MADAM CLERK: All rise.

3 THE COURT: And, Leona, check with the officers
4 to find out whether he needs -- whether they need to take
5 him back or not --

6 MADAM CLERK: Oh, whether or not he's --

7 THE COURT: -- right.

8 MS. CHAPMAN: Do I have to stay here?

9 THE COURT: You -- no, no, no, ma'am. You can
10 move around.

11 MS. CHAPMAN: Okay.

12 THE COURT: You just can't speak with anyone.

13 MS. CHAPMAN: Okay.

14 THE COURT: Concerning your testimony.

15 (Court takes a brief recess 3:34:56 p.m. to 3:50:03
16 p.m.)

17 MS. CHAPMAN: Thank you.

18 BENCH CONFERENCE

19 (Bench conference begins - 3:50:02 p.m.)

20 (All Counsel approach the bench where the following
21 ensues:)

22 THE COURT: And it's -- how is she doing and
23 what's her availability for tomorrow?

24 MR. BROWN: She's available.

25 THE COURT: Okay.

ADNAN SYED v. STATE OF MARYLAND
February 3, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 MR. BROWN: And --

2 THE COURT: So in light of that, I never like to
3 tell Counsel when to quit, but if you come to a logical
4 break in your line of cross --

5 MR. VIGNARAJAH: Around 4:30?

6 THE COURT: That's what I'm thinking, 4:30.
7 Yeah.

8 MR. VIGNARAJAH: That's fine, Your Honor.

9 THE COURT: Because, I mean, after all this the
10 protocol is, is that to the extent the press may be
11 interested in exhibits, my staff has to stay for an hour
12 after that to allow them access for --

13 MR. VIGNARAJAH: And I --

14 MR. BROWN: -- of the exhibits.

15 MR. VIGNARAJAH: -- just want ask, I'm happy to
16 start now, Your Honor. I know that one of the questions
17 was whether Defense Counsel had an opportunity to review
18 the books, A and B. We're going to make, you know, some
19 reference to those potentially and so I don't know if it
20 will be easier but we're happy to also start tomorrow
21 fresh for cross examination. I understand --

22 THE COURT: Okay.

23 MALE VOICE: (Inaudible) --

24 MR. VIGNARAJAH: I understand they want us to
25 start (inaudible) --

ADNAN SYED v. STATE OF MARYLAND
February 3, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 MR. BROWN: Well --

2 THE COURT: Well, here -- so here's the other
3 issue, then. So, but you're -- you -- when you start your
4 cross, you're -- you'll start using -- will want to use --

5 MR. VIGNARAJAH: It may.

6 THE COURT: -- your potential exhibits?

7 MR. VIGNARAJAH: It may, yes.

8 MR. BROWN: Your Honor, as a -- you know, we
9 want to try to finish it in these three days. I'm already
10 starting to think that's unlikely with the human
11 filibuster over here, but --

12 THE COURT: Ye of so little faith.

13 MR. BROWN: -- but --

14 MR. VIGNARAJAH: I told him not to call this
15 witness today.

16 MR. BROWN: -- but, no, no, no, we're --

17 MALE VOICE: Yeah.

18 MR. BROWN: -- we are eager to, you know, keep
19 this moving along.

20 THE COURT: Okay. But I guess the question is,
21 will we -- are you going to object or is there going to be
22 an issue of --

23 MR. VIGNARAJAH: If you accept the binders, then
24 we can --

25 THE COURT: Remember the earlier objection --

ADNAN SYED v. STATE OF MARYLAND
February 3, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 MR. VIGNARAJAH: -- proceed now.

2 THE COURT: -- you had to the -- both binders
3 coming in, both the --

4 MR. VIGNARAJAH: That's my point. I don't --

5 THE COURT: -- State's binders coming in.

6 MR. VIGNARAJAH: I think it's slow to --

7 MR. BROWN: The -- well, with the entire binder?
8 I mean, we just need to see the relevancy related, you
9 know, if he pulls out the exhibits and he thinks they're
10 relevant, then we can work with those. But no. We -- no.
11 We don't agree with that.

12 THE COURT: Okay.

13 MR. BROWN: Absolutely not.

14 MR. VIGNARAJAH: Hold on one, Your Honor. I
15 think the challenge is that the Court is entitled to
16 consider Ms. Gutierrez's entire file. So in terms of
17 relevance, the relevance is that these are all the
18 materials that Ms. Gutierrez had in her possession so that
19 she could make her judgments. They inform the Court of
20 Ms. Gutierrez's thinking in a lot of different ways. We
21 can do it one by one --

22 THE COURT: And that's what we're trying to
23 figure out.

24 MR. VIGNARAJAH: But I -- I'd rather them have
25 an opportunity to review and confirm --

ADNAN SYED v. STATE OF MARYLAND
February 3, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 MR. BROWN: It has nothing to do with this
2 witness, Your Honor.

3 THE COURT: All right. All right. Let's do
4 this. To the extent we're going to go a little bit longer
5 today, we'll have to do it exhibit by exhibit.

6 MR. VIGNARAJAH: Okay.

7 THE COURT: But I would ask, when we get away
8 from this and into other areas, since there's still the
9 motion to admit, I'll hold sub curia, give you an
10 opportunity to review it -- or tomorrow morning earlier,
11 maybe try to hear some sort of argument at why I shouldn't
12 admit the entire file. So not to waste time now on
13 argument as to why --

14 MR. VIGNARAJAH: Right.

15 THE COURT: -- the entire file can't come in --

16 MR. VIGNARAJAH: That's fine.

17 THE COURT: -- we'll do it item by item but I
18 would like to resolve the issue before we get started
19 tomorrow.

20 MR. VIGNARAJAH: And, Your Honor, you -- again,
21 you'd like me to come to a logical end around 4:30 and
22 continue it in the morning?

23 THE COURT: That's my suggestion.

24 MR. BROWN: That's fine.

25 THE COURT: Well, and it can even be before.

ADNAN SYED v. STATE OF MARYLAND
February 3, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 But, I mean --

2 MR. VIGNARAJAH: Understood.

3 THE COURT: -- in fairness to her and --

4 MR. VIGNARAJAH: Of course. Thank you, Your
5 Honor.

6 THE COURT: -- you know, I don't want to just
7 say 4:30 you got to stop and --

8 MR. VIGNARAJAH: Understood. Yeah. Thank you.

9 THE COURT: All right.

10 (Bench Conference concluded - 3:53:06 p.m.)

11 (All Counsel return to the trial tables where the
12 following ensues:)

13 THE COURT: I'm sorry. Thank you. Ms. Chapman,
14 again just state your name for the record, please.

15 MS. CHAPMAN: Asia Chapman.

16 THE COURT: And I'll remind you, Ms. Chapman,
17 that you're still under oath.

18 MS. CHAPMAN: Okay.

19 THE COURT: Mr. Vignarajah?

20 MR. VIGNARAJAH: Thank you very much, Your
21 Honor.

22 CROSS EXAMINATION

23 BY MR. VIGNARAJAH:

24 Q Good afternoon, Ms. McClain.

25 A Hi.

ADNAN SYED v. STATE OF MARYLAND
February 3, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 Q How are you?

2 A Nervous.

3 Q Still nervous.

4 A Yes.

5 Q We will try to be gentle.

6 A Okay.

7 Q Ms. McClain, you have been aware of the
8 circumstances surrounding this case for some time; is that
9 fair to say?

10 A Yes.

11 Q You got a chance to listen to Serial?

12 A I did.

13 Q You -- it sounds like you binge watched it, or
14 binge listened to it with your husband?

15 A Yes.

16 Q It's pretty good.

17 A From a journalistic standpoint, yes.

18 Q And Ms. Koenig is pretty entertaining.

19 A I think she's good at what she does.

20 Q I enjoyed it. And Ms. -- do you prefer Ms.
21 McClain or Ms. Chapman on cross? Do you mind if I also
22 call you Ms. McClain?

23 A Yeah. That's fine.

24 Q Okay. And, Ms. McClain, when you first learned
25 about Serial you said it was about a year after someone

ADNAN SYED v. STATE OF MARYLAND
February 3, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 had contacted you; is that right?

2 A Well, it would have been 10 months.

3 Q About 10 months after.

4 A Uh-huh.

5 Q Okay. And who, again, advised you about it?

6 A I don't remember specifically. Just pretty much
7 random Facebook friends.

8 Q Okay. And you learned about it on Facebook.

9 A Yes.

10 Q And then you learned -- and listened to a couple
11 of the episodes --

12 A Yes.

13 Q -- is that right? And then you listened to the
14 rest of them.

15 A I re-listened to the whole thing with my
16 husband, so the same two that I listened to, I listened to
17 them again with him so he could start at the beginning.

18 Q And the affidavit that you presented to the
19 Court most recently, the --

20 A Uh-huh.

21 Q -- January 2015 --

22 A Uh-huh.

23 Q -- you had an opportunity to go over that with
24 your own attorney; is that right?

25 A Yes.

ADNAN SYED v. STATE OF MARYLAND
February 3, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 Q And that was Mr. Proctor?
2 A Yes.
3 Q I will hold that against you.
4 (Laughter)
5 BY MR. VIGNARAJAH:
6 Q And Mr. Proctor had an opportunity to review
7 what you had said; is that correct?
8 A Yes.
9 Q And afterwards you signed it as accurate to the
10 best of your knowledge.
11 A Yes.
12 Q And in it you indicated that one of the reasons
13 you wanted to come forward is to do the right thing,
14 right?
15 A Correct.
16 Q That you wanted to make sure the truth got out
17 there.
18 A Yes.
19 Q For both sides. For the Defense, for the
20 Prosecution, for the world to know what you remember
21 happening, right?
22 A Correct.
23 Q And that's been something that you've been
24 committed to for a while, right?
25 A Yes.

ADNAN SYED v. STATE OF MARYLAND
February 3, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 Q Even back in 1999, that's one of the reasons you
2 went over to the Syeds' house, right?

3 A Yes.

4 Q You thought you had a piece of information that
5 might be helpful.

6 A Could be helpful.

7 Q Could be helpful.

8 A Yes.

9 Q Could be helpful. And you wanted to share it.

10 A Yes.

11 Q So back in 1999 --

12 A Uh-huh.

13 Q -- you hear that Mr. Syed has been arrested; is
14 that right?

15 A Yes.

16 Q Where did you hear about it again?

17 A I don't remember exactly.

18 Q You don't remember exactly.

19 A No.

20 Q Do you know what day of the week it was that you
21 heard about it?

22 A I don't know what day of the week it was, no.

23 Q Well, if I tell you that Mr. Syed was arrested
24 on a Sunday, fair to assume you heard it on the same day
25 or the next day?

ADNAN SYED v. STATE OF MARYLAND
February 3, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 A If you said he was arrested on a Sunday?

2 Q Yeah.

3 A Well, I would assume it would be -- I'm not
4 sure.

5 Q Not sure. So it could have been the same day or
6 it could have been --

7 MR. BROWN: Objection.

8 BY MR. VIGNARAJAH:

9 Q -- the next day.

10 MR. BROWN: Asked and answered.

11 THE COURT: It's cross. Overruled.

12 BY MR. VIGNARAJAH:

13 Q So it could have been the same day or it could
14 have been the next day. That you learned about Mr. Syed
15 first being arrested.

16 A Well, if he was arrested on the 28th, then that
17 would have been the day that I heard about it, yes.

18 Q Okay. And where did you learn about it on the
19 day he was arrested?

20 A I --

21 Q Did his family members call you or did your
22 friends call you?

23 A I don't remember.

24 Q You don't.

25 A I know definitely his family didn't call me

ADNAN SYED v. STATE OF MARYLAND
February 3, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 because they didn't have a way of contacting me.

2 Q Now, you have a pretty good memory, right?

3 A I like to think so.

4 Q In fact people think you have a pretty good
5 memory, right?

6 A So I've been told --

7 Q Your --

8 A -- by other people.

9 Q Your friends tell you you have a good memory,
10 right?

11 A Yes.

12 Q Yeah. And back then you had a good memory as
13 well?

14 A Yes.

15 Q Okay. So when you heard about it do you know if
16 it was the morning or the afternoon or the evening?

17 A When I heard about it?

18 Q Yeah.

19 A I don't remember that exactly.

20 Q Okay. You don't know who you were with when you
21 heard about it?

22 A No, I don't.

23 Q Okay. And you don't know what you were doing
24 when you heard about it?

25 A I don't.

ADNAN SYED v. STATE OF MARYLAND
February 3, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 Q It's pretty big news, though, right?

2 A That he was arrested?

3 Q Yeah.

4 A Sure.

5 Q That one of your school mates had been arrested
6 for the murder of another one of your school mates. That
7 was pretty big news.

8 A Yes. Definitely.

9 Q And you then heard about it and you remembered
10 this memory from January 13th; is that right?

11 A Yes.

12 Q And you decided to talk with Justin about it,
13 right?

14 A Yes.

15 Q Okay. How long after you heard about the arrest
16 did you contact Justin? Couple hours, couple days?

17 A Oh, I don't remember if it was a couple hours.
18 I believe -- do you want me to speculate?

19 Q I want you to do the best you can to remember.

20 A I don't remember how soon after I spoke with
21 Justin about it.

22 Q Okay. Did you pick up the phone immediately and
23 call him, do you think?

24 A I don't remember if it was in a personal
25 conversation or if it was over the phone.

ADNAN SYED v. STATE OF MARYLAND
February 3, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 Q Okay. You guys weren't dating any more at that
2 point, right?

3 A No, we weren't.

4 Q Okay. He's your ex at that point.

5 A Yes.

6 Q In fact, you were with Derek, I gather?

7 A Yes.

8 Q Okay. And did you tell Derek about it or did
9 you call Justin first?

10 A I didn't have an opportunity to tell him about
11 it yet, so --

12 Q So you went to your ex-boyfriend before you
13 talked with your boyfriend about it?

14 A Yes.

15 Q Okay. And why did you do that?

16 A Because he knew Adnan and we were still very
17 good friends.

18 Q Okay. And Justin and Mr. Syed were very good
19 friends as well, right?

20 A Yes.

21 Q And after you contacted Justin, would -- where
22 did you say on direct examination you were when you had
23 the conversation?

24 A I don't remember where we were.

25 Q You don't remember. But you said on direct

ADNAN SYED v. STATE OF MARYLAND
February 3, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 examination that he picked you up; is that right?

2 A After the conversation.

3 Q So you must have talked --

4 A The --

5 Q -- by phone then.

6 A The night that I went to his family's house --

7 Q Yeah?

8 A -- he picked me up.

9 Q Okay.

10 A But I don't recall where we had the conversation
11 about him picking me up --

12 Q Okay.

13 A -- if it was on the phone or if it was in
14 person.

15 Q Got it. So you had a first conversation with
16 Justin --

17 A Uh-huh.

18 Q -- and you had a conversation about the memory
19 that you had of the day of January 13th; is that right?

20 A Yes.

21 Q And then at some point you guys decided that he
22 would come pick you up?

23 A Yes.

24 Q And then --

25 A That evening, so --

ADNAN SYED v. STATE OF MARYLAND
February 3, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 Q That evening he was --

2 A Yes.

3 Q -- going to pick you up.

4 A Yes.

5 Q So he picked you up at -- after school, 3:00,
6 4:00, what time?

7 A I don't remember the exact time, but I know it
8 was right around night time, so.

9 Q Night time? It was dark.

10 A Towards -- it was getting dark, kind of --

11 Q Okay.

12 A -- you know?

13 Q Okay. So it was getting --

14 A Dusk --

15 Q -- getting dark --

16 A -- I should say.

17 Q -- and at that point had you talked to anyone
18 else about it, or just Justin at that point?

19 A I don't remember talking to anyone about it at
20 that point.

21 Q Okay.

22 A So --

23 Q Did you tell anybody at school about it? Were
24 you talking about it at school or you were kind of keeping
25 it to just you and Justin at that point.

ADNAN SYED v. STATE OF MARYLAND
February 3, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 A The following day I told my Spanish teacher
2 about it.

3 Q Okay. You're saying the day after you visited
4 with the Syeds?

5 A Yes.

6 Q Okay. So -- but the day that you first talked
7 with Justin about it, you didn't talk about it with
8 anybody else.

9 A No. I don't remember talking about it with
10 anybody else.

11 Q Okay. You didn't share any information, you
12 weren't talking about the fact that he'd been arrested at
13 all; is that right?

14 A I don't remember. I just specifically know that
15 Justin was the person that I had the conversation with.

16 Q Okay. And you told your ex but you didn't tell
17 other people. Why were you apprehensive about telling
18 other people?

19 A I don't know that I was apprehensive about it.

20 Q Okay.

21 A That's just the way it happened.

22 Q Okay. So Mr. Syed had been arrested the day
23 before and you thought you had some information and the --
24 you weren't talking about it with people at school, you
25 weren't talking about it with your teachers; is that

ADNAN SYED v. STATE OF MARYLAND
February 3, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 right? You didn't tell anybody. You just told Justin.

2 MR. BROWN: Objection; asked and answered five
3 times now, Your Honor.

4 THE COURT: Overruled.

5 MS. CHAPMAN: Well, like I said, the day that he
6 was arrested I don't remember speaking to other people
7 about it.

8 BY MR. VIGNARAJAH:

9 Q Okay.

10 A I know I spoke to Justin about it and then the
11 next day when I went to school I had a conversation with
12 my Spanish teacher and possibly some other people but I
13 don't remember outside of that.

14 Q I see. And your Spanish teacher's name is what?

15 A Mr. Parker.

16 Q Mr. Parker.

17 A Yes.

18 Q And do you remember what period Mr. Parker's
19 class is?

20 A I believe he was the -- I have two classes, so I
21 believe he was the second class of the day for me.

22 Q And what was your first period?

23 A I don't remember. Based on the letter I can
24 speculate and say the CIP class, but I don't remember.
25 That was so long ago.

ADNAN SYED v. STATE OF MARYLAND
February 3, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 Q So CIP was first period?

2 A If I were going to assume, but I probably
3 shouldn't assume things like that.

4 Q Well, so your memory is that Mr. Parker is
5 second period; is that right?

6 A Yes.

7 Q That's Spanish.

8 A That was my favorite class, so I -- that's why I
9 remember --

10 Q Yeah.

11 A -- Mr. Parker.

12 Q And the CIP class was first period; is that
13 right?

14 A It may have been.

15 Q If you -- based on your letter that's what you
16 remember; is that right?

17 A Based on the letter I know I was in the CIP
18 class writing the letter, so --

19 Q I see.

20 MR. BROWN: Your Honor, I -- I'm going to object
21 again. The Prosecutor's specifically asking her to
22 speculate. She's trying to give truthful testimony and he
23 keeps asking her the same question over and over again.
24 She's saying, I'm not sure, do you want me to speculate.
25 Apparently he wants her to speculate. I object.

ADNAN SYED v. STATE OF MARYLAND
February 3, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 THE COURT: Duly noted. Let's try to move on.

2 BY MR. VIGNARAJAH:

3 Q Well, Ms. McClain, I'm just trying to understand
4 your time line a little bit --

5 A Okay.

6 Q -- okay? So you were writing the class --
7 you're writing the letter in first period; is that right?

8 A I don't remember. I -- the letter says that I
9 was writing it during CIP class, so --

10 Q Okay.

11 A -- that's pretty much all I can say.

12 Q Okay. And then you had to rush out to get to
13 third period, right? That's what you say in your letter?

14 A I don't recall. I can -- if you would like to
15 show me the letter I can --

16 Q Sure.

17 A -- take a look.

18 MR. VIGNARAJAH: If you would put that up,
19 Defense Counsel, or should I just use --

20 MS. CHAPMAN: But I don't --

21 MR. VIGNARAJAH: -- my exhibit?

22 MS. CHAPMAN: -- have it.

23 MR. VIGNARAJAH: Your Honor, can I ask Defense
24 Counsel to just put it up on the --

25 MR. NIETO: Which exhibit number?

ADNAN SYED v. STATE OF MARYLAND
February 3, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 MR. VIGNARAJAH: -- the -- this --

2 MR. BROWN: Well, you have to say the exhibit
3 number.

4 MR. VIGNARAJAH: The March 2nd letter.

5 MR. BROWN: Number 5?

6 THE COURT: And that's --

7 MR. VIGNARAJAH: The next one.

8 MR. BROWN: Number 5.

9 MR. VIGNARAJAH: The second one. Thank you.
10 No, sorry, the next one.

11 MS. CHAPMAN: I'm sorry. I just don't remember
12 everything.

13 MR. VIGNARAJAH: I understand. You do remember
14 some things.

15 MS. CHAPMAN: Yeah.

16 MR. VIGNARAJAH: Yeah.

17 THE COURT: So which exhibit --

18 MR. VIGNARAJAH: So --

19 MR. BROWN: Your Honor, this -- he's badgering
20 the witness. Please.

21 THE COURT: Counsel, let's try to move on.
22 It's -- I don't think there's badgering, but let's try to
23 move on.

24 MR. VIGNARAJAH: Thank you.

25 BY MR. VIGNARAJAH:

ADNAN SYED v. STATE OF MARYLAND
February 3, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 Q Ms. McClain, in this letter --

2 MR. VIGNARAJAH: If you can just put the whole
3 letter?

4 BY MR. VIGNARAJAH:

5 Q -- at the very end on the third page?

6 A Do you have a copy? It's kind of hard to --

7 Q I certainly can.

8 A -- read. Even with glasses I'm still kind of
9 blind sometimes. And you said at the bottom?

10 Q Yeah. Right before your signature. Do you see
11 where you say, anyway, I have to go to third period --

12 MR. VIGNARAJAH: That's fine.

13 BY MR. VIGNARAJAH:

14 Q Anyway, I have to go to third period. I'll
15 write you again?

16 A No, I don't. I don't see that.

17 Q Do you see the --

18 A Can --

19 Q -- this area right here where it says this, hope
20 this letter brightens your day?

21 A Yes.

22 Q Right. Right above that. Can you just --

23 A Okay.

24 Q -- read that last line?

25 A Yeah. Anyway, I have to go to third period.

ADNAN SYED v. STATE OF MARYLAND
February 3, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 I'll write you again. Maybe tomorrow.

2 Q Okay. So you were writing this in first period
3 or second period; do you know?

4 A I don't know.

5 Q Okay.

6 A I don't remember my schedule from back then.

7 Q Okay. All right. And after you went to the
8 Syeds' house, you remember that it was that evening; is
9 that right?

10 A The evening before this letter.

11 Q The evening before this letter.

12 A Uh-huh.

13 Q Right. And you stayed there for a little while?

14 A Yes, but I don't remember how long.

15 Q Couple minutes, couple hours?

16 A I don't remember. I know it was more than a few
17 minutes.

18 Q More than a few minutes. Okay.

19 A Yes.

20 Q And do you remember what time approximately you
21 left?

22 A I don't, but it was dark --

23 Q It was dark?

24 A -- when we left.

25 Q Okay. And after you left you called the

ADNAN SYED v. STATE OF MARYLAND
February 3, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 library; is that right?

2 A Yes.

3 Q Okay. And --

4 A Well, not after I left the house, but I did call
5 the library some time after that.

6 Q Some time after you left Mr. Syed's house.

7 A Obviously, yes. Between writing the letter and
8 leaving his parents' house.

9 Q Did you write the letter when you got home or
10 when you were at the Syeds' house?

11 A I wrote the letter at home.

12 Q Okay. So you leave Mr. Syed's house and you're
13 heading home; is that right?

14 A Yes.

15 Q Okay. And on your way home do you call the
16 library or once you get home do you call the library?

17 A I don't remember when I called the library, to
18 be honest.

19 Q Well, it wasn't before you talked to the Syeds.
20 It was only after that, right?

21 A I don't remember. It could have been. I don't
22 remember.

23 Q You don't remember. Okay. And after you got
24 home you decided to write a letter to Adnan; is that
25 right?

ADNAN SYED v. STATE OF MARYLAND
February 3, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 A Yes.

2 Q Okay. And you indicate that it was late. Do
3 you remember that? At the top of your first letter?

4 A Yes, I do.

5 Q Okay. Do you remember approximately what time
6 it was?

7 A I don't.

8 Q And when you talked to the person at the
9 library, what did they tell you?

10 A Well, I just asked if, you know, I said, hey, do
11 you -- any chance you guys have a camera system there and
12 they said, yes. And I said, okay. Thank you. And that
13 was pretty much it.

14 Q Just called the general number.

15 A Yes.

16 Q Okay. And --

17 A I --

18 Q -- did you call -- and, well, so you've talked
19 to Justin and you've talked to the library. Did you talk
20 to anybody else in that period?

21 A I don't remember.

22 Q Don't remember. Okay. And when you get home
23 you put in the paper and you write the letter; is that
24 right?

25 A Yes.

ADNAN SYED v. STATE OF MARYLAND
February 3, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 Q Okay. And did you mail it that evening or did
2 you mail it the next morning?

3 A I don't remember when I wrote -- mailed the
4 letters, but I do remember mailing them.

5 Q Okay. It could have been the next day?

6 A I don't remember.

7 Q Could it have been a week later that you mailed
8 it?

9 MR. BROWN: Objection, Your Honor. She's
10 already asked and answered the same question. He's trying
11 to put words in her mouth.

12 THE COURT: Overruled.

13 BY MR. VIGNARAJAH:

14 Q Could it have been a week later?

15 A I don't remember when I mailed the letter.

16 Q Did you -- is it possible that you mailed it a
17 month afterwards?

18 MR. BROWN: Objection, Your Honor. This is
19 ridiculous.

20 THE COURT: Overruled.

21 MS. CHAPMAN: I don't remember when I mailed the
22 letter.

23 BY MR. VIGNARAJAH:

24 Q Okay. But --

25 A I know it was shortly after but I don't remember

ADNAN SYED v. STATE OF MARYLAND
February 3, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 how close or how far shortly.

2 Q And then Mr. Syed, if you know, got that letter?

3 A I have no -- I had no evidence whether he got it
4 or not.

5 Q Okay. Would it surprise to -- for -- would it
6 surprise you to learn that Mr. Syed has told the Court
7 that he got the letter within a week of his arrest? Does
8 that sound --

9 A Everything about this case surprises me, so. I
10 don't know when he got the letter, so.

11 Q But does that sound inconsistent with your
12 memory or -- of when you would have --

13 MR. BROWN: Objection.

14 BY MR. VIGNARAJAH:

15 Q -- sent it?

16 THE COURT: Overruled.

17 MS. CHAPMAN: Does what seem inconsistent?

18 BY MR. VIGNARAJAH:

19 Q Does Mr. Syed's testimony that he got the letter
20 within a week, is that inconsistent with your memory of
21 how -- when you mailed it?

22 A Well, I don't know the mail system works so I
23 would assume if you mail somebody a letter they're going
24 to get it within a week, but --

25 Q Okay. And the second letter. You wrote that

ADNAN SYED v. STATE OF MARYLAND
February 3, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 the next day in class, right?
2 A Yes. I hand wrote it in class and went home and
3 typed it.
4 Q And Ms. Hae Min Lee, she had been missing for a
5 while by then, right?
6 A Yes. Well --
7 Q And in fact her --
8 A -- by the time he was arrested --
9 Q Right.
10 A -- the --
11 Q It had been a couple months.
12 A -- she had been found already.
13 Q And in fact it had been almost a month after her
14 body was found that Mr. Syed was arrested, right?
15 A I would assume. Well, I don't --
16 Q Well, you say in your letter --
17 A -- I don't remember --
18 Q -- in your letter --
19 A -- I don't remember what day she was found
20 specifically, so I don't want to estimate --
21 Q Okay.
22 A -- the time difference.
23 Q Got it. But in your letter you say that by that
24 time, by the time you wrote him the second letter the talk
25 had kind of died down, right?

ADNAN SYED v. STATE OF MARYLAND
February 3, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 A Yes. I'm sorry. Can I ask you a question?

2 THE COURT: No, you can't, but --

3 MS. CHAPMAN: Well, I have a medical
4 condition --

5 THE COURT: You --

6 MS. CHAPMAN: -- and I --

7 THE COURT: You need to step --

8 MS. CHAPMAN: -- need to use the restroom.

9 THE COURT: Absolutely. Yes.

10 MS. CHAPMAN: Can I?

11 THE COURT: The Court will take a very brief
12 recess --

13 MR. VIGNARAJAH: Of course.

14 MS. CHAPMAN: Sorry.

15 THE COURT: -- and you may be excused. You're
16 not to discuss anything with anybody else, chat and --

17 MS. CHAPMAN: I have --

18 THE COURT: Absolutely.

19 MS. CHAPMAN: -- ulcerative colitis, so.

20 THE COURT: And if someone wish -- well, Mr.
21 Proctor's here, who can otherwise assist her.

22 MS. CHAPMAN: Thank you.

23 THE COURT: And let me see Counsel at the bench,
24 please.

25 BENCH CONFERENCE

ADNAN SYED v. STATE OF MARYLAND
February 3, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 (Bench conference begins - 4:11:15 p.m.)

2 (All Counsel approach the bench where the following
3 ensues:)

4 THE COURT: I hope she's okay.

5 MR. BROWN: I -- Your Honor, I -- I've got a
6 major problem with the -- with this way of questioning the
7 witness. When she's saying, I don't remember something,
8 he's attempting over and over again to plant words in her
9 mouth that she's clearly not trying to say. And, you
10 know, once or twice, okay, but after the tenth time --

11 MR. VIGNARAJAH: I'm happy to reply if the Court
12 requires. Your Honor, her memory is, if not the most
13 important, among the most important matters in -- at issue
14 in this proceeding and the precision with which she
15 remembers some things and the absolute absence of memory
16 with respect to things moments before, moments after,
17 hours before, hours after is certainly something that the
18 State is entitled to explore.

19 MR. BROWN: And that's one thing. And I
20 understand what Mr. Vignarajah's saying. But it's another
21 thing to try to trick the witness. And it's another thing
22 to try to plant things into her head like that by doing it
23 over and over again and berating her with it.

24 MR. VIGNARAJAH: I will remember that the --

25 MR. BROWN: I mean, there's got to be a certain

ADNAN SYED v. STATE OF MARYLAND
February 3, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 amount of respect for the courtroom and for the witness.

2 MR. VIGNARAJAH: I will certainly remember that
3 the next time Mr. Brown cross examines a witness.

4 MR. BROWN: I'm not going to ask anyone the same
5 question ten times in a row.

6 THE COURT: Well, I -- my sense is I understand
7 wanting to protect your witness but I don't -- did not --
8 have not found his line of questioning to be unreasonable
9 on cross. Kept asking over again, is it a week, is it a
10 week, is it a week.

11 MR. BROWN: Your Honor, do you want her to
12 speculate on the witness stand?

13 THE COURT: I'm not asking -- no. I'm not --
14 no. But I think it's certainly reasonable and typical
15 cross examination in a case like this. So I note your
16 objection, but I'm more concerned with her physical health
17 and this might be -- well, let's figure out how she's
18 doing. And I guess Mr. Proctor's with her.

19 MR. BROWN: All right. Your Honor, if I may be
20 excused from the courtroom --

21 THE COURT: Because what I'd like to -- --

22 MR. BROWN: To go out and --

23 THE COURT: -- why don't -- yeah. My suggestion
24 is, why don't --

25 MR. VIGNARAJAH: Can he just touch base --

ADNAN SYED v. STATE OF MARYLAND
February 3, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 THE COURT: -- why don't I just stay here and --
2 MR. BROWN: May I run out in the hallway and
3 check --
4 THE COURT: Absolutely.
5 MR. BROWN: Okay?
6 THE COURT: Because if -- this is a logical time
7 to break and not having to force her to come back in, I
8 will --
9 MR. BROWN: Let -- may I --
10 THE COURT: -- just let me know.
11 MR. BROWN: -- I'll gauge her.
12 THE COURT: All right.
13 MR. VIGNARAJAH: You want us to step back?
14 THE COURT: Do whatever you want to do. It's
15 been a long day. Mr. Nieto, don't -- wait.
16 MR. NIETO: Yes, Your Honor.
17 THE COURT: Tomorrow -- well, can I ask you what
18 we're doing -- where we are tomorrow?
19 MR. NIETO: Yes, Your Honor. I believe, and
20 like I said, Mr. Brown's running point on most of this.
21 My --
22 THE COURT: I'm not going to hold you to it.
23 MR. NIETO: Yeah. My sense is, is that we'll
24 finish up with the witnesses regarding the alibi --
25 THE COURT: Okay.

ADNAN SYED v. STATE OF MARYLAND
February 3, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 MR. NIETO: -- and then, you know, depending on
2 -- to be honest, depending on how long this witness
3 takes --
4 THE COURT: Right. And then --
5 MR. NIETO: -- it will dictate that. And
6 then --
7 THE COURT: -- talk about the other issue.
8 MR. NIETO: -- we'll get into some -- we're
9 trying to do it sort of --
10 THE COURT: And I'm --
11 MR. NIETO: -- based on the two issues.
12 THE COURT: -- pleasantly surprised --
13 MR. VIGNARAJAH: Mr. Nieto, I will --
14 THE COURT: -- we're able to do it as --
15 MR. BROWN: Yeah.
16 THE COURT: -- well as --
17 MR. VIGNARAJAH: -- I will not hold you to it,
18 but do you know who the other witnesses are that are
19 related to --
20 MR. NIETO: I don't know. That I don't know.
21 MR. VIGNARAJAH: -- the alibi?
22 MR. NIETO: Like I said, I'm --
23 MR. VIGNARAJAH: Alibi versus cell phone --
24 MR. NIETO: -- I -- yeah, all right.
25 MR. VIGNARAJAH: No, no, no, I --

ADNAN SYED v. STATE OF MARYLAND
February 3, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 MR. NIETO: All right. All right.
2 MR. VIGNARAJAH: -- I -- yeah, it's -- I know in
3 generality. I won't take advantage.
4 THE COURT: But I can only assume, if my
5 assumption's wrong, that they'll probably be relatively
6 brief -- certainly briefer than Ms. Chapman.
7 MR. NIETO: Well, my understanding of the
8 witnesses regarding the alibi from this point on should be
9 brief.
10 THE COURT: Right. Right. So --
11 MR. NIETO: Should be brief.
12 THE COURT: -- it's conceivable we might be able
13 to finish that up by lunch time, maybe?
14 MR. NIETO: Oh yeah.
15 THE COURT: Maybe? And be able to transition.
16 So it's --
17 MR. NIETO: I don't know how many pieces of
18 wood --
19 THE COURT: -- almost split --
20 MR. NIETO: -- upon which I can knock, but --
21 THE COURT: -- but, I mean, it's almost split --
22 MR. VIGNARAJAH: That would be true.
23 THE COURT: -- 50/50.
24 MR. VIGNARAJAH: Okay. I should note -- let the
25 Court know that our cell phone expert is scheduled to fly

ADNAN SYED v. STATE OF MARYLAND
February 3, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 in Thursday night to testify Friday.

2 THE COURT: Okay.

3 MR. VIGNARAJAH: And so we thought that was a
4 reasonable --

5 THE COURT: You're probably safe. Yeah.
6 Because I'm, I mean, tomorrow's Thursday so I'm sure
7 you'll be able to finish up. And you all are -- you might
8 want to check with Ms. Simone, but as I understand the
9 protocol -- I've never done it this way -- is that
10 whatever exhibits were admitted will be available for the
11 press to photograph and that's done --

12 MR. VIGNARAJAH: Well, I'm sure they won't share
13 it with anyone, Your Honor, so it'll be fine.

14 MALE VOICE: Mmm.

15 THE COURT: But that will be done.

16 MR. NIETO: I -- I'm so much happier when it's
17 just us. But --

18 THE COURT: But that will be done --

19 MR. VIGNARAJAH: That won't be (inaudible) --

20 THE COURT: -- once the courtroom is clear
21 because my staff has to stay --

22 MR. NIETO: Yeah, no, no, no, no, in the
23 courtroom.

24 THE COURT: -- but I just want to make sure that
25 everybody's in agreement that these are exhibits that are

ADNAN SYED v. STATE OF MARYLAND
February 3, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 in fact in.

2 MR. VIGNARAJAH: Okay.

3 THE COURT: And it shouldn't take much because
4 it's not like it's a whole lot of stuff.

5 MR. NIETO: We will be working with Madam
6 Clerk --

7 THE COURT: Okay. Great.

8 MR. NIETO: -- when we break --

9 THE COURT: Great.

10 MR. NIETO: -- we'll make sure that's all set
11 and --

12 THE COURT: All right.

13 MR. BROWN: Your Honor, she's fine. She's just
14 using -- she's using the restroom and she's prepared to
15 get back on the stand.

16 THE COURT: Okay. And the question is, it's
17 about -- it'll probably be about 10 minutes. It may --

18 MR. VIGNARAJAH: I can go for --

19 THE COURT: -- let's say we'll have another 20
20 minutes.

21 MR. VIGNARAJAH: I can go for another 10 minutes
22 or we can -- I --

23 THE COURT: You tell me. Well, say within
24 the -- within 20 minutes of her getting back if you find a
25 logical place to break --

ADNAN SYED v. STATE OF MARYLAND
February 3, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 MR. VIGNARAJAH: Okay.

2 THE COURT: -- that's when I think we should
3 break. I don't want to go any longer than 4:30.

4 MR. VIGNARAJAH: Break, okay.

5 MR. BROWN: Thank you, Your Honor.

6 THE COURT: And tomorrow morning should be a lot
7 faster because all I'm going to do is make my same opening
8 remarks and then --

9 MR. VIGNARAJAH: Move on.

10 THE COURT: -- we'll get her on and off.

11 MR. BROWN: Thank you, Your Honor.

12 MR. NIETO: Thank you.

13 THE COURT: All right.

14 (Bench Conference concluded - 4:16:06 p.m.)

15 (All Counsel return to the trial tables where the
16 following ensues:)

17 (Pause)

18 THE COURT: We should be starting momentarily so
19 I could ask people just sort of keep it down, please,
20 until we resume.

21 (Pause)

22 THE COURT: And, Ms. Chapman, are you ready
23 to -- or able to continue?

24 MR. CHAPMAN: Yes. Sorry about that.

25 THE COURT: No, that's quite all right.

ADNAN SYED v. STATE OF MARYLAND
February 3, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 MS. CHAPMAN: I suffer from --

2 THE COURT: That's quite all right. And --

3 MS. CHAPMAN: -- ulcerative colitis, so.

4 THE COURT: That's quite all right. And, just
5 for the record, again, Ms. Chapman, just state your name
6 again for the record, please.

7 MS. CHAPMAN: Asia Chapman.

8 THE COURT: And, again, I'll remind you that
9 you're under oath and if you need any other breaks just
10 let us know.

11 MS. CHAPMAN: Okay. Thank you.

12 THE COURT: Thank you. Mr. --

13 MS. CHAPMAN: Sorry about that.

14 MR. VIGNARAJAH: That's quite all right, Ms.
15 McCain.

16 THE COURT: -- Vignarajah, you may continue.

17 MR. VIGNARAJAH: You're fine?

18 MS. CHAPMAN: Where were we? Yes.

19 CROSS EXAMINATION - RESUMED

20 BY MR. VIGNARAJAH:

21 Q I -- and I -- I'm sorry for asking you about
22 when things happened. I know it was a long time ago --

23 A No, it's fine.

24 Q -- but let me see if I can ask you this way. In
25 general back then you went to school; is that right?

ADNAN SYED v. STATE OF MARYLAND
February 3, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 A Yes.

2 Q In the morning? And did you take the bus or did
3 you take the -- drive yourself?

4 A In the morning?

5 Q Yeah.

6 A Usually I took the school bus.

7 Q Took the school bus.

8 A Uh-huh.

9 Q And then you had first period, second period.
10 And then on direct examination they talked about how you
11 get out of school early because of your pass; is that
12 right?

13 A Yes.

14 Q And did you -- how often did you take advantage
15 of that? Was that an everyday thing?

16 A Yes. Every day.

17 Q Wow.

18 A After the first half of the year because in
19 order to be involved in the program you have to finish
20 your college -- I mean, your high school credits.

21 Q Okay.

22 A So you have to be already pre-qualified for
23 graduation in order to do the program.

24 Q Got it. And so would you go hang out at the
25 library every day at 10:40?

ADNAN SYED v. STATE OF MARYLAND
February 3, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 A Usually no.

2 Q Okay.

3 A Usually I would take the -- they had school
4 buses designed for the cooperative education kids and they
5 would pick us up and we would -- they would take us where
6 we needed to go.

7 Q Okay. So by 10:40 you're out of school every
8 day to catch the bus and get to your next thing; is that
9 right?

10 A Yes.

11 Q Okay. And then how -- where did you go when you
12 left? Did -- you went to another study program; is that
13 right?

14 A Sometimes I would go home, sometimes I would go
15 to work.

16 Q Okay.

17 A Because I had --

18 Q And --

19 A -- I had a job.

20 Q And where did you work back then?

21 A I'm not quite sure because I had several
22 different jobs during the end of my --

23 Q Okay.

24 A -- senior year. So to be able to tell you which
25 job it was --

ADNAN SYED v. STATE OF MARYLAND
February 3, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 Q You were juggling a lot back then.
2 A No, just school and part-time work, so.
3 Q But was your schedule the same every day or was
4 it different from one day to the next? Did you have --
5 A My school schedule was the same every day.
6 Q Okay. So you left at 10:40 every day.
7 A Yes.
8 Q Is that right? Okay. And then what you did
9 after school depended on the day; is that right?
10 A Yes.
11 Q Some days you would go to the library.
12 A Actually, no, it wasn't common practice for me
13 to go to the library.
14 Q It wasn't.
15 A No.
16 Q Okay. So you weren't a regular at the library.
17 A No.
18 Q Okay. And -- but this particular day -- but it
19 was where you got picked up; is that right?
20 A Yes. It was a good meeting spot because my
21 boyfriend didn't attend Woodlawn --
22 Q Okay.
23 A -- and so that way he could just pick me up
24 right there at the library.
25 Q And this was in the middle of the day that he

ADNAN SYED v. STATE OF MARYLAND
February 3, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 would come -- sometimes come and pick you up?

2 A I don't remember if he continued to pick me up
3 after that.

4 Q Okay.

5 A It wasn't, like, a normal thing. So --

6 Q So that day was -- sort of stood out because he
7 had scheduled to pick you up?

8 A Yes.

9 Q Okay. And that day -- so how often would he
10 pick you up? Would he pick you up once a week, once a
11 month, once a year?

12 A I don't remember. Eventually I started getting
13 a ride to his house in the morning and driving his car to
14 school.

15 Q Okay.

16 A So -- but that was later in the year.

17 Q Later in the second half of your senior year.

18 A Well, it was later after Hae's body had been
19 found. I don't know if it was in relation to my safety,
20 but at some point I would drive -- have my friend drop me
21 off at his house in the morning and take his car to school
22 so he didn't have to come pick me up.

23 Q Got it. So some time after Hae's body was found
24 you started picking up Derek's car and driving yourself to
25 school --

ADNAN SYED v. STATE OF MARYLAND
February 3, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 A Yes.

2 Q -- kind of for your safety.

3 A Well, just -- I -- because he was a good
4 boyfriend.

5 Q Okay. But not on that particular day. Is that
6 right?

7 A No. (Laughs)

8 Q And he -- and why did that particular day -- why
9 didn't you take his car in the morning and make it to the
10 library that particular day?

11 A I don't think we were there yet in the
12 relationship. (Laughs)

13 Q Okay. So I don't know if this will refresh your
14 recollection, but does February 9th sound about right for
15 the day that Ms. Hae Min Lee's body was recovered?

16 A I couldn't tell you for sure.

17 Q Okay.

18 A I know it was in February, but --

19 Q Okay.

20 A -- I don't know when.

21 Q And then within a couple of days of that your
22 boyfriend started lending you your (sic) car; is that
23 right?

24 A No, I didn't -- that's not what I intended to
25 say.

ADNAN SYED v. STATE OF MARYLAND
February 3, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 Q Okay.

2 A Some time after she -- what -- her body was
3 found, so some time between her body being found and
4 graduation.

5 Q Okay.

6 A So it could have been, you know, it could have
7 been late February, March, April or -- well, not May
8 because we graduated in May, so, some time.

9 Q But on the particular day that you saw Adnan at
10 the library he -- you obviously didn't drive his car to
11 school --

12 A No.

13 Q -- he picked you up.

14 A Correct.

15 Q And so he comes, picks you up.

16 A Uh-huh.

17 Q And as a general matter, you would go to work or
18 to home; is that right?

19 A Sometimes I would go to Derek's house. It
20 just --

21 Q You would go to Derek's house.

22 A -- it just depended if I had to work that day
23 and what I wanted to do, so.

24 Q Okay. And were you playing any sports at that
25 point?

ADNAN SYED v. STATE OF MARYLAND
February 3, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 A I don't remember the school schedule. I did
2 play volleyball, some basketball, and I was in the
3 marching band --

4 Q Uh-huh.

5 A -- but I believe those are all fall activities
6 so by the time spring came around I -- I'm not sure if I
7 was still playing any kind of sports.

8 Q Sorry. So in the fall you were playing what
9 sport?

10 A I played varsity volleyball --

11 Q Okay.

12 A -- and basketball --

13 Q Okay.

14 A -- and I was also in the school marching band as
15 a flag girl --

16 Q Okay.

17 A -- and I also participated in the school fashion
18 show --

19 Q Got you.

20 A -- so.

21 Q So volleyball and basketball your senior year;
22 is that right?

23 A Yes.

24 Q Okay. And are they the same semester? I mean,
25 are they the same season, fall? They're both fall?

ADNAN SYED v. STATE OF MARYLAND
February 3, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 A I don't remember. I think volleyball is fall
2 and basketball is more winter, but I don't remember --
3 Q Okay.
4 A -- the school sport --
5 Q What position --
6 A -- layout.
7 Q -- did you play?
8 A I don't know. I sucked at basketball.
9 Q But you were on Woodlawn's team.
10 A Yeah. I was on Woodlawn's team because
11 everybody who played basketball, they were my volleyball
12 colleagues.
13 Q Okay.
14 A And so, you know, it was just one of those
15 things, but --
16 Q All the tall --
17 A -- they used to --
18 Q -- girls.
19 A -- call me ballerina because whenever I made a
20 lay-up my back leg went up like a ballerina, so I was
21 pretty bad.
22 Q So you were playing basketball your senior year
23 for Woodlawn; is that right?
24 A Yes.
25 Q Okay. So -- and then in the spring did you play

ADNAN SYED v. STATE OF MARYLAND
February 3, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 any sports in the spring?

2 A I don't believe I did.

3 Q Okay. And how often did your basketball team
4 practice?

5 A I can't remember all of that.

6 Q How about your volleyball team? How often did
7 they practice?

8 A We usually practiced Monday through Friday.

9 Q Monday through Friday for volleyball.

10 A Yes.

11 Q And -- but for basketball how often? Or
12 Monday -- was that also Monday through Friday?

13 A I -- again, I can speculate, but I'm not sure.

14 Q You remember your volleyball schedule but not so
15 much your basketball schedule?

16 A Yeah. Well, I played volleyball all four years
17 in high school, so.

18 Q I see. But basketball was just your senior
19 year?

20 A Yes.

21 Q Okay. And when you were finished with
22 basketball you would go home; is that right?

23 A I can speculate but I would rather not.

24 Q Okay.

25 A That was so long ago.

ADNAN SYED v. STATE OF MARYLAND
February 3, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 Q Now, when you were leaving at 10:40 every day
2 you would sometimes go to work and sometimes -- and then
3 would you come back for basketball practice?

4 A This is after that.

5 Q Okay.

6 A So, no. That -- the sports weren't --
7 volleyball and basketball weren't going on during this
8 time.

9 Q Are you sure about that?

10 A Not a hundred percent sure.

11 Q Okay. So it could be the case that you were
12 playing basketball in January and February? It's
13 possible?

14 A I don't know.

15 Q And when you finished the basketball season did
16 you get kicked off the team at any point?

17 A No.

18 Q Okay. Did you start with the team at the
19 beginning?

20 A No.

21 Q Okay.

22 A I actually started off as a cheerleader but I
23 hated it.

24 Q So you were doing cheerleading during the winter
25 and then you switched to basketball?

ADNAN SYED v. STATE OF MARYLAND
February 3, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 A Yeah. After about a week or two.

2 Q Okay. So volleyball's in the fall and then
3 cheerleading and then basketball is in the winter; is that
4 right?

5 A I believe so.

6 Q Okay. And how often did the cheerleaders
7 practice?

8 A They practice every day.

9 Q Every day. So --

10 A Unfortunately.

11 Q So, forgive me, so you leave at 10:40 for
12 your -- with your pass --

13 A Uh-huh.

14 Q -- and then that's every day, right?

15 A Yes.

16 Q And then you go do some stuff, either work or
17 Derek's or home, and then at some point you come back for
18 cheerleading practice; is that right?

19 A No. The sports activities I believe were prior
20 to this library incident, so typically by that time when I
21 was in the co-op education program I did not return back
22 to school.

23 Q Okay. So you just went home and that was it.

24 A Well, home, work, Derek's house and that's it.

25 Q Now, in your letter to Mr. Syed you ask him to

ADNAN SYED v. STATE OF MARYLAND
February 3, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 call at certain times; do you remember that?

2 A Yes.

3 Q Okay. And what times did he -- would you ask
4 him to call?

5 A I would have to refer to my letters.

6 Q Please, of course. Your first letter.

7 A Okay. I don't think I have a copy of it, do I?
8 No, I don't.

9 Q We can fix that.

10 A I know I didn't want him to call my
11 grandparents' house after 11:00. The grandparents'
12 number, but I don't know what times I told him to call my
13 phone number. I can't read that. It looks like 1:00 p.m.
14 to maybe 4:00.

15 Q You told him to call between 1:00 and 4:00?

16 A That's what it looks like. I can read 1:00 p.m.
17 and then the other time is kind of messed up. It looks
18 like it may be a 4.

19 Q Okay. So 1:00 p.m. to 4:00 p.m., call then, or
20 after 8:45.

21 A Yes.

22 Q Is that right? Okay. Because -- and this was
23 every day you'd rather him call between 1:00 and 4:00 or
24 after four -- 8:45?

25 A Well, at the time I figured that would probably

ADNAN SYED v. STATE OF MARYLAND
February 3, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 be a good time --
2 Q To --
3 A -- to catch me.
4 Q Well, he was in school, right, between 1:00 and
5 4:00?
6 A I don't -- well, he -- he's in jail at this
7 point.
8 Q Okay. So he had lots of opportunities to call
9 you; is that right?
10 A I don't know. I don't -- I've never been to
11 jail so I don't know if there's a time when they can make
12 phone calls and if there's a time when they can't, so.
13 Q Ms. McClain, in addition to these letters, how
14 many times did you -- did you ever visit Mr. Syed in jail?
15 A No.
16 Q Did you ever call him?
17 A No.
18 Q Did he ever call you?
19 A No. Not that I know of, no.
20 Q And that one visit that you had with Justin to
21 the parents' place, did you ever go back later in the week
22 or later in the month?
23 A No. I never saw his family again after that.
24 Q That was the only time.
25 A Uh-huh.

ADNAN SYED v. STATE OF MARYLAND
February 3, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 Q Okay. And that conversation with the family was
2 a very short conversation; is that right?

3 A Again, I don't remember how long we were there.

4 Q Do you remember what you were talking about with
5 the family?

6 A The only thing that I remember talking about was
7 basically telling them that I remembered seeing him the
8 day that Hae went missing.

9 Q Okay. Who did you tell?

10 A I don't know. There were so many people there.

11 Q Did you just tell one of the people from his
12 broader family or did you try to go to his mom or his dad?

13 A I can speculate that I would have went to his
14 parents, but again, I don't remember.

15 Q Do you remember if you went and spoke to one of
16 his siblings about it, perhaps?

17 A I don't remember.

18 Q Did you know Mr. Syed's siblings?

19 A No.

20 Q Do you know how many siblings he has?

21 A No.

22 Q Okay. And after that -- and that's the only
23 thing you can remember is telling them that you might have
24 seen him at the library; is that right?

25 A Yes. Well, as far as what I said, yes.

ADNAN SYED v. STATE OF MARYLAND
February 3, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 Q What you said. And you don't know what they
2 said back to you?

3 A The only thing that I remember them saying is
4 that he was having trouble accounting for what he did in
5 between when he got out of school and when he was at the
6 mosque and so if, you know, if anybody knew or had any
7 memory of that day that that would be helpful to helping
8 him recall what he did that day. And then that's when I
9 told them that, well, I remember seeing him at the library
10 for approximately 15 to 20 minutes right after school.

11 Q Okay. So they told you that he was having
12 trouble accounting for his time between 2:15 and 8:00; is
13 that right?

14 A I would have to assume 8:00 because I put it in
15 the letter, yes.

16 Q Okay. So that's where you got that window from;
17 is that right?

18 A Yes.

19 Q Okay. From the family.

20 A Yes.

21 Q That very night that you visited with Justin.

22 A Yes.

23 Q Okay. And where did they get it from? That
24 window?

25 A I have no idea.

ADNAN SYED v. STATE OF MARYLAND
February 3, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 Q Okay. But they said, we got to lock down 2:15
2 to 8:00; is that right?

3 A No. They said that he was having trouble
4 remembering his afternoon.

5 Q He was having trouble remembering his afternoon.

6 A Yes. What he did that afternoon.

7 Q Okay. And how -- had they spoken with Adnan at
8 that point?

9 A I --

10 Q Mr. Syed at that point?

11 A I have no idea.

12 Q Okay. And had -- and that's why you -- the 8:00
13 you said you think you got from the family is the time
14 that they were having -- that he was having difficulty
15 accounting for.

16 A Well, yes. Yes.

17 MR. VIGNARAJAH: Your Honor, if -- may we
18 approach?

19 MS. CHAPMAN: 'Til 8:00. Yeah.

20 MR. VIGNARAJAH: May we approach, Your Honor?

21 THE COURT: You may.

22 BENCH CONFERENCE

23 (Bench conference begins - 4:33:50 p.m.)

24 (All Counsel approach the bench where the following
25 ensues:)

ADNAN SYED v. STATE OF MARYLAND
February 3, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 MR. VIGNARAJAH: I realize that this is a very
2 natural breaking point and I just --

3 THE COURT: Okay.

4 MR. VIGNARAJAH: -- we continue on.

5 THE COURT: All right. And I'm -- I'll give her
6 the standard admonition, she's not to speak with anyone
7 about her testimony, I guess, except Mr. Proctor, but I
8 think that's understood.

9 MR. BROWN: Right.

10 THE COURT: All right. And I don't know whether
11 you guys clear up -- Mr. Proctor can tell you what happens
12 at the end of these cases when the press comes to look at
13 stuff. All right? Let's -- we'll start promptly tomorrow
14 morning at 9:30.

15 MR. BROWN: 9:30 tomorrow?

16 MR. VIGNARAJAH: Thank you, Your Honor. And,
17 Your Honor --

18 MR. NIETO: And, Your Honor, if you want us to
19 remain for a little while after they resolve the issues
20 with the exhibits with the clerk?

21 THE COURT: As long as you all are clear with
22 the clerk, yeah, because I think what happens
23 procedurally -- Ms. Simone? Ms. Simone? Oh, she's
24 listening.

25 MR. VIGNARAJAH: I got you.

ADNAN SYED v. STATE OF MARYLAND
February 3, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 MR. BROWN: So --

2 THE COURT: I forget you can listen. What --

3 MADAM CLERK: There's a delay in the thing.

4 THE COURT: -- the standard procedure is that
5 after we break we clear the courtroom and then we get the
6 exhibits set up. But --

7 MADAM CLERK: Yeah. As long as I have all of
8 the exhibits you all are free to go.

9 THE COURT: Okay.

10 MADAM CLERK: I just need to make sure I have
11 all of the exhibits --

12 THE COURT: Okay. Great.

13 MADAM CLERK: -- and then I stay with the press.

14 THE COURT: All right. All right.

15 MADAM CLERK: Okay?

16 THE COURT: Thank you.

17 MADAM CLERK: Uh-huh.

18 THE COURT: Is that it?

19 MR. BROWN: I -- maybe I should do this now or
20 do this at the end. I guess I would ask that we allow
21 sort of the renumbered exhibit set into evidence. We can
22 clear that up later. Just we have these exhibits that
23 have been entered under different numbers previously.

24 THE COURT: And your concern --

25 MR. BROWN: Maybe it's --

ADNAN SYED v. STATE OF MARYLAND
February 3, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 THE COURT: -- is what they might --

2 MR. BROWN: -- cleaner if we --

3 THE COURT: -- what they might look like for the
4 press or just --

5 MR. BROWN: No -- oh, no, no, no. Nothing to do
6 with that.

7 THE COURT: Okay. That's fine.

8 MR. BROWN: We'll deal with it later.

9 THE COURT: All right. All right.

10 MR. BROWN: I shouldn't have brought it up.

11 THE COURT: Thank you. All right.

12 MR. VIGNARAJAH: Thank you, Your Honor.

13 MR. BROWN: Thank you.

14 THE COURT: All right.

15 (Bench Conference concluded - 4:35:30 p.m.)

16 (All Counsel return to the trial tables where the
17 following ensues:)

18 THE COURT: Thank you. Ms. Chapman?

19 MS. CHAPMAN: Yes?

20 THE COURT: We are going to take our evening
21 recess in just a few moments --

22 MS. CHAPMAN: Okay.

23 THE COURT: -- and I'm going to ask you to step
24 down and excuse you. I do remind you, though, that you've
25 been sequestered and you're currently on the witness

ADNAN SYED v. STATE OF MARYLAND
February 3, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 stand, so --

2 MS. CHAPMAN: Okay.

3 THE COURT: -- you're not to discuss your
4 testimony --

5 MS. CHAPMAN: Right.

6 THE COURT: -- with anyone except your counsel.

7 MS. CHAPMAN: Okay.

8 THE COURT: All right? So you are excused. I'd
9 like to have you back tomorrow morning --

10 MS. CHAPMAN: Oh, okay.

11 THE COURT: -- so we can start promptly at 9:30.

12 MS. CHAPMAN: Okay.

13 THE COURT: All right? Thank you.

14 MS. CHAPMAN: Uh-huh.

15 (Witness excused)

16 THE COURT: And the Court will take its evening
17 recess. We'll reconvene tomorrow morning at 9:30. Thank
18 you.

19 (Off the record 4:36:08)

20

21

22

23

24

25

Cited Excerpts of Post-Conviction
Hearing Testimony
from Asia McClain-Chapman
(2/4/2016) (Pages 1-179)



ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

ADNAN SYED,	*	IN THE
	*	
Petitioner,	*	CIRCUIT COURT
	*	
V	*	FOR
	*	
STATE OF MARYLAND,	*	BALTIMORE CITY
	*	
	*	CASE NO.: 199193942-46
	*	
* * * * *	*	* * * * *

TRANSCRIPT OF OFFICIAL PROCEEDINGS
(Post-Conviction Hearing)

BEFORE: THE HONORABLE MARTIN P. WELCH, JUDGE

HEARING DATE: February 4, 2016

APPEARANCES:

For Petitioner Christopher C. Nieto, Esquire
C. Justin Brown, Esquire

For the State: Thiruvendran Vignarajah, DAG
Matthew Krimski, Esquire
Tiffany L. Harvey, Esquire

Transcriptionists: Eve Jemison, CET-744
Jennifer Murray, CET-812

Transcription Svc: ACCUSCRIBES TRANSCRIPTION
2007 W. Rogers Avenue
Baltimore, Maryland 21209
410-466-2033 Fax: 667-210-2925

Proceedings recorded by digital media with video,
transcript produced by transcription service.

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

T A B L E O F C O N T E N T S					
1					
2					
3	PETITIONER'S WITNESSES:				
4		DIRECT	CROSS	REDIRECT	RECROSS
5	Asia McClain-Chapman				
6	By Mr. Brown	-	-	156,177	-
7	By Mr. Vignarajah	-	20	-	176,178
8	Gerald Grant, Jr.				
9	By Mr. Brown	180	-	281	-
10	By Mr. Vignarajah	-	220	-	287
11					
12	STATE'S WITNESSES:				
13	None called.				
14					
15	EXHIBITS:				
16	PETITIONER'S EXHIBITS:		MARKED	ADMITTED	
17	PC2-15		-	201	
18	PC2-19		-	214	
19	PC2-21		-	184	
20	PC2-36		-	209	
21	PC2-40		-	198	
22	PC2-42		166	166	
23	PC2-43		169	176	
24					
25					

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

TABLE OF CONTENTS - (CONTINUED)

STATE'S EXHIBITS:	MARKED	ADMITTED
Binders A and B	-	233
Exhibit 3	258	259

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

P R O C E E D I N G S

(At 9:56:02 a.m. - on the record)

1
2
3 THE CLERK: Silence please. All rise. The
4 Circuit Court for Baltimore City, part 97, is now in
5 session. The Honorable Martin P. Welch presiding.

6 THE COURT: Good morning everyone, you may be
7 seated.

8 MR. VIGNARAJAH: Good morning.

9 MS. HARVEY: Good morning.

10 MR. BROWN: Good morning.

11 MR. KRIMSKI: Good morning.

12 MR. NIETO: Good morning.

13 THE COURT: Counsel, if one of you could call
14 the matter, please?

15 MR. VIGNARAJAH: If I may, Your Honor, calling
16 the State of Maryland v. Adnan Syed. The original case
17 number is 199103042 through 046 and Post Conviction
18 Petition Number 10432. Thiruvendran Vignarajah, Deputy
19 Attorney General here with Matt Krinski and Tiffany Harvey
20 here on behalf of the State of Maryland. Good morning.

21 THE COURT: And Mr. Brown?

22 MR. BROWN: Good morning, Your Honor, Justin
23 Brown on behalf of Adnan Syed, who is seated to my left,
24 and with me at counsel's table, is Christopher Nieto.

25 THE COURT: All right. Thank you.

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 Good morning. Just to make some brief opening
2 comments, pursuant to the January 28, 2016, Security Media
3 Protocol Order signed by the Administrative Judge, I wish
4 to advise all those present of the rules governing this
5 post conviction proceeding. There will be no audio or
6 video recordings of these proceedings.

7 The Baltimore City Sheriff is responsible for
8 maintaining security, both inside and outside of the
9 courtroom. All electronic devices, including cell phones,
10 laptops, and tablets, must be turned off. No cell phones
11 may be used in the public areas of the second floor of the
12 courthouse.

13 Sheriffs' deputies may inspect any electronic
14 device for misuse, and if necessary, confiscate the device
15 if it appears to be in use, in violation of the Court's
16 Order. Sheriffs' deputies will control visitor movement
17 in and outside of the courtroom, the second floor,
18 including any of those waiting areas for admissions to the
19 courtroom. Seating has been allocated for members of the
20 press and the victim's family, as well as the Petitioner's
21 family.

22 All remaining seating is available to members of
23 the public on a first-come, first-serve basis. The
24 sheriff will assist in the orderly entry and exit of the
25 courtroom. No food or drink is permitted in the

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 courtroom.

2 The sheriff's deputies are authorized to enforce
3 compliance with the Order, and are empowered to remove any
4 person who fails to comply with its terms. I trust that
5 all present will comply with the Order, and this matter
6 can proceed without interruption. And on that note, I
7 assume we're prepared now to continue with the
8 Petitioner's case, and I believe we were in the midst of
9 the cross examination of Ms. McClain.

10 Is that correct?

11 MR. VIGNARAJAH: We were, Your Honor. If I may,
12 I believe there's a couple of preliminary matters if the
13 parties may approach?

14 THE COURT: Certainly.

15 (At 9:58:45 a.m., on the record bench
16 conference.)

17 (Counsel approached bench, and the following
18 occurred:)

19 MR. VIGNARAJAH: Good morning, Your Honor.

20 MR. BROWN: Good morning, Your Honor.

21 MR. NIETO: Good morning, Your Honor.

22 THE COURT: Good morning ladies and gentlemen.

23 MR. VIGNARAJAH: If I may, Your Honor? There
24 are two matters that the State just wants to bring to the
25 Court's attention. May I use your ledge for a moment?

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 THE COURT: Yes.

2 MR. VIGNARAJAH: I'm not as strong as Ms.
3 Harvey. The first matter, Your Honor, has to do with some
4 disclosures. The State disclosed a couple of documents
5 yesterday relating to the Baltimore Public Library.

6 I had alluded to a witness that was identified
7 in the defense file. I have told the defense the name of
8 that individual now. His name is Steven Mills.

9 Detective Mark Veney, as I said yesterday, had
10 met him for the first time this past weekend on Sunday,
11 and took an adopted statement from him. Detective Veney
12 went out there on a Sunday, Detective Veney went out there
13 again, yesterday, and spoke with Detective -- excuse me
14 Mr. Mills and took an additional adopted statement.

15 We have now disclosed those adopted statements,
16 along with the accompanying materials, to defense counsel,
17 and the State does now formally ask that Steven Mills be
18 added to the potential witness list for the State. The
19 only reason I'm doing this at the bench, Your Honor, is
20 because Steven --

21 THE COURT: That he not be?

22 MR. VIGNARAJAH: That he is.

23 THE COURT: That he is, okay.

24 MR. VIGNARAJAH: That he is. But I -- the only
25 reason I'm doing this here, Your Honor, is that the State

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 has not had the opportunity to serve Mr. Mills with a
2 subpoena. He doesn't know that he could potentially be a
3 witness here. He's given two statements to the detective.

4 We'd like to extend him the courtesy of advising
5 him ourselves instead of in open court, and providing him
6 with a subpoena, but we have made all the disclosures. I
7 would just ask that his name not be publicly announced
8 until we have the opportunity to actually subpoena him.

9 In addition, Your Honor -- with respect to
10 disclosures, so those materials have been disclosed.
11 There's also a document which is a screenshot from Youtube
12 that relates to Ms. McClain, which came up during
13 yesterday's testimony.

14 She talked about referring back and trying to
15 track down some cell phone records. We did not know about
16 that. We had found this video. We suddenly appreciate
17 the relevance of it.

18 We gave it to defense counsel, again, this
19 morning. It's just a screenshot. We may bring it up on
20 cross examination, but in an abundance of caution, we have
21 disclosed that as well.

22 The Steven Mills disclosure includes photographs
23 from several -- I mean photocopies excuse me -- from
24 several yearbooks from Woodlawn High School. We are not
25 intending to introduce the yearbooks themselves into

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 evidence. I think that especially since the media has
2 access to (inaudible) camera then we're not intending to
3 do that, but we may use the yearbooks as a reference.

4 And in fact last night Mr. Proctor, who is Ms.
5 McClain's attorney, apparently attempted to email me, that
6 Ms. McClain had gone back and checked and had learned that
7 she was not on the basketball team, that somebody attempt
8 -- sent her a screenshot of a yearbook, but that email
9 went to the wrong email address. He did, very kindly,
10 tell me this morning and I thanked him.

11 I understood the confusion. So it may come up,
12 so I'm just telling the Court about that, that is the
13 disclosure's issue. So that's the first issue.

14 The second issue, Your Honor, is perhaps a
15 little bit more of an issue. Yesterday, the Court
16 granted, as I understood it, a sequestration order with
17 respect to the potential witnesses. I understood that Mr.
18 Nieto asked -- had a motion to reconsider that.

19 Initially, you had indicated that you denied his
20 motion to consider. Then Mr. Nieto clarified that motion
21 to reconsider was being held subcuria, so that you could
22 have an opportunity to read the case. So the
23 sequestration order in the State's view, was in place.

24 Ms. Chaudry has -- and I apologize for the
25 delay. This is the information I'm getting this morning.

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 Ms. Chaudry apparently tweeted, and had videos where she
2 was looking at documents that are here, and then re
3 tweeting them.

4 She indicated, in one particular tweet, that she
5 understood that she was in a sequestration order, but she
6 believed she could still, you know, learn updates. She
7 has -- we've taken screenshots of other attorneys
8 debriefing with her, court attorneys that are not
9 necessarily linked, but are advocates for Mr. Syed on the
10 outside. So those attorneys were debriefing him,
11 apparently, about what happened with Ms. Chaudry, in a
12 seven-minute video Ms. Chaudry has tweeted.

13 We're not asking for anything Your Honor except
14 to emphasize what a sequestration order is, and then we
15 defer to the Court, on whether or not Ms. Chaudry needs to
16 be specifically directed. I'm happy to provide a copy of
17 the mounting number of tweets that indicate her knowledge
18 of what is happening here.

19 Obviously a sequestration order doesn't mean you
20 can talk to attorneys, who then relay to you what happened
21 in the courtroom, and that appears to be what happened.
22 So I just want to bring the Court's attention.

23 THE COURT: Well, if disclosures --

24 MR. BROWN: The disclosures are the disclosures.

25 THE COURT: Okay.

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 MR. BROWN: We received them this morning.

2 THE COURT: All right.

3 MR. BROWN: You know Ms. Chaudry is his witness.
4 I imagine he instructed her not to do these things. If
5 it's his witness -- and it's not our witness. And I don't
6 recall --

7 MR. VIGNARAJAH: That's all right.

8 MR. BROWN: I mean I don't recall her being
9 instructed by the Court.

10 THE COURT: Well, I think the general --

11 MR. BROWN: Maybe I missed it.

12 THE COURT: -- instruction was she's -- you know
13 that you must wait outside, with the assumption that under
14 the old sequestration, in the old days --

15 MR. BROWN: But I --

16 THE COURT: -- sequestration, you'd be placed --

17 MR. VIGNARAJAH: That is --

18 THE COURT: -- in a room --

19 MR. VIGNARAJAH: That is --

20 MR. BROWN: It's not my witness, Your Honor.

21 MR. VIGNARAJAH: That's a very fair point, Your
22 Honor, and I'm not -- that's -- I perhaps -- she is an
23 attorney. I don't know if it's appropriate, but I would
24 ask then, in that circumstance, if it falls to the State,
25 to ask Ms. Chaudry to just be directed and clarified as to

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 what a sequestration order, which is in place, means so
2 there's no confusion that she cannot obtain information
3 from what's happening inside the courtroom (inaudible) --
4 (Crosstalk)

5 MR. BROWN: Your Honor, what I would suggest so
6 as not to embarrass someone unnecessarily, is that since
7 it's your witness, that you in a courteous way, convey
8 that information to her. And then if another problem
9 arises then the Judge can become involved.

10 MR. VIGNARAJAH: And I'm happy to engage in the
11 fiction that she is our witness. I've never spoken to Ms.
12 Chaudry. I think the Court is aware of why we are doing
13 this. I don't have any rapport with Ms. Chaudry.

14 What I would ask is, if Ms. Chaudry is nearby,
15 and I will look outside to see if she is, I would ask her
16 to just come inside and have the Court instruct her.

17 MR. NIETO: I don't even believe she's here
18 today.

19 MR. BROWN: I don't know for sure.

20 MR. VIGNARAJAH: We would --

21 THE COURT: Does that take care of your motion?

22 MR. VIGNARAJAH: -- look to the Court for
23 guidance, Your Honor.

24 MR. NIETO: (Inaudible) well --

25 THE COURT: Can I rule on it?

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 MR. NIETO: -- I was going to be modifying my
2 request you know, yeah, and I (inaudible) Mr. Brown's
3 comments.

4 MR. VIGNARAJAH: Christopher, can I interrupt
5 for one second? I actually have a suggestion, which would
6 perhaps, avoid the -- perhaps you could just, on the
7 record, clarify the sequestration order without naming any
8 particular individuals. It means you cannot also obtain
9 information from people that are in the courtroom. That
10 it is inappropriate for the people in the courtroom to
11 debrief the people that are subject to the sequestration
12 order, and that they should not then transmit information.

13 MR. NIETO: I think that makes perfect sense.
14 The people in here know what the rules are, and the State
15 can talk to their witnesses directly about what they
16 should and should not (inaudible) --

17 (Crosstalk)

18 THE COURT: All right.

19 MR. BROWN: But I don't see any need to
20 embarrass anyone specifically.

21 MR. VIGNARAJAH: I don't see any need to do that
22 either.

23 MR. NIETO: Your Honor, if I may? And I
24 apologize. Mr. Vignarajah was kind enough to provide us
25 with a screenshot for what looks to be a Youtube video,

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 but we have no idea of the contents of this video, and I
2 don't know (inaudible) a proffer as to its relevancy.

3 MR. VIGNARAJAH: I am happy to, Your Honor. As
4 I understand, and I've watched thirty seconds of it,
5 apparently, Ms. McClain is -- has audio recorded a
6 conversation in which she's calling Sprint to try to get
7 copies of her cell phone records in February of 2015, and
8 she is complaining about Sprint's inability. I think it
9 squares with her account, actually, yesterday that Mr.
10 Brown ultimately had to assist, or something like that.

11 I have not watched the rest of it (inaudible) a
12 cartoon representation of herself and of others, and her
13 frustration is with Sprint, and she is relaying her
14 efforts to get the cell phone records relating to her
15 particular phone, and she indicates when she first started
16 trying to do that, she indicates when -- that's all I know
17 and I -- again, that's their witness.

18 MR. BROWN: May I make a suggestion, Your Honor?

19 THE COURT: (No audible response.)

20 MR. BROWN: If you intend to use that as an
21 exhibit --

22 MR. VIGNARAJAH: I do.

23 MR. BROWN: -- do that and we will, either
24 object or not object, and then we'll deal with it then.

25 MR. VIGNARAJAH: Sure. All I want to do is use

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 the screenshot. I'm happy to ask her about the contents
2 (inaudible).

3 THE COURT: All right.

4 MR. VIGNARAJAH: I'm not intending to put the
5 video --

6 THE COURT: All right.

7 MR. VIGNARAJAH: -- into evidence or anything.

8 THE COURT: Can I go ahead and resolve your
9 motion to reconsider?

10 MR. NIETO: If I may, Your Honor? I would like
11 to withdraw said motion.

12 THE COURT: Okay.

13 (Defendant's Motion to Reconsider was
14 withdrawn.)

15 MR. VIGNARAJAH: Thank you.

16 MR. NIETO: I'd like to withdraw (inaudible).

17 THE COURT: So let the record reflect.

18 MR. NIETO: Yeah, let the record reflect that we
19 respectfully withdraw that motion.

20 THE COURT: I withdraw the Motion for the Court
21 to --

22 MR. NIETO: However --

23 THE COURT: -- Reconsider its Earlier
24 Sequestration Order.

25 MR. NIETO: Yes. We may visit it.

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 THE COURT: So it's --

2 MR. NIETO: We may revisit it, specifically.

3 And then to be really candid, at the conclusion of the --

4 THE COURT: That's fine.

5 MR. NIETO: -- alibi portions.

6 THE COURT: That's fine.

7 MR. BROWN: Your Honor, we're just looking for
8 the right case. It's got to be out there somewhere.

9 THE COURT: You keep looking, guys.

10 MR. VIGNARAJAH: Can I say one thing, Your
11 Honor, I just realized? I just want to anticipate what's
12 a potential issue, which is I appreciate that what defense
13 counsel may be doing, is withdrawing the motion. So that
14 if Ms. Chaudry is called, because she is our witness, that
15 she's violated the sequestration order and is therefore
16 barred, I just want to make the Court clear that I learned
17 of this for the first time now.

18 They will certainly be entitled to object to her
19 violating the sequestration order because she is a State's
20 witness, but if you could, in that circumstance, Your
21 Honor -- now I'm going to resist the temptation to
22 embarrass her. I would ask that you advise everybody in
23 the courtroom that they are not to speak to it, and also
24 indicate that there is evidence that people that have been
25 in the courtroom have been talking with individuals that

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 are outside of the courtroom.

2 I think the message will get to her, but if
3 that's where we're going, I would like to make it, without
4 embarrassing her, you don't have to name her, but I would
5 like to make it a little bit more clear.

6 MR. NIETO: And respectfully, Mr. Vignarajah
7 gives me way too much credit for some of the thought
8 behind it. Once again, I think it makes sense for Your
9 Honor to advise the people in the court, so they know not
10 to talk to sequestered folks about what's going on.
11 However, to suggest that it has already happened could be
12 embarrassing, not only to the people in here, but also to
13 the people who are sequestered.

14 And I think once again, if it is a State witness
15 that they anticipate, it is on them to be able to explain
16 that. There's no point in advising this group that there
17 could be someone who did that. I think in the safest
18 (inaudible) and the most non embarrassing manners it just
19 is a blanket statement.

20 MR. VIGNARAJAH: I don't mind our witness being
21 embarrassed. I would like to make sure the message gets
22 back and I do think there is evidence.

23 THE COURT: I think I'll strike some balance.

24 MR. VIGNARAJAH: Thank you, Your Honor.

25 THE COURT: All right.

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 (At 10:10:24 a.m., bench conference concluded.)
2 (Counsel returned to trial tables, and the
3 following occurred in open court:)

4 THE COURT: Thank you. Before we get started, I
5 would ask, is the Petitioner satisfied that all of its
6 witnesses have been sequestered, Mr. Brown, as best you
7 can determine?

8 MR. BROWN: Yes, Your Honor. The only -- we
9 have some expert witnesses --

10 THE COURT: Except for any experts.

11 MR. BROWN: Aside from that, yes.

12 THE COURT: All right.

13 And Mr. Vignarajah, is the State satisfied that
14 all of its witnesses, except for any experts have been
15 sequestered?

16 MR. VIGNARAJAH: There's a lot of people in the
17 courtroom, Your Honor. The State is satisfied.

18 THE COURT: All right.

19 Well, in the event there might be any witnesses
20 in here, who are named as witnesses, and need to leave
21 because of sequestration, I just want to remind you that
22 sequestration means that you must wait outside and not be
23 privy to what's going on in the courtroom, and after
24 you've testified, you're not to share your testimony with
25 anyone, until after you know the case has been completed.

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 And that should also indicate generally for members of the
2 public here that they should not share with any
3 sequestered witness, what's gone on in this courtroom.

4 All right. And we're ready to continue, I
5 guess.

6 And Ms. Chapman?

7 MS. MCCLAIN-CHAPMAN: Yes?

8 THE COURT: If you could please return to the
9 witness stand?

10 (At 10:11:48 a.m., Ms. McClain-Chapman
11 approached the witness stand.)

12 THE COURT: And you may be seated, Ms. Chapman.

13 (At 10:11:56 a.m., Ms. McClain-Chapman took the
14 witness stand.)

15 THE COURT: And Ms. Chapman again, just state
16 your name please.

17 MS. MCCLAIN-CHAPMAN: Andrea Chapman.

18 THE COURT: And I remind you, Ms. Chapman, that
19 you're still under oath.

20 MS. MCCLAIN-CHAPMAN: Okay.

21 THE COURT: And Mr. Vignarajah, do you wish to
22 continue with your --

23 MR. VIGNARAJAH: Thank you, Your Honor.

24 THE COURT: -- cross examination.

25 MR. VIGNARAJAH: Good morning again, Ms.

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 McClain.

2 MS. MCCLAIN-CHAPMAN: Good morning.

3 (Resumed)

4 CROSS EXAMINATION

5 BY MR. VIGNARAJAH:

6 Q Did you get a good night's rest?

7 A Eh. (Laughed.) Yes.

8 Q Ms. McClain, I know that you had wanted to
9 clarify some matters from yesterday, that you communicated
10 through your attorney (inaudible) clarifying some matters
11 this morning. We're going to get to that.

12 A Okay.

13 Q But, let me just start, by asking you about that
14 conversation you had with Mr. Urick. Do you remember that
15 conversation that you discussed yesterday?

16 A Yes, I do.

17 Q This is the conversation back in April of 2010.
18 Does that sound about right?

19 A Yes.

20 Q And this, is the one, that you went back, and
21 got the phone records, and it turned out to be, a 34-
22 minute call. Correct?

23 A Yes.

24 Q Now at that point, when you called Mr. Urick,
25 you indicated yesterday, correct me if I'm wrong, that

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 somebody from Mr. Brown's team had come and knocked on
2 your door, at your current residence or your then current
3 residence, right?

4 A They actually never got a chance to knock
5 because my husband was coming in the house --

6 Q Oh, I see.

7 A -- and so they approached him, so they never
8 made it you know to physically knock on the door.

9 Q Now you weren't out there that's what your
10 husband relayed to you. Is that right?

11 A Yes. I was upstairs in the townhouse.

12 Q Okay. So they speak with your husband for a
13 couple moments, relay --

14 A Yes.

15 Q -- some information to him, and then that person
16 who is presumably a representative of Mr. Brown's comes in
17 and talks with you. Is that right?

18 A He came in to unload. He had a bunch of books
19 and stuff in his hands, so he -- he said -- he asked them
20 if he could be excused for a second to drop off some stuff
21 in the house --

22 Q Okay.

23 A -- and as he came in the house, he told me that
24 someone there was looking for me by my maiden name.

25 Q Got it.

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 A So yes.

2 Q And after that conversation, at some point
3 during the course of the day, you went and tried to find
4 Mr. Urick's phone number, and you contacted Mr. Urick,
5 correct?

6 A Yes.

7 Q And at that point, just to be clear, you hadn't
8 been served with any subpoenas right?

9 A Correct.

10 Q You hadn't been summonsed to any court right?

11 A No.

12 Q At that point all you knew is that somebody from
13 Mr. Brown's office -- and that was only based on the card
14 --

15 A Correct.

16 Q -- wanted to talk with you about something
17 relating to your maiden name and the homicide of --

18 A Um-hm.

19 Q -- of Hae Min Lee.

20 A Yes.

21 Q You knew that much right?

22 A Yes.

23 Q Okay. Good. And you at that point, that
24 evening didn't get -- get in contact with Mr. -- with Mr.
25 Urick, at around 8:06 p.m., right?

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 A I would have to look at the phone records. I
2 don't -- I didn't -- I don't remember the exact time, but

3 ---

4 Q Of course. Of course.

5 MR. VIGNARAJAH: Could I ask? Thank you, so
6 much.

7 MS. MCCLAIN-CHAPMAN: That looks about right,
8 yeah.

9 BY MR. VIGNARAJAH:

10 Q Forgive me, it's 8:05 p.m. right?

11 A Yes.

12 Q Okay. And this is the 34-minute call.

13 A Yes.

14 Q This is the call that was longer than Mr. Urick
15 represented it to be because he said it was about five
16 minutes, right?

17 A According, to the news article, they said that
18 he estimated the call to be five minutes.

19 Q Got it. And then the calls beforehand, do you
20 see the calls starting at 7:56 and then 8:00, 8:01, 8:02,
21 and then 8:05? Do you see those calls?

22 A Yes, I do.

23 Q Do you know who those numbers are to?

24 A I think one of them may have been the police
25 department.

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 Q Uh-huh.

2 A It was an attempt for me to try to find the
3 right phone number.

4 Q Right. The "410-296-2525" number that is a
5 Baltimore City extension right?

6 A (No audible response.)

7 Q Do you know that?

8 A I don't know that for sure.

9 Q Would it be surprising for you to learn, that
10 410-396-2525 [sic] numbers, that those three calls are
11 associated with Baltimore City government?

12 A No, it wouldn't surprise me.

13 Q Okay. Because you did try, to call the police
14 first, is that right?

15 A I don't know whom I tried to call. I was trying
16 to find the right number so I probably just called
17 whatever numbers I could find until one came to be the
18 right one.

19 Q Got it. And the call at 7:56 p.m., 410-209-
20 4933, would you be surprised to learn that's associated
21 with the U.S. Attorneys Office?

22 A Again, yes, I would be surprised because I don't
23 remember who I called before actually speaking with him.

24 Q Okay. So you remember the Urick call, but you
25 don't know who you might have been calling beforehand. Is

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 that right?

2 A Yes.

3 Q Okay. But you were trying to call other
4 government officials, is that right?

5 A No. I was trying to locate Kevin Urick.

6 Q Oh I see. Okay. So you wanted to talk to Mr.
7 Urick in particular.

8 A Yes.

9 Q You just were trying to find anybody who, on a
10 Sunday evening, might have Mr. Urick's number?

11 A I was trying to find the correct number for him,
12 and being that I was using the Internet, you get what you
13 get.

14 Q That makes perfect sense so, but eventually you
15 do call Mr. Urick?

16 A Yes.

17 Q Okay. And at that point, you were not under any
18 subpoena or summons and you were asking some information
19 and trying to get him to provide some context to the case
20 right?

21 A Yes.

22 Q When you spoke to him, did he know who you were?

23 A He didn't know who I was, so I referenced Mr.
24 Syed and the case --

25 Q Okay.

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 A -- and he indicated to me that he knew exactly
2 what case I was referring to.

3 Q Got it. He knew about the Syed case.

4 A Yes.

5 Q Right. And you relayed yesterday that based on
6 your handwritten notes that you believed that he had said
7 at some point that you know "Mr. Brown is B.S." that "his
8 arguments were B.S." Is that right?

9 A Yes.

10 Q Okay. And he told you that this whole alibi
11 thing that was a B.S. argument?

12 A No.

13 Q Okay.

14 A He said that Mr. Brown was B.S. in reference to
15 -- I didn't know her name at the time --

16 Q Uh-huh.

17 A -- but now I know he was talking about Christina
18 -- is it Gutierrez?

19 Q Okay.

20 A That Brown was B.S. in saying, that she was
21 somehow incompetent because of her health issues?

22 Q Okay. And did you -- and did he say that the
23 arguments about the cell phones were B.S. at that point?

24 A No, he did not.

25 Q No. Because he didn't know what arguments Mr.

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 Brown was going to make did he?

2 A The only thing that he said to me was that he
3 was B.S. about Ms. Gutierrez being incompetent.

4 Q Did you tell him that Mr. Brown thought that Ms.
5 Gutierrez was incompetent because of health reasons?

6 A I don't remember how that came up in the
7 conversation, if it was me who brought it up, or if it was
8 him who volunteered it.

9 Q Okay.

10 MR. VIGNARAJAH: Could you pull up the note?

11 BY MR. VIGNARAJAH:

12 Q And so he's generally talking, when he's talking
13 about the cell phone records, for example --

14 A Um-hm.

15 Q -- he was talking about his recollection of what
16 happened at trial right?

17 A Yes.

18 Q He wasn't referencing any specific argument,
19 that Mr. Brown was making; correct?

20 A No. He was telling me details about the trial.

21 Q Okay.

22 A He said that normally he wouldn't -- normally he
23 shouldn't tell me that information, but since he was no
24 longer involved with the case that it was you know okay to
25 go ahead and tell me about the case evidence.

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 Q And the cell phone record's reference -- so this
2 was not about the cell phone argument that Mr. Brown was
3 going to make.

4 A That was about the cell phone evidence --

5 Q At trial.

6 A -- at trial. Yes.

7 Q And when he was talking about --

8 MR. VIGNARAJAH: If you could go to the top, at
9 that sideways note?

10 BY MR. VIGNARAJAH:

11 Q And when -- it has this asterisk and it says "A
12 bunch of witnesses" --

13 A Um-hm.

14 Q -- "ready to testify, that he was at the mosque"
15 --

16 A Um-hm.

17 Q -- "which was part of the alibi backed down
18 after cell records," that wasn't the alibi argument Mr.
19 Brown was going to make. It was a reference back to what
20 happened at trial.

21 A Yes. He said it was information that never made
22 it to the trial.

23 Q Okay.

24 A That there were approximately 80 people from the
25 at the mosque --

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 Q Okay.

2 A -- and then when the prosecution presented the
3 cell phone records showing him in Lincoln Park at the same
4 time that Jay said that they were digging the grave, that
5 all of those people backed down, and that they never
6 testified.

7 Q Was he answering your questions, when you were
8 talking to him, you were asking for information and he was
9 giving you information about the original trial. Is that
10 fair to say?

11 A Some of the answers that he gave me, I didn't
12 ask him for.

13 Q Okay.

14 A It was -- I mean it was a casual conversation.
15 He was very friendly, like he wanted -- you know like he
16 was -- some of it was him answering my questions and some
17 of it was just him volunteering the information.

18 Q Sharing his perspective --

19 A Um-hm.

20 Q -- on the trial from 10 years ago?

21 A Yes.

22 Q Right?

23 A (No audible response.)

24 Q And so this was not about the alibi argument
25 that you are a part of in this post conviction proceeding?

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 A No. The only time it ever came -- the whole
2 alibi conversation ever came up, was when I initially
3 called him --

4 Q Yeah.

5 A -- I told him you know my name is Asia Chapman.
6 Somebody came to my door. I don't know if it has anything
7 to do with me you know seeing him in the library, but you
8 know perhaps it has something to do with an alibi. And
9 then I said, "So you may not know who I am because I never
10 went to the trial, but" and then that's when I talked
11 about Mr. Syed, and he said "Oh yeah, I know exactly what
12 case you're talking about."

13 Q So you brought up the alibi reference, that you
14 may have something to do with an alibi?

15 A Yes.

16 Q Okay. But he didn't know that you were an alibi
17 witness, who had given Ms. Chaudry an affidavit from 10
18 years earlier, did he?

19 A I don't know.

20 Q Okay. You didn't know whether he knew or not.

21 A The conversation progressed and so it wasn't
22 discussed, so I don't know if he already knew that or not.

23 Q And he didn't know Mr. Brown's arguments. He
24 wasn't saying "Well, Mr. Brown's argument about the alibis
25 or the cell phones, those are bad arguments. You

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 shouldn't. You shouldn't (inaudible)." He wasn't
2 referencing Mr. Brown's arguments either. Right?

3 A We didn't discuss it. The only thing we
4 discussed, the only thing he said to me was about
5 Christina Gutierrez.

6 Q Got it. And Ms. McClain, that's partly because
7 Mr. Brown hadn't filed his argument in post conviction
8 court yet, had he?

9 A Well, he told me that when he looked in his
10 computer, he didn't see any open cases, and so most likely
11 what was going to happen was some sort of appeal might be
12 coming. So of course he wouldn't know what Mr. Brown was
13 going to argue because it had not been in his computer
14 system yet you know.

15 Q And right, and so he didn't know what the
16 arguments were and he only knew who you were from what you
17 had told him. Is that fair to say?

18 A I can't speculate to what he already knew.
19 (Laughed.)

20 Q That's all right. In other words, he didn't
21 say, "Oh you're the witness that gave an affidavit to Ms.
22 Chaudry." He didn't say anything like that to you, did
23 he?

24 A I don't believe so.

25 Q Okay. And he didn't say to you, "Oh you're the

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 witness that wrote those letters to Adnan back in nineteen
2 --" he didn't say anything like that to you.

3 A I don't know if he knew about the letters or not
4 so --

5 Q And this conversation, Ms. McClain, was before,
6 you were the subject, of Episode One, of "Serial." Right?

7 A Yes.

8 Q Okay. So you were not a person known to the
9 general public at that point, when you had this
10 conversation with Mr. Urick.

11 A Correct. But I don't consider him to be the
12 general public. He was --

13 Q I understand.

14 A -- you know --

15 Q He would have known, whatever was in the case
16 file. He would have known whatever Mr. Brown had advised
17 him about the arguments. He would have known whatever
18 arguments they had made before --

19 A I would --

20 Q -- but he didn't know what you had to say, from
21 any other sources besides being an officer of the court,
22 right?

23 A Yes, but he may have known what Christina
24 Gutierrez knew about. I mean I assume you disclose that
25 kind of stuff, so he may have known about the letters. He

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 may have known about Adnan you know saying that we had a
2 conversation, or the letters. I don't know the court
3 process, so he may have known that you know because of
4 Christina.

5 Q Understood. And I just want to ask you very
6 briefly, at some point you also attempted to document your
7 efforts to get the Sprint records. You actually had a
8 recorded call with Sprint right?

9 A Yes. I tried to get my phone records in early
10 January --

11 Q Right.

12 A -- of last year, and I probably called a million
13 times and one time during my phone call, event though I
14 was extremely nice about it, a Spanish-speaking Sprint
15 representative referred to me as a "female dog" and I
16 thought that was extremely unprofessional, and a little
17 hilarious. So I made a cartoon out of the phone call and
18 posted it on Youtube.

19 Q And this you posted on February 22, 2015.

20 A I don't remember what day, but that sounds
21 fairly accurate.

22 Q And in it, let's see if this sounds consistent,
23 you wrote, "A little Backstory: This Phone call took
24 place on 2/11/15. I have been calling Sprint since
25 1/21/15 trying to obtain bill reprints for phone calls

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 made in 2010. No luck yet (2/22/15)."

2 A Yeah. It would have been 2015 because then
3 "Serial" came out in 2014.

4 Q Sorry if I misspoke. All of those were 2015
5 right?

6 A The phone calls to Sprint, yes.

7 Q Okay. So let me just --

8 A It was after "Serial" you know.

9 Q And it was after you had executed your affidavit
10 for Mr. Brown right?

11 A Well, yeah because the affidavit was on the 13th
12 of --

13 Q January --

14 A -- January.

15 Q -- 13 --

16 A Yeah.

17 Q -- 2015?

18 A So yeah. It would have been after.

19 Q The same day Hae Min Lee went missing, right?

20 A Yes.

21 Q From many, many years earlier?

22 A Um-hm.

23 Q All right. So the conversation with Mr. Urick
24 did not contain any threats did it?

25 A No.

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 Q He didn't say "Don't show up in court when Mr.
2 Brown eventually subpoenas you."

3 A The word "subpoena" never came up.

4 Q Okay. Because at that point you were not a
5 summonsed or subpoenaed witness.

6 A Correct.

7 Q Okay. Thank you, Ms. McClain. So let's see if
8 we can clarify some things from yesterday. In your senior
9 year of high school --

10 A Um-hm.

11 Q -- it was a while ago -- you played some sports
12 --

13 A Correct.

14 Q -- but correct me if I'm wrong, it sounds like
15 you didn't play basketball.

16 A Correct.

17 Q And you did do cheerleading.

18 A That was right before. I quit cheerleading to
19 play basketball in the same season, so.

20 Q Was that in your senior year?

21 A No.

22 Q Okay. Your junior year?

23 A I believe it was my junior year. It's possible
24 it could have been sophomore, but I'm pretty sure it was
25 my junior year.

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 Q Okay. And were you ever a member of the bowling
2 team?

3 A Yes.

4 Q Okay. Was it possible that was your junior
5 year?

6 A Yes.

7 Q Okay. And you had an opportunity, in fact, to
8 get some screenshots into the yearbooks right?

9 A Yes. I asked some of my friends if they had our
10 yearbook, and if they had pictures of the team and
11 everything, just you know to make sure. I wanted to make
12 sure.

13 Q Last night?

14 A Yes.

15 Q And in response to your inquiries, somebody sent
16 you a screenshot of your yearbook is that right?

17 A Yes.

18 Q And they refreshed your recollection that you
19 were actually not on the basketball team your senior year.

20 A Actually I had already remembered that because -

21 -

22 Q Oh I see.

23 A -- because when I quit cheerleading to join the
24 basketball team, I remembered that one of the cheerleaders
25 was an upperclassman and therefore it could not have been

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 my senior year if I had upperclassmen that were training
2 me on the cheers.

3 Q Okay. Is there anything else from yesterday
4 that you, upon reflection and a good night's rest, you're
5 able to clarify you might have misremembered?

6 A Not that -- no.

7 Q Just the cheerleading senior year basketball
8 thing?

9 A Yes.

10 Q Okay. Very good. Let's talk a little bit
11 about, again what you did do and what you didn't do, back
12 in 1999, when you first realized that you might have some
13 information relevant to the proceedings that were
14 happening. Bear with me for just one second.

15 (Off record discussion between counsel for State
16 and co-counsel.)

17 BY MR. VIGNARAJAH:

18 Q Now, you did speak with your ex-boyfriend,
19 Justin, about it, right?

20 A Yes.

21 Q And you believe that was the day after or the
22 same day as you found out about the arrest. Is that
23 right?

24 A I believe so, yes.

25 Q You're not sure which one it was, the same day

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 or the next day, but you definitely called Justin.

2 A I spoke to him. I don't know if it was on the
3 phone or in person.

4 Q And at some point, you also went to the family,
5 with Justin, accompanying you?

6 A Yes.

7 Q Correct?

8 A Um-hm.

9 Q And that was the next day after his arrest, that
10 Monday.

11 A Yes.

12 Q Okay. And after you spent some time -- and you
13 said it was nighttime when you went there correct?

14 A It was getting dark so yes.

15 Q Getting dark.

16 A Um-hm.

17 Q And you spent a little bit of time there, you're
18 not sure how long, and then you headed home and you called
19 the library to find out about their surveillance cameras
20 right?

21 A I don't remember when I contacted the library,
22 so I don't know if it was that night, or -- I don't
23 remember when. I just remember that I did it.

24 Q But it was before you wrote the letter about
25 doing it right?

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 A Correct.

2 Q Okay. So you called the library and you called
3 the ex-boyfriend. You went to the family, and then you
4 also wrote two letters to Mr. Syed right?

5 A Yes.

6 Q The handwritten letter and then the typed
7 letter.

8 A Yes.

9 Q And you also, the next day, told a teacher about
10 it right?

11 A Yes.

12 Q Mr. Parker?

13 A Yes.

14 Q Okay. But you didn't actually visit the library
15 did you?

16 A I don't believe I did.

17 Q You didn't go and ask about a security officer
18 there, whether or not they had cameras at the time?

19 A No, I don't -- I don't even remember if they had
20 a security officer.

21 Q You're not sure if they had a security officer?

22 A Correct.

23 Q Okay. There may have been one; there may not
24 have been, or you don't remember one?

25 A I don't -- there may have been. There may not

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 have been.

2 Q Okay. And if there was one, that would be,
3 really the job of the defense team to go talk to that
4 investigator. Is that fair to say?

5 A I would assume.

6 Q And --

7 A Or the family or anyone. Anyone who knew about
8 the letter.

9 Q And go have a good long conversation with them,
10 does that sound about right?

11 A Yes.

12 Q Okay. And you didn't call anyone else, right?
13 You didn't call the police, you didn't call the lawyers,
14 you didn't call anybody else, did you?

15 A Well, I actually started to call the police, and
16 then I chickened out.

17 Q As in you were --

18 A I got a --

19 Q -- you were thinking about it, or you actually
20 picked up the phone, or how close did you get?

21 A I actually picked up the phone to call the
22 police, and I think I hung up because I got scared.

23 Q When was that?

24 A That would have been sometime after writing the
25 letter.

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 Q Sometime after you wrote the letter?

2 A Um-hm.

3 Q And did you ever talk to your grandmother about
4 it?

5 A No.

6 Q Did you tell any of your other close friends
7 about it?

8 A I don't remember if I told any friends outside
9 of Justin about it.

10 Q Stacy Allen was one of your best friends back
11 then right?

12 A Yes.

13 Q In fact, she's one of your best friends, still
14 today, right?

15 A Yes.

16 Q Did you tell your best friend about the fact
17 that you might have seen the person who was arrested, in
18 the library?

19 A My friends are a little different.

20 Q Okay.

21 A There's about six of us that are best friends.
22 Some of them are from elementary, some of them came with
23 us from middle school, so I actually have about six best
24 friends.

25 Q Forgive all the other five.

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 A So (laughing) --

2 Q Stacy Allen is not number one.

3 A So I don't know. I don't remember who I
4 specifically told about it. It's safe to say it may have
5 come up, but I don't remember a specific conversation in
6 which it came up.

7 Q Would it surprise you if she didn't remember any
8 conversations about it?

9 A No. She's got a bad memory.

10 Q A bad memory, got it.

11 A (Laughed.)

12 Q And have you talked to any of your other friends
13 about the conversations you had back then about how you
14 told them about this potential alibi back in 1999?

15 A I'm sure they all know. Most people from our
16 high school are you know very aware of this case, and you
17 know they're very supportive of my efforts to tell the
18 truth, and so.

19 Q And have you spoken to any of them recently?

20 A There's been people who have reached out to me
21 with messages of support and admiration for stepping up to
22 do the right thing.

23 Q And have you spoken to Stacy, for example, about
24 it?

25 A Yes. She's aware that I'm here testifying.

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 Q And she told you that she doesn't remember the
2 conversation, but she's got a bad memory right?

3 A I know she has a bad memory. (Laughing.) I've
4 known her since I was probably about ten, so.

5 Q Yeah. How about some of the other best friends?
6 Have any of them said, "Oh, I totally remember you telling
7 me about the library Adnan Syed sighting"?

8 A I don't think any of them remember.

9 Q Do they also have bad memories?

10 A I don't know.

11 Q But you're the one who saw it so it makes sense

12 --

13 A I'm always --

14 Q -- for you to --

15 A I've always been the one to remember things that
16 nobody else seems to remember, so it's not a surprise to
17 them that they don't remember and I do.

18 Q Okay. You didn't write any more letters, I
19 think you said yesterday, to Mr. Syed, right?

20 A No.

21 Q Besides the you know the hangup call to the
22 police, you didn't make any calls to the police in the
23 subsequent months or years --

24 A No.

25 Q -- right? You didn't make any efforts to

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 contact the attorneys for Mr. Syed or the attorneys for
2 the State, did you?

3 A No. I didn't think it was my place. I figured
4 by writing the letter that he would tell his lawyer or his
5 family would tell the lawyer and that if it was relevant,
6 someone would reach out to me.

7 Q And Mr. Syed didn't make any contact with you
8 from jail, did he?

9 A No.

10 Q And you didn't make any contact with him at
11 jail, like for example, visiting or something like that --

12 A No.

13 Q -- did you?

14 A No. (Shakes head no.) No I've never gone to a
15 jail. (Laughed.)

16 Q You never visited him?

17 A I've never been to a jail, period.

18 Q At all?

19 A No.

20 Q And in the city that you live now, have you ever
21 been to the jail there?

22 A No.

23 Q Okay. Do you even know what it's called?

24 A I don't even think I know where it is.

25 (Laughed.)

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 Q And no idea what it's called?

2 A No.

3 Q Okay.

4 A The jail? I don't know. (Laughed.)

5 (Laughter.)

6 BY MR. VIGNARAJAH:

7 Q You think it's called what?

8 A "The Jail." (Laughing.)

9 Q Great. Great. And you did indicate in one of
10 your letters that you would write him again, right? You
11 told Mr. Syed you'd write.

12 A Is it -- I believe it said, "maybe." "Maybe
13 tomorrow."

14 MR. VIGNARAJAH: Could we pull up the second,
15 the March second letter, the last page?

16 BY MR. VIGNARAJAH:

17 Q Ms. McClain it's not a big deal.

18 A Um-hm.

19 Q I just want to clarify.

20 A Yeah. "Anyway --

21 Q It said maybe --

22 A -- I have to--"

23 Q "I'll write you again maybe tomorrow."

24 A Um-hm.

25 Q But you didn't write him tomorrow [sic]?

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 A No.

2 Q In fact, you never wrote him again.

3 A No, not that I remember, no.

4 Q And you didn't visit the family again, after
5 that first day after his arrest either, right?

6 A No.

7 Q Would it surprise you to learn that Mr. Syed's
8 mother had testified that she remembers you visiting
9 during the course of the trial?

10 A Yes, it would.

11 Q Okay. She'd be mistaken about that.

12 A I would assume so.

13 Q And you indicated a few minutes ago that you
14 didn't talk to attorneys, that you didn't talk to the
15 police. You did talk to Ms. Rabia Chaudry at some point
16 right?

17 A Yes. She showed up at my grandparents' house
18 one afternoon.

19 Q She showed up at your grandparents' house one
20 afternoon?

21 A Um-hm.

22 Q Okay. And she knocked on the door?

23 A Yes.

24 Q And she was with another individual, a male
25 individual?

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 A I don't remember. I think she was by herself,
2 but I can't be sure.

3 Q Forgive me. I thought you testified yesterday
4 that she was with a male individual.

5 A I don't --

6 Q No?

7 A I don't remember --

8 Q Okay.

9 A -- testifying to that --

10 Q So you came to --

11 A -- no.

12 Q -- knock on her door [sic] -- she came to knock
13 on your door. And had you ever met her before?

14 A No.

15 Q Had you ever talked to her before?

16 A Not that I know of, no.

17 Q Not that you know of?

18 A Yeah, well, like I said because I don't remember
19 exactly who was at the house. She may have been someone
20 that I talked to at the house, but by the time she came to
21 my house, I didn't recognize her as someone from the
22 house, so I would have to say I've never met her before.

23 Q And she didn't contact you, by phone, before she
24 came to the door?

25 A No.

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 Q She didn't contact somebody else, to contact
2 you, to call you -- to ask her to -- to ask you to call
3 her?

4 A No it was a surprise --

5 Q Surprise?

6 A -- when she showed up.

7 Q Okay. When you talked to her during that
8 conversation, that was the conversation where you wrote
9 the affidavit and had it notarized that was that same day?

10 A Yes.

11 Q Okay. And that was when she came unannounced to
12 your house, and it surprised you a little bit?

13 A Yes.

14 Q Would it surprise you to learn that Ms. Chaudry
15 testified that she actually looked at the letters and
16 called your grandmother first and that's how she made
17 contact with you?

18 A Yes, it would surprise me, but I was a latch and
19 key kid, so -- (shrugged).

20 Q Okay. Would it surprise you to learn that she
21 testified that she had left a message with your
22 grandfather, with whom you were living and that you
23 returned her call?

24 A Yes, it would.

25 Q It would surprise you?

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 A (No audible response.)

2 Q And would it surprise you to learn that she said
3 that the conversation was brief?

4 A Yes.

5 Q And would it surprise you to learn that she
6 testified that you seemed very happy that somebody was
7 reaching out to her, and that she was very willing to
8 meet?

9 A Um-hm. I don't remember talking to her on the
10 phone.

11 Q And would it surprise you to learn that she
12 testified that you met in the next day or two after your
13 phone conversation?

14 A Yes.

15 Q And would it surprise you to learn that you then
16 arranged to meet at the parking lot of the Public Library?

17 A Yes.

18 Q And that library [sic] was right next to
19 Woodlawn Library?

20 A Yes.

21 Q Would it surprise you to learn that's what she
22 was testifying to?

23 A Yes. I don't remember. Not to call her a liar,
24 but I just don't remember any of that.

25 Q Let me just read what she said --

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 A Um-hm.

2 Q -- and you can tell me if this is consistent
3 with your memory.

4 MR. BROWN: Objection, Your Honor.

5 THE COURT: I assume you're referring to post
6 conviction --

7 MR. VIGNARAJAH: I am.

8 THE COURT: -- the original post conviction
9 testimony.

10 MR. VIGNARAJAH: (No audible response.)

11 THE COURT: Overruled.

12 MR. BROWN: Thank you, Your Honor.

13 BY MR. VIGNARAJAH:

14 Q "We arranged to meet at the parking lot of the
15 library, the public library." Actually, let me go back.

16 "There is a phone number on at least one of the
17 letters, maybe both, and so I called her. I called her."

18 "Question: And did she answer your call?"

19 "Answer: I left a message with her grandfather.
20 She was living with her grandparents apparently, and she
21 returned my call and we spoke."

22 "Question: And can we -- can you tell me that -
23 - how that phone conversation went?"

24 A Um-hm.

25 Q This is Mr. Brown's questions.

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 A Um-hm.

2 Q Her answer. "Answer: It was brief. She seemed
3 very happy that somebody was reaching out to her. And she
4 was very willing to meet, so we met, I think, in the next
5 day or two, after our conversation."

6 A Um-hm.

7 Q Mr. Brown's question. "Question: Do you
8 remember where you met?"

9 Her answer. "Answer: Yeah, we arranged to meet
10 at the parking lot of the library, the public library,
11 right next -- I think it's called the Woodlawn Library,
12 right next to the high school, where they attended high
13 school."

14 A Um-hm.

15 Q "Question: And what impression did you have of
16 Ms. McClain upon meeting her?"

17 "Answer: She seemed very earnest and sincere
18 and confused about why nobody had, like responded to her.
19 She was very happy to talk to me, and that was my
20 impression, that she wanted to help. She wanted her story
21 to be heard."

22 A Um-hm.

23 Q Is that consistent with where you met her?

24 A That's not where I remember meeting her because
25 I remember after we had the affidavit notarized and she

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 dropped me off at home --

2 Q Okay.

3 A -- she actually, mistakenly drove past my house

4 --

5 Q Okay.

6 A -- and had to turn around, to take me back to my
7 house. She drove about two houses past my house upon
8 taking me back home. So I don't remember meeting her at
9 the public library. I remember her coming to my house,
10 and us leaving to go to have it signed, and her dropping
11 me back off, home.

12 Q Ms. McClain, you just --

13 MR. VIGNARAJAH: Court's indulgence for a
14 moment.

15 THE COURT: (No audible response.)

16 BY MR. VIGNARAJAH:

17 Q Now, during that conversation --

18 A Um-hm.

19 Q So it didn't happen in the library, or near the
20 library, that's not where you met.

21 A I don't -- (shakes head no) -- when she -- when
22 she asked me if I would be willing to write the affidavit

23 --

24 Q Yep.

25 A -- it was on my front porch --

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 Q Okay.

2 A -- and we -- I remember because I was headed out
3 to Derrick's house, and I was slightly annoyed because I
4 had somewhere to go, and I agreed to write down what I
5 knew, and she said, would I mind having it notarized, and
6 I remember being irritated because I didn't under -- I
7 didn't know anything about notaries. So I asked her, you
8 know was it -- you know did -- why did I have to have it
9 notarized?

10 And she said, "Well, when you have something
11 notarized, it makes it more official."

12 And so I said, "Okay. Hold on. Let me grab my
13 keys," and we went from the house, to the notary, and then
14 she dropped me off. She drove past my house by accident,
15 and had to turn around and drop me off at my house.

16 Q And who --

17 MR. VIGNARAJAH: Pull up the affidavit.

18 BY MR. VIGNARAJAH:

19 Q And during that conversation, did you tell her
20 that you had, in fact, tried to contact the police?

21 A I don't remember what I might have told her.

22 Q Well, you hadn't tried to contact the police,
23 had you?

24 A All I remember her asking me, was if I had wrote
25 the letters, and I confirmed that. I don't remember

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 everything that we may have talked about.

2 Q Well, Ms. McClain, let me just clarify. You
3 didn't actually call the police, right? Put away the
4 conversation for a moment. We saw just a little while
5 ago, you didn't call the police. You didn't call an
6 attorney --

7 A Oh. I thought you meant when I --

8 Q When you --

9 A -- called the police and hung up --

10 Q Right. Okay.

11 A -- after writing the letters.

12 Q But you didn't call Mr. Syed's attorney at the
13 time.

14 A When she showed up?

15 Q Had you --

16 A I don't -- I'm sorry I don't understand your
17 question.

18 Q I'm so sorry. I apologize. Have you ever
19 called Mr. Syed's attorney in 1999 or 2000? Did you ever
20 try to call his original lawyers or any other lawyers?

21 A I don't remember.

22 Q Do you think it's possible you did try to
23 contact his attorneys?

24 A I don't think I did.

25 Q Okay. So would it surprise you to learn that

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 Ms. Chaudry testified, that in response to a question --

2 "Question: Did you learn, whether she ever
3 tried to contact the police about what she knew?"

4 Her answer. "Answer: Yes. She told me she
5 tried to contact the police, Adnan's family, his attorney.
6 She wrote a letter. She did everything she could to
7 contact somebody."

8 A I think she's talking about I attempted to
9 contact the attorney by what I said in the letter about,
10 "Tell your attorney."

11 Q I got it. Okay. So you didn't tell her that
12 during the conversation. You're -- that's what you think
13 she's referring to?

14 A Yes.

15 Q So you did not tell her that --

16 A Again, I don't remember exactly what we spoke
17 about. I don't remember the exact words.

18 Q Got it.

19 A But I know the only time that I called the
20 police was when I hung up, and chickened out, and you know
21 that I never talked to an attorney about his case.

22 Q And Ms. McClain, if you could do me one
23 courtesy?

24 A Uh-huh.

25 Q I don't want you to guess as to what Ms. Chaudry

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 might have been thinking. I just want you to --
2 A Um-hm.
3 Q -- answer a very narrow question.
4 A Okay.
5 Q If she testified that "Ms. McClain told me, she
6 tried to contact the police, Adnan's family, his
7 attorney," that is not what you remember from her
8 conversation. She didn't -- you didn't tell her that
9 during that conversation on your front -- front steps.
10 A I don't remember that conversation.
11 Q Okay. But you were irritated you said, right?
12 A Yes.
13 Q And you were annoyed, is that right?
14 A Not annoyed, but as any --
15 Q You word, sorry.
16 A -- selfish teenage girl, who is trying to get
17 out the house to go see her boyfriend --
18 Q And but you did agree to --
19 A Yes.
20 Q -- write this affidavit.
21 A Yes.
22 Q And it was voluntary right?
23 A Yes.
24 Q And is this in your handwriting?
25 A Yes it is.

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 Q Okay. Is it all in your handwriting?

2 A From what I can tell, yes.

3 Q Okay.

4 MR. VIGNARAJAH: Can we just scroll on the top
5 of the word "affidavit" at the top? `

6 MS. MCCLAIN-CHAPMAN: Oh, yeah. No, that's not
7 my handwriting.

8 BY MR. VIGNARAJAH:

9 Q "Affidavit" was in Ms. Chaudry's handwriting?

10 A Yes.

11 Q Okay. And did she write that after you wrote
12 your statement or did she write "Affidavit" at the top,
13 first?

14 A I don't remember.

15 Q Okay. But at some point, she wrote the word
16 "Affidavit."

17 A She asked me if I -- she asked me if I would be
18 willing to -- after she asked me if I wrote the letters,
19 and in fact, talked to him, she said, "Would you be wiling
20 to write that down?" And I said, "Yes."

21 Q Okay. And after you wrote the affidavit or the
22 letter that -- the notes of your recollection, you went
23 and got it notarized.

24 A Yes.

25 Q And you did this even though you were a high

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 school, irritated, wanting to go hang out with your
2 boyfriend --

3 A Well, she told me she knew of a place nearby and
4 it would only take a couple of minutes so I was like okay.
5 You know I didn't feel bad about it at that point.

6 Q And she told you it was important.

7 A Yeah. That -- well, you know that it would be
8 important that if I -- if I was willing to -- if I did see
9 him that it was, yes, important.

10 Q Because he'd just been convicted of murder
11 right?

12 A Well, she -- I don't remember why. I can't -- I
13 can't attest to why she said it was important.

14 Q But you knew that your -- you knew that one of
15 your classmates --

16 A It felt important.

17 Q Yeah.

18 A And it -- your -- you knew that one of your
19 classmates had just been convicted of killing one of your
20 other classmates --

21 THE COURT: Convicted or --

22 MR. VIGNARAJAH: Pardon?

23 THE COURT: Convicted?

24 MR. VIGNARAJAH: At that point, yes. Convicted.

25 BY MR. VIGNARAJAH:

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 Q This was after the trial right?

2 A I don't know if I knew he was convicted because
3 I didn't really follow things --

4 Q Okay.

5 A -- so --

6 MR. VIGNARAJAH: Can we just go to the date at
7 the very bottom?

8 MS. MCCLAIN-CHAPMAN: It's really cold --

9 MR. VIGNARAJAH: Previous page.

10 MS. MCCLAIN-CHAPMAN: -- in here.

11 THE COURT: Okay.

12 BY MR. VIGNARAJAH:

13 Q Is this March 25, 2000, correct?

14 A Yes.

15 Q Okay. So you don't know whether you had -- knew
16 at that point, whether he had been convicted?

17 A What day was he convicted? I mean I don't --

18 Q (Inaudible) --

19 (Crosstalk)

20 A -- I don't know off the top of my head, right --
21 right now, I don't know if it --

22 Q I don't think it's disputed that he was
23 convicted --

24 A Okay.

25 Q -- about a month earlier.

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 A Okay.

2 Q Okay. So this was after he was convicted.

3 A Yes.

4 Q Okay. And you realized, either because you knew
5 that or not, that this was an important conversation?

6 A Yes. It felt important yes.

7 Q Very good.

8 MS. MCCLAIN-CHAPMAN: (Whispering) It's really
9 cold.

10 MR. BROWN: Your Honor, may I get the witness
11 some water, please?

12 THE COURT: Certainly.

13 (Counsel for Defendant approached the witness.)

14 MS. MCCLAIN-CHAPMAN: Thank you. It's really,
15 really cold.

16 MR. BROWN: (No audible response.)

17 (Counsel for Defendant returned to the trial
18 table.)

19 MS. MCCLAIN-CHAPMAN: Can we do anything?

20 MR. VIGNARAJAH: Ms. McClain, Mr. Brown and Mr.
21 Nieto, are very much gentlemen. If you ever need a break
22 --

23 MS. MCCLAIN-CHAPMAN: Okay.

24 MR. VIGNARAJAH: -- or if you ever need a water,
25 you can also ask (inaudible) okay?

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 MS. MCCLAIN-CHAPMAN: Okay.

2 MR. NIETO: And Your Honor, just I think the
3 testifying witness had explained it seems as though based
4 on yesterday's heat wave, inside here --

5 THE COURT: Now it's cool.

6 MR. NIETO: -- they've turned on the AC.

7 MS. MCCLAIN-CHAPMAN: It's --

8 MR. NIETO: This area is --

9 MS. MCCLAIN-CHAPMAN: -- really cold.

10 MR. NIETO: -- particularly chilly, so for
11 whatever it's worth --

12 MS. MCCLAIN-CHAPMAN: I'm shaking it's so cold.

13 THE COURT: I have a suggestion.

14 (Clerk approached the bench.)

15 THE CLERK: Yes, sir?

16 THE COURT: We turned the heat off this morning.
17 Can you grab my coat?

18 THE CLERK: Give her (inaudible)?

19 (Off record discussion between the Court and the
20 Clerk.)

21 (The Clerk left the bench and exited the
22 courtroom.)

23 MS. MCCLAIN-CHAPMAN: I'm like (inaudible)
24 (indicating she is cold).

25 THE COURT: Ms. Chambers [sic]? The difficulty

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 is, the courtroom. If we turn the air condition off it's
2 going to get hot again.

3 MS. MCCLAIN-CHAPMAN: Okay.

4 THE COURT: Would you mind if we get you a coat
5 or something to just put over your shoulders --

6 MS. MCCLAIN-CHAPMAN: Yeah.

7 THE COURT: -- because I know it's cold over
8 there?

9 MS. MCCLAIN-CHAPMAN: (Laughed.)

10 THE COURT: Just give us a second.

11 MS. MCCLAIN-CHAPMAN: We can keep going it's
12 fine.

13 MR. VIGNARAJAH: I appreciate that.

14 Could you just put the affidavit up again for a
15 moment?

16 MR. NIETO: Your Honor, I think Mr. Proctor
17 would be willing to offer his jacket if that's okay.

18 THE COURT: And I have a coat. Well, whatever,
19 yeah.

20 MS. MCCLAIN-CHAPMAN: Okay.

21 MR. VIGNARAJAH: The courtroom is full of
22 gentlemen.

23 (Laughter.)

24 MS. MCCLAIN-CHAPMAN: I just don't want to be up
25 here shivering.

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 (Mr. Proctor approached the bench and provided
2 Ms. McClain-Chapman his jacket.)
3 (Mr. Proctor returned to seat in the courtroom.)
4 (Ms. McClain-Chapman put the jacket over her
5 shoulders.)
6 BY MR. VIGNARAJAH:
7 Q You're okay Ms. McClain?
8 A Yes.
9 Q It's a good look.
10 A Sorry. (Laughed.)
11 Q If you could focus your attention? This is your
12 affidavit. Could I focus your attention on this section
13 right here: "I was waiting." Do you see that?
14 A Um.
15 Q "I was waiting for a ride from my boyfriend two
16 twenty" --
17 A Yes.
18 Q -- "when I spotted Mr. Syed and held a fifteen
19 to twenty-minute conversation. We talked about his
20 girlfriend and he seemed extremely calm and very caring."
21 A Yes.
22 Q Do you remember that?
23 A (No audible response.)
24 Q And at the end of the page, it says "Spoke to
25 Adnan briefly" and you left around two forty. Is that

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 right?

2 A Yes.

3 Q At the point you are writing this, had Ms.
4 Chaudry told you that the State had presented at trial
5 evidence that Mr. Syed had committed the murder by 2:40?
6 Had she --

7 A I don't --

8 Q -- told you that?

9 A -- believe so.

10 Q Okay. So the 2:40 time was from your
11 independent recollection?

12 A Yes. Well, I mean based on the time.

13 Q You sort of did the math.

14 A Yes.

15 Q Okay.

16 A Pretty much.

17 Q You were there at 2:15, you were there for 15 or
18 20 minutes, 2:40 is where you end up.

19 A Yes.

20 Q Okay. And in your original affidavit, you do
21 recall where you said "If you are innocent I can help -- I
22 may be able to help account for some of your unaccounted
23 unwitnessed lost time." Do you remember that sentence?

24 A Yes.

25 Q And you remember that parenthetical you said

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 2:15 to 8:00 January 13?

2 A Yes.

3 Q Okay. But now, after Mr. Syed had been
4 convicted --

5 A Um-hm.

6 Q -- you provided information to Ms. Chaudry that
7 you remembered him from 2:15 to 2:40, in particular?

8 A Yes.

9 Q Is that right?

10 A Well, that's also, you know what I had told his
11 family the night that I wrote the letter, was that I saw
12 him shortly after school for -- when I'd spoke to them, I
13 said "for a few minutes," so.

14 Q Okay. Very good. And you indicate in the
15 letter that he was -- that you actually talked about his
16 girlfriend on that occasion.

17 A Yes. Well, his --

18 Q And is --

19 A -- ex-girlfriend at --

20 Q -- that right? He talked with you about Hae
21 that day?

22 A Yes.

23 Q So on the very day that Hae went missing, Mr.
24 Syed spoke to you about how much he cared about how much
25 he cared about his girlfriend?

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 A Well, she was his ex-girlfriend.

2 Q Ex-girlfriend?

3 A Yeah. And so it wasn't so much that he talked
4 about how much he cared about her. He talked about the
5 fact, that she was dating "some white guy" (gestured
6 quotes). He didn't -- I don't know if he knew, who he was
7 specifically.

8 And he said that you know pretty much he was
9 like "It's cool." He's like "I just want her to be happy"
10 you know so he expressed you know that there was no hard
11 feelings and that you know they were still friends and he
12 just wanted her to be happy with whatever she was going to
13 do.

14 Q Do you find that interesting that he told you on
15 the day of his -- on the day he's been convicted of
16 killing Hae Min Lee that he said to you, a person he
17 doesn't know that well, that he really cared about Hae?

18 MR. BROWN: Objection.

19 BY MR. VIGNARAJAH:

20 Q Do you find that interesting?

21 THE COURT: Sustained.

22 MR. BROWN: Objection.

23 THE COURT: Sustained. Do you want to --

24 MR. VIGNARAJAH: Forgive me, Your Honor.

25 BY MR. VIGNARAJAH:

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 Q Was that consistent with your impression of Mr.
2 Syed, that he was caring towards his ex-girlfriend?

3 A Yes. Him and my ex-boyfriend were good friends
4 and my ex-boyfriend was the same way when I broke up with
5 him, and we always maintained a friendship, even you know
6 -- we've always been friendly even after the break up, so
7 it -- knowing that he was friends with Justin, I figured
8 that they were similar, so it didn't strike me as odd at
9 all that he was still very sweet about it.

10 Q Did you know at the time that other friends had
11 characterized Mr. Syed as -- that Hae had told other
12 friends that Mr. Syed was very overprotective?

13 A No, I didn't.

14 Q Okay. Did you know at the time that Hae wrote
15 in her diary --

16 MR. BROWN: Objection, Your Honor.

17 BY MR. VIGNARAJAH:

18 Q -- that she was concerned about how possessive
19 he was?

20 MR. BROWN: Objection, Your Honor.

21 THE COURT: Approach.

22 (At 10:55:10 a.m., on the record bench
23 conference; counsel approached bench, and the following
24 occurred:)

25 MR. BROWN: We're not here to retry this case,

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 Your Honor. It sure seems like Mr. Vignarajah is getting
2 into that territory.

3 MR. VIGNARAJAH: I'm actually going to go with
4 respect to bias, Your Honor, if you can allow me a little
5 foundation.

6 THE COURT: (No audible response.)

7 MR. VIGNARAJAH: I have a witness here, who I
8 think learned everything she knows from the podcast, and
9 didn't take the time to learn anything about the other
10 side. This is a person who claims to be here only to
11 pursue justice, and I respectfully submit has a very
12 narrow set of information, that includes --

13 THE COURT: I'll give you a little bit of
14 latitude, but I just want to make sure that what you're
15 referring to, I assume, is evidence from the trial.

16 MR. VIGNARAJAH: It is, Your Honor, but I also
17 want to note, that it is information that is also part of
18 the very, very public record, which is what I was
19 (inaudible).

20 THE COURT: All right. But what you're
21 referring to now, is --

22 MR. BROWN: He's --

23 MR. VIGNARAJAH: Both from the trial --

24 MR. BROWN: From the trial evidence.

25 MR. VIGNARAJAH: -- and it is public. I am

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 talking about trial evidence that has been public. These
2 transcripts are public diaries (inaudible) --

3 (Crosstalk)

4 THE COURT: All right. Well, I have no problem
5 with that.

6 MR. VIGNARAJAH: Thank you.

7 THE COURT: But can we --

8 MR. BROWN: Probably --

9 THE COURT: -- maybe take, kill a couple birds
10 with one stone? What's the next objection going to be if
11 you're not --

12 MR. BROWN: I was just cautioning Your Honor
13 that we're not here to retry this case.

14 THE COURT: I agree.

15 MR. BROWN: And I'm trying --

16 THE COURT: I agree.

17 MR. VIGNARAJAH: So I'll be me brief on this.

18 THE COURT: But I say that to both --

19 MR. BROWN: As long as it's brief. I mean --

20 MR. VIGNARAJAH: Brief.

21 MR. BROWN: -- I understand.

22 MR. VIGNARAJAH: Yep.

23 MR. BROWN: Okay.

24 THE COURT: All right.

25 And sorry about the temperature, but --

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 MR. NIETO: It's cold in here.

2 THE COURT: -- with this many people, if we turn
3 it off --

4 MR. NIETO: Oh it was hot yesterday.

5 THE COURT: -- it's going to be a hundred
6 degrees.

7 MR. NIETO: Yeah.

8 MR. VIGNARAJAH: And they get so relaxed
9 (inaudible).

10 THE COURT: It's going to be a hundred degrees.

11 MR. BROWN: My toes are --

12 MR. VIGNARAJAH: Thank you, Your Honor.

13 (At 10:56:50 a.m., bench conference concluded;
14 counsel returned to trial tables, and the following
15 occurred in open court:)

16 THE COURT: Objection overruled.

17 BY MR. VIGNARAJAH:

18 Q Yeah, Ms. McClain, and you were, in fact, good
19 friends with Hae, right?

20 A No.

21 Q So you didn't know that she wrote in her diary
22 that she was -- that he had called her a devil.

23 A I would have no idea what was in her diary.

24 Q Well, you -- and you didn't know that -- about
25 his possessiveness that she talked about in her diary?

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 MR. BROWN: Objection.

2 THE COURT: Overruled.

3 MS. MCCLAIN-CHAPMAN: Again, I have no idea what
4 she may have wrote in her diary.

5 BY MR. VIGNARAJAH:

6 Q And she -- you didn't know that she wrote in her
7 diary about how she was --

8 MR. BROWN: Asked and answered, Your Honor. She
9 doesn't know what was in the diary. She said it two times
10 now.

11 THE COURT: Well, overruled.

12 BY MR. VIGNARAJAH:

13 Q You never read her diary; is that right?

14 A Correct.

15 Q Okay. But you listened to all of the podcast,
16 right?

17 A Yes.

18 Q And do you ever go back and listen to the trial
19 testimony --

20 A No.

21 Q -- that was presented to the jury?

22 A No.

23 Q Did you ever go back and read Ms. Hae Min Lee's
24 diary, which is on the Internet?

25 A No.

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 MR. BROWN: Objection. Asked and answered.

2 THE COURT: Sustained.

3 BY MR. VIGNARAJAH:

4 Q But you're here to make sure the truth is put
5 out right?

6 A Yes.

7 Q You're here to make sure that justice is done.

8 A Yes.

9 Q But the only thing you've done to inform your
10 impression of what evidence was presented at trial is
11 "Serial" right?

12 A And my previous conversation with Kevin Urick,
13 correct?

14 Q Well, the reason I ask is because you said you'd
15 realized your importance to these proceedings after you
16 listened to "Serial" --

17 A Correct.

18 Q -- right? You didn't realize your importance
19 or lack of importance to your case [sic] by going back and
20 listening to the trial did you?

21 A No.

22 Q You haven't gone and found out -- have you read
23 the State's brief?

24 A No. I live across the country, so I don't even
25 know how to go about obtaining that kind of information.

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 MR. VIGNARAJAH: Court's indulgence, Your Honor.

2 THE COURT: (No audible response.)

3 BY MR. VIGNARAJAH:

4 Q But after you listened to "Serial," you also
5 heard your voice on "Serial" right?

6 A Yes.

7 Q And you told Ms. Kaynig (phonetic) forgive me if
8 I'm mispronouncing her name, that you remember it, in part
9 because of the weather conditions right?

10 A That's what I told her.

11 Q Okay. You told her that you remember it because
12 you got snowed-in that night, and you had to stay over at
13 your boyfriend's place.

14 A I didn't stay over. I stayed late.

15 Q Does this sound like what you might have said to
16 Ms. Kaynig? "I want to say there was because I think that
17 was like the first snow of the year. I wouldn't have even
18 remembered it if it hadn't been for the snow, and the
19 whole -- I just remember being so pissed about Derrick
20 being late, and then getting snowed in at his house, and
21 it was the first snow of that year."

22 Do you remember saying that to Ms. Kaynig?

23 A Yes, I do.

24 Q Okay. And that's why you remember it so vividly
25 that particular day because it was the first snow, and you

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 got snowed in with Derrick. That's what you at least told
2 Ms. Kaynig.

3 A That's what you have that I told her, yes.

4 Q Okay. But it actually wasn't the first snow of
5 the year right?

6 A Well, by the time I talked to Sarah about it, I
7 was assuming that it was the first snow of the year,
8 whether it was or not, I don't know, but I think what I do
9 remember which would -- I'm sorry -- which is what makes
10 it important to me, is that we didn't have school for the
11 next two days --

12 Q Okay.

13 A -- because of the weather. So I don't remember
14 if it was the first snow of the year or not.

15 Q So you remember days before the next two days
16 being off really well from high school?

17 A From -- I don't remember them very well. I just
18 remember being happy that we didn't have school.

19 Q Okay. But the previous week there had been snow
20 as well correct?

21 A I don't know.

22 Q And would it surprise you to learn that on
23 January 13 it didn't snow at all?

24 A It wouldn't surprise me. I was -- I'm not --
25 like I said, I don't remember what kind of weather. I

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 just remember that I was trying to use the weather to tell
2 my mom that I couldn't make it home by curfew, so.

3 Q And this is your point, Ms. McClain. You don't
4 -- you remember it in particular because it's linked to
5 some event right?

6 A (No audible response.)

7 Q You remember a particular day because there was
8 -- school was closed or -- that's why you remember that it
9 was January 13, not because you remember January 13
10 because it's your birthday right?

11 A I remember January 13 because when Hae was found
12 dead, we all tried to remember the last time we spoke to
13 her, or saw her, and I remembered -- I couldn't remember
14 speaking to her -- (takes deep breath) -- I'm sorry. I
15 just -- I had a --

16 Q Do you want to take a minute?

17 A I had a close family friend death recently, and
18 so whenever anybody passes, you always try to think of the
19 last time you saw them or talked to them. (Begins to
20 cry.) And I couldn't remember, but what I did remember
21 was talking about her to him -- to Adnan. So you know
22 that is what sticks out in my mind, is that you know the
23 last time I -- she even crossed my mind was the day that I
24 saw him, and that was the day before you know the -- that
25 was the day the weather got bad, and then we didn't have

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 school the next two days.

2 Q Okay. So is it possible --

3 (The Clerk approached the witness to provide
4 tissue.)

5 MS. MCCLAIN-CHAPMAN: Thank you.

6 MR. VIGNARAJAH: Do you need a moment, Ms.
7 McClain --

8 MS. MCCLAIN-CHAPMAN: No.

9 MR. VIGNARAJAH: -- to kind of --

10 MS. MCCLAIN-CHAPMAN: I'm fine.

11 BY MR. VIGNARAJAH:

12 Q Is it possible that the day you're remembering
13 that you saw Mr. Syed in the library, correspondent to the
14 first snow of the year, which was the previous week? Is
15 it possible that you're mixing up your memories?

16 A No. Because I remember that because of the
17 weather that evening, we didn't have school the next two
18 days.

19 Q So it's your testimony that it's pegged to the
20 snow, it's pegged to the fact that Hae went missing that
21 day.

22 A (No audible response.)

23 MR. BROWN: Objection.

24 BY MR. VIGNARAJAH:

25 Q And then you had two days after (inaudible) --

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 MR. BROWN: That's not --

2 BY MR. VIGNARAJAH:

3 Q -- is that right?

4 MR. BROWN: -- what she said, Your Honor.

5 THE COURT: Overruled.

6 MS. MCCLAIN-CHAPMAN: To me, the important issue
7 is not, I guess you could say the type of weather, but
8 that the weather was bad. I used it as an excuse to stay
9 at my boyfriend's house longer. My mom bought it. So I
10 was able to stay later and that I was happy the next day
11 that we didn't have school because I had stayed out so
12 late.

13 BY MR. VIGNARAJAH:

14 Q And in your current affidavit you wrote: "The
15 13th of January 1999 was memorable because the following
16 two school days were cancelled due to the hazardous winter
17 weather."

18 A Yes.

19 Q Okay. Not because Hae Min Lee went missing.

20 A Correct. By the --

21 Q But you didn't mention that in your affidavit.

22 A No. I didn't. By the time I wrote my
23 affidavit, I wanted to be as specific as possible.

24 Q And you didn't say that to Ms. Kaynig when she
25 called you?

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 A No.

2 Q Because you're surprised. She was calling out
3 of the blue?

4 A Correct.

5 MR. VIGNARAJAH: Ms. McClain, are you sure you
6 don't want a moment?

7 MS. MCCLAIN-CHAPMAN: Yeah. I'm fine.

8 MR. VIGNARAJAH: Okay.

9 THE COURT: Well, we should find an appropriate
10 time in the next fifteen minutes or so --

11 MR. VIGNARAJAH: I think now --

12 THE COURT: -- we can take the midmorning --

13 MR. VIGNARAJAH: -- is an appropriate time if
14 that's all right, Your Honor. I was just about to turn to
15 a new subject.

16 THE COURT: All right. Let me see counsel
17 quickly at the bench.

18 (At 11:05:15 a.m., on the record bench
19 conference; counsel approached bench, and the following
20 occurred:)

21 THE COURT: Okay. My trouble is yesterday my
22 20-year-old clock is sort of dying, so I'm still on time.
23 Just a quick ten-minute recess and if she needs to step
24 out, which I'm sure she might have to --

25 MR. VIGNARAJAH: I was just going to propose

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 that.

2 THE COURT: -- and we'll --

3 MR. VIGNARAJAH: In terms for scheduling --

4 MR. BROWN: Do you know how much longer you're
5 going to be?

6 MR. VIGNARAJAH: I don't. Maybe about --

7 MR. BROWN: (Inaudible)

8 MR. VIGNARAJAH: -- I've got a number --

9 MR. BROWN: So you don't have an approximate?

10 MR. VIGNARAJAH: An hour.

11 MR. BROWN: Another hour?

12 THE COURT: So it'll take us, a little bit
13 before lunch, and then maybe just make some decision --
14 you know who, whether your next witness --

15 MR. BROWN: Right.

16 THE COURT: -- that it's a brief one. I'd like
17 to get as much done as we can, but --

18 MR. BROWN: Okay.

19 MR. VIGNARAJAH: And I will --

20 MR. NIETO: Your Honor --

21 MR. VIGNARAJAH: -- with the Court's permission
22 and defense counsel's permission, will just ask her to
23 really perhaps make her answers a little more compact,
24 which will, I think, speed things up a little bit --

25 THE COURT: No, maybe --

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 MR. BROWN: I think she's doing a wonderful job
2 answering questions under an extremely --

3 THE COURT: Yeah.

4 MR. BROWN: -- affective cross examination.

5 MR. VIGNARAJAH: Very nice.

6 MR. BROWN: An excellent cross examination.

7 MR. VIGNARAJAH: (Laughed.)

8 THE COURT: And she can have my coat, or she can
9 keep my coat. It's just my car keys are in it.

10 MR. BROWN: Is that what it was?

11 THE COURT: Thanks, counsel.

12 (At 11:06:25 a.m., bench conference concluded;
13 counsel returned to trial tables, and the following
14 occurred in open court:)

15 THE COURT: Ms. McClain, you may step down.

16 MS. MCCLAIN-CHAPMAN: Okay.

17 (Ms. McClain was excused from the witness
18 stand.)

19 THE COURT: We're going to take a brief recess.
20 I do remind you though you've been sequestered. You're
21 not to speak with anyone about your testimony except your
22 attorney, Mr. Proctor.

23 THE COURT: The Court will take approximately a
24 ten-minute recess.

25 And then Mr. Wong, if you'll check with the

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 officers to find out whether the Defendant needs a break
2 or not. Find out whether they want him to stay.
3 THE CLERK: All rise.
4 (At 11:06:54 a.m., proceedings recessed.)
5 (At 11:23:55 a.m., proceedings resumed.)
6 THE CLERK: All rise. Part 97 is back in
7 session. The Honorable Martin P. Welch presiding.
8 THE COURT: You may be seated everyone.
9 Ma'am, Ms. McClain, quickly?
10 (At 11:24:09 a.m., Ms. McClain returned to the
11 witness stand.)
12 THE COURT: And again, Ms. McClain, just state
13 your name, please.
14 MS. MCCLAIN-CHAPMAN: Asia Chapman.
15 THE COURT: Ms. Chapman. Ms. Chapman, sorry.
16 MS. MCCLAIN-CHAPMAN: (No audible response.)
17 THE COURT: And I remind you, Ms. Chapman, that
18 you're still under oath.
19 MS. MCCLAIN-CHAPMAN: Okay.
20 THE COURT: Mr. Vignarajah?
21 MR. VIGNARAJAH: Thank you, Your Honor.
22 BY MR. VIGNARAJAH:
23 Q Are you comfortable?
24 A Yes.
25 Q Or as comfortable as can be?

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 A Yes. (Laughed.)

2 Q I just want to go and clarify one thing from
3 right before the break --

4 A Um-hm.

5 Q -- about the snow. You had told Ms. Kaynig that
6 you'd remembered it because of the snow right?

7 A That's what I told her.

8 Q And then in your affidavit you indicate in
9 paragraph 11 "It was memorable because the following two
10 school days were cancelled due to hazardous winter
11 weather." Do you remember writing that?

12 A Yes, I do.

13 Q Did you learn in between the statement you made
14 to Ms. Kaynig, impromptu, and what you wrote down that
15 there was icy conditions the morning of Thursday and
16 Friday, January 14 and 15, did you learn that?

17 A I learned that there was some question as to
18 whether it was a snowstorm that evening.

19 Q Okay. And so the term "hazardous weather
20 condition," or "hazardous winter weather," that was a term
21 that you included in your affidavit after you learned that
22 there wasn't snow, but rather that there was ice or
23 something like that. Is that right?

24 A I put that statement in there because I wanted
25 to be as close to my memory as possible and I did not

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 remember whether or not there was snow.

2 Q Okay.

3 A Could there have been snow? Yes. Could there
4 have been something else? Yes. So I just remember that
5 the weather was bad and hazardous so I just -- I wanted to
6 be specific in my affidavit.

7 Q Nobody's shown you the weather reports for the
8 Thursday and Friday, you haven't seen national
9 meteorological surveys for that Thursday and Friday right?

10 A No.

11 Q But you did listen to "Serial" and you heard Ms.
12 Kaynig talk about the fact that there wasn't snow, but
13 that there was ice on the ground on Thursday and Friday,
14 right?

15 A Say that again.

16 Q But you did listen to "Serial" where you heard
17 that there wasn't snow but that there was ice on Thursday
18 and Friday morning.

19 A Yes. I guess. If that's in the podcast, yes, I
20 heard it.

21 Q And that was before you signed your affidavit in
22 January of 2015?

23 A Yes.

24 Q Okay. Let me turn to the first letter you
25 wrote.

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 A Okay.

2 Q This was the March 1st letter.

3 MR. VIGNARAJAH: Can we put that up?

4 MS. MCCLAIN-CHAPMAN: To -- oh, okay.

5 BY MR. VIGNARAJAH:

6 Q I'm going to direct your attention to --

7 A Um-hm.

8 Q The sentence right here.

9 A Whoa.

10 Q It says, "Throughout your actions that day, I

11 have reason to believe in your innocence." Do you

12 remember saying that?

13 A Yes, I do.

14 Q Now you didn't have any classes with Mr. Syed,

15 right?

16 A Correct.

17 Q And you left every day at 10:40 right?

18 A Yes.

19 Q And you saw him in the library for maybe 15

20 minutes right?

21 A Fifteen, twenty, yes.

22 Q And this was the day after he was arrested

23 correct?

24 A Yes.

25 Q

 Q So on the night of March 1st that night when

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 you're at home after getting back from the Syed's writing
2 this letter --

3 A Um-hm.

4 Q -- what are you referring to when you say
5 "Throughout your actions that day, I have reason to
6 believe in your innocence"?

7 A Well --

8 Q What actions?

9 A -- talking to him. I couldn't reconcile his
10 demeanor and his candor, the way he spoke about Hae. I
11 couldn't reconcile that with the idea that he killed her.

12 Q So it wasn't in reference in throughout your
13 actions that day, you meant just the fifteen minutes in
14 the library.

15 A Yeah.

16 Q It wasn't throughout the day.

17 A Exactly.

18 Q Okay. So you didn't know what he had said
19 earlier in the day? Is that right?

20 A Yeah that's right.

21 Q You didn't know that he had told a classmate of
22 his -- or excuse me -- that he had asked Hae --

23 MR. BROWN: Objection, Your Honor.

24 BY MR. VIGNARAJAH:

25 Q -- for a ride?

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 MR. BROWN: Objection. She didn't know. She
2 said it.

3 MR. VIGNARAJAH: Your Honor, I had --

4 THE COURT: Let me hear the question.

5 BY MR. VIGNARAJAH:

6 Q You didn't know -- you said that you'd based
7 this on throughout your actions that day.

8 A Um-hm.

9 Q When you wrote this letter on March 1st, did you
10 know that a witness observed Adnan ask Hae Min Lee for a
11 ride because his car was broken down, when in fact he'd
12 loaned out his car to Jay? Did you know that --

13 A No.

14 Q -- when you wrote that?

15 A I didn't know that.

16 Q Okay. A couple lines down, you say "I also
17 called the Woodlawn Public Library" --

18 A Um-hm.

19 Q -- "and found they have a surveillance system
20 inside the building."

21 MR. VIGNARAJAH: Thank you.

22 BY MR. VIGNARAJAH:

23 Q Do you see that?

24 A Yes, I do.

25 Q And you spoke to someone at the library is that

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 right?

2 A Yes.

3 Q But it wasn't the security officer. Is that
4 right?

5 A I just called whatever number it was that I
6 found and asked the person who answered the phone.

7 Q Okay. And you're not even sure if you remember
8 a security officer there. Is that right?

9 A Correct.

10 Q Okay. Would it surprise you to learn, that
11 cameras weren't installed at the Woodlawn Public Library
12 until after you graduated?

13 A Yes.

14 Q That would surprise you?

15 A Yes. The person on the phone told me that they
16 had cameras.

17 Q Okay. And it would surprise you to learn that
18 the security officer at the time was under the impression
19 that there weren't cameras.

20 A That there weren't?

21 Q That there were not cameras.

22 A Yes it would. I can only go by what the person
23 on the phone told me.

24 Q Okay. And you never went and visited right?

25 A Correct.

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 Q And when you were at the library, you never saw
2 cameras right?

3 A I never looked. It wasn't a concern.

4 Q Right. So you're basing your knowledge of
5 whether or not there were cameras from what that person
6 supposedly told you on the phone. Is that right?

7 A Yes. The library. I assumed it was a library
8 employee, so.

9 Q Then a couple (inaudible) down, you say "I
10 really would appreciate it if you would contact me between
11 1:00 p.m. and 4:00 p.m. or 8:45 and 2:00."

12 A Yes.

13 Q You weren't playing basketball at the time
14 right?

15 A Correct.

16 Q You weren't doing cheerleading your senior year
17 right?

18 A Correct.

19 Q You had an internship in the afternoon hours
20 right?

21 A Yes.

22 Q So why were you unavailable every day between
23 4:00 p.m. and 8:45?

24 A Well, that's not what the letter says. It --
25 that's --

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 Q Why did you prefer to be called --

2 A Because --

3 Q -- at those times?

4 A -- that would have been --

5 MR. BROWN: Your Honor, if he can let her answer
6 the question, please. He's cutting her off in the middle
7 of her answer.

8 THE COURT: I think she understands.

9 MR. VIGNARAJAH: Forgive me, Ms. McClain.

10 THE COURT: Let's try to move on.

11 MS. MCCLAIN-CHAPMAN: It's okay. I just figured
12 that would be the best time to reach me.

13 BY MR. VIGNARAJAH:

14 Q So you didn't have a commitment between 4:00 and
15 8:45 every day that made you unavailable for him to call
16 you?

17 A I don't remember. I had a phone and I figured
18 if I was going to ask someone to call me, that I should
19 put a best time to reach me, just like I put not to call
20 my grandparents' after 11:00 because they would be angry
21 if I got a phone call on their phone line after 11
22 o'clock.

23 Q But 8:45 is a very precise time to say call
24 after 8:45 isn't it?

25 A I guess it's a precise time.

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 Q So you don't remember specific commitments that
2 would have made you unavailable between 4:00 and 8:45 p.m.
3 for Adnan to call you?

4 A No. But it also says 8:45 or until ... so.

5 Q Right. Until after 8:45?

6 A No. Eight forty-five until, like 8:45 or later.

7 Q Right. But between 4:00 and 8:00 he shouldn't
8 call you?

9 A Correct.

10 Q On the next page, you write at the very top, "I
11 hope that you're not guilty and I hope to death that if
12 you have -- that you have nothing to do with it. If so, I
13 will try my best to help you account for some of your
14 unwitnessed, unaccountable lost time."

15 It's (inaudible) right here. January 13.

16 A Um-hm.

17 Q So you testified yesterday that the reason you
18 put 2:15 to 8:00 is because when you visited with the
19 family, they had told you -- you'd gone over there to tell
20 them about your observation at the library correct?

21 A Yes.

22 Q And they had told you that he couldn't account
23 for his time, or he was having difficulty remembering
24 where he was between 2:15 and 8:00?

25 A Yes.

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 Q Right?

2 A Yes.

3 Q Okay.

4 A Because he was at school, and he was at church -
5 - or I'm sorry -- I go to church so I always think church.
6 He was at the mosque and he was having difficulty
7 remembering that afternoon in between school and the
8 mosque.

9 Q Some member of Mr. Syed's family that had told
10 you that right?

11 A It was someone at the house. I don't know if it
12 was family or not.

13 Q Okay. Right. So can you understand Ms. McClain
14 that this might appear as if you're offering to account
15 for more than just the 15 minutes? Can you understand how
16 somebody might read it that way?

17 A Of course, but I was 17, I mean who has the
18 greatest grammar at 17 years old?

19 Q Yeah. I mean today you're here because you want
20 to provide information and help the justice system do the
21 right thing. Fair?

22 A Yes.

23 Q But back when you were 17, can you understand
24 how a person reading a 17 year-old letter might think
25 she's offering to try to account for unaccounted time, to

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 witness unwitnessed time? Can you see how somebody might
2 interpret that as you offering to cover for him?

3 MR. BROWN: Objection. Asked and answered.

4 THE COURT: Overruled.

5 MS. MCCLAIN-CHAPMAN: Well, I can't be held
6 responsible for another person's interpretation of my
7 writing.

8 BY MR. VIGNARAJAH:

9 Q Absolutely, Ms. McClain. What I'm asking is, do
10 you understand how somebody might read it that way?

11 A I can understand how someone might misread that
12 statement.

13 Q But that's not what you were offering to do.
14 You weren't offering to cover him after 2:30. You were
15 only offering to cover him from -- sorry -- 2:15 to 2:40
16 right?

17 A Absolutely correct.

18 Q Because that's what you remember.

19 A Yes.

20 Q In the line you say "The police have not been
21 notified yet to my knowledge. Maybe it will give your
22 side of the story a partial head start."

23 A Yes.

24 Q Do you see how that might also give the
25 impression to someone reading this that a 17 year-old is

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 offering to give Mr. Syed a head start by accounting for
2 time that you can't actually account for? Can you see how
3 somebody might read it that way?

4 A Again, I'm not responsible for what other people
5 interpret.

6 Q You certainly are not, Ms. McClain. What I'm
7 asking is, do you understand how that's a reasonable
8 reading of this?

9 MR. BROWN: Objection. Relevancy.

10 THE COURT: Overruled.

11 MS. MCCLAIN-CHAPMAN: Hm. Let me see. "The
12 police have not been notified yet to my knowledge. Maybe
13 it will give your side a" -- no, I don't.

14 BY MR. VIGNARAJAH:

15 Q You don't?

16 A No.

17 Q You're offering to give him a head start right?

18 A I said, "maybe it will give your side a" -- I'm
19 sorry. "Maybe it will give your side a head start." As
20 in maybe, not that I want your side to have a head start,
21 but maybe it will give your side a head start.

22 Q But you do hope that he's not guilty right?

23 A Well, in my heart you'd hope anybody that
24 commits a murder with someone know they appear to care
25 about is not guilty of a murder.

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 Q And you "hope to death that he has nothing to do
2 with it" right?

3 A Yes. At the time.

4 Q And if he is not guilty and if he's not
5 involved, if that's the case, you would be offering to
6 account for some of his unaccounted time right? That's
7 what you're offering to do.

8 A Yes. To account for the time that I saw him in
9 the library.

10 Q But that's not what you wrote here. What you
11 wrote here was that you're offering to "account for his
12 unwitnessed, unaccountable lost time between 2:15 and 8:00
13 that might give him a head start" that's what you wrote
14 here, right?

15 A Actually the parenthesis is in reference to the
16 some of the time that I spent with him, not the duration
17 of me spending the whole afternoon with him.

18 Q Okay.

19 A It's in reference to the unwitnessed time, the
20 unaccountable time, the time that he could not account
21 for. He could not account from 2:15 to around 8:00. The
22 parenthesis is not in reference to the time that I spent
23 with him. It's in reference to the time that he could not
24 account for.

25 Q But until today, I didn't know that 2:15 to 8:00

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 was something from the family, did I?

2 MR. BROWN: Objection.

3 MS. MCCLAIN-CHAPMAN: You?

4 MR. BROWN: Objection.

5 THE COURT: Sustained.

6 BY MR. VIGNARAJAH:

7 Q Well, let me ask you something else, Ms.
8 McClain. Let me ask it differently, Ms. McClain. Until
9 today, in none of your affidavits have you ever said that
10 2:15 to 8:00 came from the family right?

11 A I don't think I did.

12 Q So if a person is reading this, it's reasonable
13 for them to read it based on what's contained in the
14 letter, not based on what the family told you right?

15 A If a person is going to misread what I wrote
16 they can make sense of it any way that they want to. It's
17 not what I intended to say.

18 Q And so they would have misunderstood your
19 letter?

20 A Correct.

21 Q That's not what you were offering to do.

22 A Exactly.

23 Q Okay. Now, the library that you were referring
24 to, you saw him at the public library. Is that right?

25 A Yes.

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 Q You didn't see him at the school library right?

2 A Correct.

3 Q But you are aware that there's a school library
4 at Woodlawn right?

5 A Yes, but I couldn't tell you where it is.

6 (Laughed.)

7 Q You didn't go there very often did you?

8 A No. Nobody hardly ever did.

9 Q Okay. Were you aware that there were computers
10 at that library?

11 A I don't remember.

12 Q Okay. Well, there were computers at the school
13 -- at the public library right?

14 A Yes.

15 Q And you could check your Internet at the public
16 library right?

17 A Yes. I assume so.

18 Q But you could also check your Internet at the
19 school library right?

20 A I don't know. I don't remember there -- I don't
21 ever remember using the actual school library, so I don't
22 remember if they had computers or not.

23 Q So you didn't know that there were seven
24 computers at the Woodlawn school library?

25 A No.

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 Q And you didn't know that three of those
2 computers had Internet access?

3 A No.

4 Q And you didn't know because you never spent time
5 there that Adnan used to go to that library often.

6 MR. BROWN: Objection.

7 THE COURT: Overruled.

8 MS. MCCLAIN-CHAPMAN: No. I actually had home
9 Internet and a computer, so I never checked email anywhere
10 but at home, so I wouldn't know -- if I needed to use the
11 computer, I would just go home.

12 BY MR. VIGNARAJAH:

13 Q And you didn't know that Adnan and Hae used to
14 go hang out at the school library.

15 MR. BROWN: Objection.

16 MS. MCCLAIN-CHAPMAN: No.

17 THE COURT: Overruled.

18 MS. MCCLAIN-CHAPMAN: Oh. Oh sorry. (Laughed.)
19 I have -- no, I have no idea how they spent their personal
20 time together.

21 MR. VIGNARAJAH: Just put up a map of Woodlawn
22 High School.

23 BY MR. VIGNARAJAH:

24 Q And I think you testified yesterday and I'm
25 sorry that I don't have a pointer that this is the main

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 school and this is where the gym is. Is that right?

2 A Yes. The gym and the auditorium.

3 Q And the public library is over here right?

4 A I think that's the parking lot you're pointing
5 to. It's a little --

6 Q Oh forgive me. That's the public library right
7 there?

8 A Yes.

9 Q And the parking lot's right here?

10 A Yes.

11 Q And people would sometimes go to the public
12 library, not to use the Internet, but to get picked up
13 right?

14 A People would use the public library for all
15 kinds of reasons. They had better resources --

16 Q Okay.

17 A -- as far as books --

18 Q Okay.

19 A -- so if you had a paper or a project due, a lot
20 of times you'd go to that library because the school
21 library you know -- they -- it was a bigger library, so.

22 Q But because the main library -- at the school --
23 excuse me -- had computers, if you wanted to check the
24 Internet you could do it there right?

25 A I would assume so, but like I said, I don't even

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 --

2 Q You don't have to go --

3 MR. BROWN: Objection.

4 MR. NIETO: Objection.

5 MR. BROWN: Let her finish the question.

6 MR. VIGNARAJAH: I think she answered my
7 question.

8 MR. NIETO: No.

9 MR. VIGNARAJAH: But go ahead, Ms. McClain.

10 MS. MCCLAIN-CHAPMAN: I was saying that I
11 believe so, but like I said I couldn't even tell you where
12 in the school the school library was, so I don't even know
13 if any other people in school were familiar with you know
14 using that library because personally, I would have went
15 [sic] to the public library for any of those needs.

16 BY MR. VIGNARAJAH:

17 Q So you weren't aware that Adnan used the school
18 library often?

19 MR. BROWN: Asked and answered.

20 THE COURT: Overruled.

21 MS. MCCLAIN-CHAPMAN: I didn't know him very
22 well, to be able to state what he did or what he knew so.

23 BY MR. VIGNARAJAH:

24 Q Did you know that Adnan was on the track team?

25 A Yes. I did.

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 Q And can you indicate -- correct me if I'm wrong
2 -- these are the tennis courts right?

3 A Yes.

4 Q And this is --

5 A That looks about right.

6 Q -- the baseball field right?

7 A Yes.

8 Q And --

9 A I think there was several baseball fields
10 actually.

11 Q One, two, three?

12 A Yes. That's --

13 Q Woodlawn had a good baseball team right?

14 A (Laughed.) I didn't follow it.

15 Q Okay.

16 A I didn't make the softball team, so. (Laughed.)
17 (Laughter.)

18 BY MR. VIGNARAJAH:

19 Q This is the track right?

20 A Yes.

21 Q So there's a track here and the school here, and
22 the public library there?

23 A Um-hm.

24 Q If you had track practice, the school library,
25 which has Internet, assuming it has Internet, is an easier

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 place to check your email than the public library. Is
2 that fair to say?

3 A It depends on what he did after school because a
4 lot of times we would hang out in the front courtyard.
5 You know there's student parking lots. People hang out in
6 the front and in the back of the school so it just -- you
7 know I don't know what his day looked like so it just
8 depends on what he was doing.

9 It's not like track you always met -- I did a
10 sport that involved running. I know I tried out for
11 lacrosse. But a lot of the sports that were like track or
12 lacrosse or field hockey, you didn't always practice down
13 at the track.

14 Sometimes the track people would start at the
15 front and they would meet at the front of the school --

16 Q Okay.

17 A -- and they would run laps around the whole
18 property. So it just depends on what the coach had them
19 doing that day.

20 Q Got it. So that might have been the reason why
21 he went to the public library instead of the school
22 library.

23 A It could have been. We also had vending
24 machines in the front, so if he needed a snack. I mean I
25 don't know what he did that day so I can't tell you why he

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 went to the public library versus the school library.

2 Q But if Mr. Syed generally used the school
3 library, and even if track practice was meeting right in
4 front of the school, do you have any explanation for why
5 he would go over to the public library on that day as
6 opposed to other days?

7 A His own prerogative.

8 (Laughter.)

9 BY MR. VIGNARAJAH:

10 Q Well, people picked students up at the school
11 library right?

12 A (Laughed.) From time to time. It depends on
13 how lazy your ride was. If they didn't feel like driving
14 down to get you, there was a 7-11 across from the library,
15 so sometimes people wanted to go get snacks, and they'd
16 say "Pick me up at 7-11," or "Pick me up at the library,"
17 or sometimes your ride would just come down and meet you
18 in the front circle there. It just -- it's random.

19 Q Ms. McClain, I -- and it seems like a lot of
20 reasons you might go to the school library, maybe just
21 because you want to.

22 A Yeah.

23 Q But do you understand how it might appear if you
24 went to the school [sic] library on the very day that your
25 ex-girlfriend went missing, when usually you used the

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 school library Internet access?

2 A (No audible response.)

3 Q See how that might appear?

4 MR. BROWN: Objection. Compound. Confusing.
5 Misleading.

6 THE COURT: Overruled.

7 MS. MCCLAIN-CHAPMAN: I don't see it as being
8 strange.

9 BY MR. VIGNARAJAH:

10 Q To change your daily routine on the very day
11 that your ex-girlfriend that you're accused of murdering
12 goes missing? You don't see how changing your daily
13 routine that day --

14 MR. BROWN: Objection.

15 BY MR. VIGNARAJAH:

16 Q -- might seem strange?

17 MR. BROWN: It's a mischaracterization of facts,
18 Your Honor.

19 THE COURT: Over --

20 MR. BROWN: This has been going on enough.

21 THE COURT: Overruled. You'll have --

22 MS. MCCLAIN-CHAPMAN: I don't see it as strange.
23 People make random changes in their everyday schedule all
24 the time. It's called coincidence and things happen as
25 they happen.

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 BY MR. VIGNARAJAH:

2 Q Ms. McClain, let's talk for a minute about your
3 second letter.

4 A Okay.

5 Q Now you said that clipart -- do you remember the
6 clipart that you couldn't explain?

7 A (Laughed.) Yes.

8 Q That was clipart from your home computer right?

9 A Yes.

10 Q And so I just want to make sure I understand.

11 MR. VIGNARAJAH: If we could put that up?

12 BY MR. VIGNARAJAH:

13 Q You typed this up at home is that right?

14 A Yes.

15 Q So you wrote a letter while you were in class,
16 then you went home and typed it is that right?

17 A Yes.

18 Q Did you type the letter at home word-for-word
19 based on what you wrote in the class or did you make
20 changes?

21 A I don't remember.

22 Q And the letter that you mailed to Adnan, was
23 this letter or the handwritten letter?

24 A I mailed the -- I believe I mailed both of them.

25 Q You mailed both of them?

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 A Yes.

2 Q Okay. So you mailed the March 1st letter as
3 well as a handwritten March 2nd letter and also the typed
4 March 2nd letter is that right?

5 A No. I didn't mail the handwritten letter for
6 this one.

7 Q I'm sorry.

8 A The handwritten letter was a rough draft.

9 Q It was a rough draft?

10 A Yeah. And then I went home and typed up that.

11 Q Got it. Now you don't say that in the letter
12 right?

13 A No.

14 Q Okay. You don't say that you wrote a letter
15 earlier and that you're now typing it up?

16 A No. But obviously in the letter it says that
17 I'm writing it in the middle of class, so you have to
18 assume that I'm not typing in class.

19 Q Well, let's just go through this for a minute.
20 The first letter was written Monday night. when you got
21 home after the Syed's right?

22 A Yes.

23 Q And the second letter that you typed up was
24 typed up at home that same day?

25 A The same day that I handwrote --

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 Q That you wrote it in class?
2 A Yes.
3 Q So you were handwriting a draft in Ms. Ogle's
4 class right?
5 A Yes.
6 Q And then you went home that evening and you
7 typed it up and you add some clipart?
8 A Yes.
9 Q Okay. And then you mailed that letter off.
10 A Well, I don't -- like I said yesterday, I don't
11 remember when I mailed it off, but after --
12 Q But at some point --
13 A -- after I typed --
14 Q -- you mailed --
15 A -- it up.
16 Q -- it off.
17 A Yes.
18 Q Shortly after?
19 A I don't remember when so.
20 Q Days after, weeks after --
21 MR. BROWN: Objection.
22 BY MR. VIGNARAJAH:
23 Q -- months after?
24 MR. BROWN: She just --
25 MS. MCCLAIN-CHAPMAN: I feel like --

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 MR. BROWN: -- answered the question.

2 MS. MCCLAIN-CHAPMAN: -- we answered this
3 yesterday.

4 THE COURT: Sustained.

5 BY MR. VIGNARAJAH:

6 Q So when you typed up the second letter, you said
7 -- what did you do with the draft letter?

8 A I couldn't tell you.

9 Q Threw it away?

10 MR. BROWN: Objection. She said she couldn't
11 tell him.

12 THE COURT: Overruled.

13 MS. MCCLAIN-CHAPMAN: I don't remember.

14 MR. VIGNARAJAH: Okay.

15 BY MR. VIGNARAJAH:

16 Q At the very beginning of the first page, you say
17 "I know we haven't been best friends in the past, however,
18 I believe in your innocence."

19 A Yes.

20 Q Now that was written in Ms. Ogle's class the
21 morning after you had visited the family right?

22 A Yes.

23 Q And it was the morning after you'd just written
24 the handwritten letter on March 1st right?

25 A Yes.

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 Q Why did you change from "I'm not sure about your
2 innocence" to "I believe in your innocence" between Monday
3 night and Tuesday morning in first period?

4 A Well, in between writing the two letters, I just
5 kept thinking about my experience talking to him that day,
6 and I just kept having a really hard time reconciling the
7 conversation that we had versus him being a murderer and
8 him killing her specifically because he seemed to care
9 about her future, well-being, and so I was having trouble.
10 If you look at the letters, I you know I kind of went back
11 and forth a lot because I was having trouble with
12 reconciling those two issues. And so by this time based
13 on my memory of him, in that conversation, I started to
14 feel like maybe -- you know maybe he was more innocent.
15 And that's why in that letter, I proceeded to ask more
16 questions because I was just -- I was really trying to
17 gauge you know if he was capable of something like this
18 and you know what are the circumstances behind you being
19 arrested like because like the teacher said, that I wrote
20 in the letter, "Don't you think if the police have him in
21 jail they have good evidence and they have a reason?" So
22 I'm trying to reconcile you know what possible good reason
23 could there be for this seemingly nice guy to be in jail
24 for murder. And when I talked to him, he didn't seem like
25 the type of person that would be capable of that. So my

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 opinion was very fluid as to --

2 Q It was very what?

3 A Fluid.

4 Q And that thought process all unfolded between
5 when you wrote the first letter on Monday night and when
6 you were sitting in Ms. Ogle's class writing the draft on
7 Tuesday morning?

8 A Yes.

9 Q First period. And you mentioned earlier that
10 you didn't know term jail. I didn't hear the joke. I
11 really thought it was -- I thought it was funny. But you
12 mention the term "central booking" in that second --

13 A Oh, yeah.

14 Q Where'd you get that term from?

15 A I don't remember.

16 Q (No audible response.)

17 A I don't remember.

18 Q How old are you now? If you don't mind me
19 asking.

20 A (Laughed.) I'll be 35 in June.

21 Q Ms. McClain, be assured the world knows how old
22 you are.

23 (Laughter.)

24 MS. MCCLAIN-CHAPMAN: That's rude.

25 (Laughter.)

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 BY MR. VIGNARAJAH:

2 Q Do you mind telling the Court approximately?

3 A Yes.

4 Q You're in your thirties.

5 A I'll be 35 in June.

6 Q Okay. And when you wrote this, you were 17 or
7 18 years-old. Is that right?

8 A Yes.

9 Q Okay. And you don't know where the term
10 "central booking" came from when you typed up this letter
11 at home on your home computer?

12 A I couldn't tell you nowadays, no.

13 Q Okay. Did any of your friends have experiences
14 with the prison system back then?

15 A I don't think so.

16 Q Mr. Syed was a person who was being charged with
17 murder, but other people in your school, to your
18 knowledge, nobody close to you had been charged with
19 anything right?

20 A No.

21 Q But you write, "I know that central booking is
22 probably not the best place to make friends, so I'll
23 attempt to be the best friend possible."

24 A Um-hm.

25 Q The term "central booking" you don't remember?

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 A I don't remember where I got it from no.

2 Q Okay. Now further down, when the questions
3 appear, one, two, three --

4 MR. VIGNARAJAH: Thank you.

5 MS. MCCLAIN-CHAPMAN: Um-hm.

6 BY MR. VIGNARAJAH:

7 Q The first question is "Why haven't you told
8 anyone about talking to me in the library?"

9 A Um-hm.

10 Q When you were sitting in Ms. Ogle's class, on
11 Tuesday morning, why did you write that?

12 A Because I assumed you know -- I know that if I
13 was arrested for murder and you know I was having trouble
14 remembering my day, you know I guess I'm just kind of
15 wondering, like well, you know I saw you, so why don't you
16 -- why didn't -- why hasn't -- why haven't you told
17 anybody or like why hasn't anybody contacted me you know
18 because from my interpretation, you know people were
19 trying to figure out like okay well, if he -- he's having
20 trouble remembering where he was, where was he?

21 Q Well --

22 A Just like they are now.

23 Q Well, you could only cover 15 minutes for him --

24 A Yeah.

25 Q -- right?

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 A Um-hm.

2 Q And --

3 A But when we --

4 Q So why was it surprising to you --

5 A Oh sorry. But when you think about it, if I can
6 account for 15 to 20 minutes and then say I left the
7 library and someone else he knows came in and saw him
8 there for an hour, and then he leaves and he goes
9 somewhere else and someone else -- you know the
10 accumulation of possible people that saw him throughout
11 that day could account for his day.

12 Q Now Tuesday morning when you were writing that
13 sentence, "Why haven't you told anyone about talking to me
14 in the library?"

15 A Um-hm.

16 Q Presumably, Mr. Syed had not received your first
17 letter right?

18 A Correct.

19 Q So it's not that you expected a response from
20 him.

21 A Yep.

22 Q Okay. And you didn't expect any calls between
23 Monday night and Tuesday morning about your potential
24 alibi for the 15 minutes right?

25 A Correct.

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 Q And did you know whether he had or hadn't told
2 anyone about seeing you in the library?

3 A I guess I was assuming because his family didn't
4 know that I'd saw [sic] him because I had just told them
5 the night before and nobody tried to reach out to me. So
6 I just assumed that you know hey, you know his family
7 didn't know so my question --

8 Q And you said also no one tried to reach out to
9 you.

10 A Yeah. So --

11 Q But this was just Tuesday morning.

12 A Yes, but if --

13 Q Did you expect somebody to reach out between
14 Monday night and Tuesday morning?

15 A Again, I know if I was arrested the first thing
16 that I would be doing when trying to account for my day is
17 trying to remember who I saw. And if I was arrested for
18 murder, I would say, hey I remember seeing this girl. And
19 so yeah, it's possible that somebody could have called me
20 within 24 hours or contacted Justin and he could have got
21 in contact with me within 24 hours. Yes.

22 Q Now, Ms. McClain, I just want to push you for a
23 second.

24 A Uh-huh.

25 Q He'd just been arrested on Sunday --

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 A Um-hm.

2 Q -- right? So you expected him to call you by
3 Tuesday morning to help account for 2:15 to 2:30?

4 A I didn't see why he -- somebody wouldn't.

5 Q Did you even know at the time when the murder
6 was supposed to have taken place?

7 A No. But like I --

8 Q But you were surprised that within 48 hours --

9 MR. BROWN: Objection.

10 BY MR. VIGNARAJAH:

11 Q -- of his arrest --

12 MR. BROWN: Your Honor?

13 BY MR. VIGNARAJAH:

14 Q -- he had not --

15 MR. BROWN: He's cutting off the witness. She
16 was trying to say something.

17 THE COURT: Anything else you wish to say before
18 the next question?

19 MS. MCCLAIN-CHAPMAN: Yes. I wasn't surprised,
20 but like I said before, a combination of this person
21 seeing you, between this time, and another person seeing
22 you between this time could be relevant.

23 MR. VIGNARAJAH: Okay.

24 BY MR. VIGNARAJAH:

25 Q Now let's go to the third question.

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 A Um-hm.

2 Q You ask, "What is the so-called evidence that my
3 statement is up against?"

4 A Um-hm. That was referring to what my teacher
5 said about obviously if he's in jail, the police have you
6 know evidence, but she didn't know what she was talking
7 about. So I -- you know I put "so-called evidence"
8 because we didn't know if there was -- you know we didn't
9 know what the actual real evidence was, but obviously
10 there had to be something because he was in jail. So you
11 know what is it that's keeping you in jail basically?

12 Q Yeah.

13 A It was me being nosey.

14 Q That makes sense. That's what you were
15 referring to when you type "the so-called evidence"?

16 A Yes.

17 Q What are you referring to when you say "my
18 statement"? Had you made a statement yet?

19 A No. My statement in the letter about seeing him
20 at the library.

21 Q But you hadn't mailed the letter yet had you?

22

23 A No. Well, in the previous letter. The
24 handwritten letter.

25 Q The one from the previous night?

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 A Yes.

2 Q You hadn't mailed that yet had you?

3 A I don't remember when I mailed the letters. I
4 remember mailing them because my house was the second
5 house from the corner, and we had a big blue mailbox. So
6 I remember mailing them, but I don't remember exactly in
7 what succession or when.

8 Q So when you're writing "my statement" you're
9 referring to the statement from the previous hand written
10 letter the previous night?

11 A Yes. My -- or you could even take it as why
12 haven't you told anyone about talking to me in the library
13 that statement.

14 Q That statement?

15 A Either one.

16 Q Okay.

17 A It was referring to me seeing him in the
18 library.

19 Q Okay. But you didn't expect him to have gotten
20 your letter by then had you by Tuesday morning in Ms.
21 Ogle's class?

22 A I don't -- I never really thought about it.

23 Q And you didn't expect him to have responded to
24 you by Tuesday morning in Ms. Ogle's class? Did you?

25 A It depends if his family told him that I came

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 forward, and if the lawyer knew, and if he knew, you know
2 it just depends.

3 Q The next paragraph --

4 MR. VIGNARAJAH: Thank you so much.

5 MS. MCCLAIN-CHAPMAN: Um-hm.

6 BY MR. VIGNARAJAH:

7 Q -- is a reference to "I talked to Emron
8 (phonetic) today. He looked like crap."

9 A Yeah.

10 Q Who is that? Who is Emron?

11 A He was another Muslim student that was close
12 friends with Adnan.

13 Q And when did you see him?

14 A It says I talked to him today, so I'm assuming -

15 -

16 Q But you didn't have class with Emron, did you?

17 A I don't remember if I had a class with him or
18 not. It's kind of hard --

19 Q Was he the same year as you?

20 A I believe he was.

21 Q Okay. And so you might have seen him in Ms.
22 Ogle's class when you were writing, or did you see him
23 before school?

24 A I don't know. It could have been in a class, or
25 it could have been in the hallway. I remember a lot of

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 people were upset. A lot of people thought Adnan was
2 guilty. A lot of people didn't think he was guilty. And
3 I just remember that Emron was really sad.

4 Q And you saw Emron before you were writing this
5 letter in Ms. Emron's [sic] --

6 MR. BROWN: Objection.

7 BY MR. VIGNARAJAH:

8 Q -- in Ms. Ogle's class. Is that right?

9 MR. BROWN: It's the fourth time he's asked that
10 question, Your Honor.

11 THE COURT: Overruled.

12 MS. MCCLAIN-CHAPMAN: Well, if I'm writing in
13 the letter, and I use "ED" and talked, I would assume that
14 was prior to me writing the letter.

15 BY MR. VIGNARAJAH:

16 Q The next page, at the very beginning of that
17 first paragraph you say, "The other day, Monday."

18 A Um-hm.

19 Q Is that a funny way to refer to yesterday?

20 A (Laughed.)

21 Q Or is that how you just write? I don't mean to
22 -- I mean it's not a criticism, like is that --

23 A That's how I wrote when I was seventeen so --

24 Q Okay.

25 A -- I don't know why I wrote the way I did.

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 Q But you were writing this on Tuesday referring
2 to the other day being Monday. It was Tuesday morning you
3 were writing this letter.

4 A I would assume.

5 Q Ms. McClain, is it possible you wrote this
6 letter much later?

7 A I don't think so. I don't see why I would have
8 dated it March 2nd, if it was written much later.

9 Q And you don't remember writing any other letters
10 after this one.

11 A No, I don't remember it.

12 Q You say here, "And Mr. Parker seems un
13 opinionated yet he seemed happy when I told him that I'd
14 spoke to your family about the matter." Do you remember
15 writing that?

16 A Yes.

17 Q Yesterday you testified that Mr. Parker's class
18 was second period right?

19 A I know it was the last class before I went and
20 reported to the cooperative education.

21 Q Right.

22 A Um-hm.

23 Q And your first period was with Ms. Ogle, and I
24 believe you testified yesterday that Mr. Parker -- you
25 left school after second period right?

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 A After Mr. Parker's class, I left.

2 Q Ten forty a.m. is after first period and second
3 period right?

4 A Yes, but I don't remember if there was some type
5 of home room class --

6 Q Okay.

7 A -- prior to Mrs. Ogle's. I don't remember my
8 schedule exactly. I just -- I remember Mr. Parker's class
9 because that was the only class in, like four years of
10 high school that I ever had with my best friend. Not
11 Stacy, another one.

12 Q Oh, boy.

13 A (Laughed.) And so I remember that was my
14 favorite class because I finally had a class and I've
15 known this girl since elementary school, and it seemed
16 like the only class that I've ever had with her and
17 Spanish 5 was a lot of writing papers, and I really
18 enjoyed it, and so that's what I remember.

19 Q And as it happens, Mr. Parker was happy when you
20 told him about the --

21 A Um-hm.

22 Q -- speaking to the family.

23 A He didn't have an opinion on whether Adnan was
24 guilty or not, but he was very pleased with me that you
25 know kind of like see something, say something, that you

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 know -- that I was being --

2 Q Stepping up.

3 A -- that was being brave and stepping up, yes.

4 Q So my question is, Ms. McClain, if you're
5 writing this in first period, when did you have an
6 opportunity to tell Mr. Parker about the conversation from
7 just the previous night? Did you call him overnight?

8 A I didn't say I was writing that in first period
9 I don't believe.

10 Q (No audible response.)

11 A I said it was the last class before I checked
12 out for the day.

13 Q Well, at the bottom of the letter --

14 A Um-hm.

15 Q -- of the second page, excuse me, you do say "I
16 want you to know I'm writing" -- "I want you to know that
17 I'm missing instructions in Ms. Ogle's CIP class writing
18 the letter." Right?

19 A Yes.

20 Q So how are you writing about a conversation with
21 Mr. Parker --

22 A Maybe I --

23 Q -- when you hadn't had Mr. Parker's class yet?

24 A Maybe I got the classes confused.

25 Q Do you think it's possible that Mr. Parker's

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 class was first period --

2 A Maybe.

3 Q -- and Ms. Ogle's -- so you were missing
4 instructions in Ms. Ogle's class --

5 A I don't even remember what CIP stands for.
6 (Laughed.) To be honest.

7 Q It's not as memorable as Mr. Parker's class.

8 A Yeah. Well, I remember Mrs. Ogle's annoying
9 voice, you can ask anybody about that.

10 (Laughter.)

11 BY MR. VIGNARAJAH:

12 Q With all due respect to Mrs. Ogle, let's --
13 MR. VIGNARAJAH: If we can go back up to the
14 paragraph with the clipart? Hold it. One down with it.
15 Just move it down. Very good thank you.

16 BY MR. VIGNARAJAH:

17 Q You said here, "Justin's mom is worried about
18 you."

19 A Um-hm.

20 Q "She gave me your home number when Justin was in
21 school."

22 A Um-hm.

23 Q When did that happen?

24 A You know I've thought about that myself, and I
25 don't remember that or like when it happened. I don't

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 remember if I went to Justin's house or if I called her.
2 That wouldn't make sense. I don't know.

3 Q And you were in class and you'd just written the
4 first letter. It's not that you talked -- Justin was
5 obviously not in school overnight right?

6 A Yeah. But because like because I don't know
7 when I wrote the letter. Who knows. It could have been -
8 - I'm not going to speculate.

9 Q You're not sure when you wrote this letter now?

10 A No. I'm not sure when I spoke to Justin's mom.

11 Q Okay. In the next paragraph beyond this, you
12 write "Also you're the most popular guy in school. Shoot,
13 you might get prom king."

14 A (Laughed.)

15 Q Do you remember writing that?

16 A Unfortunately, I do. (Laughed.)

17 Q This is two days after he'd been arrested for
18 killing one of his classmates.

19 A Uh-huh.

20 Q Why did you think he might get prom king?

21 A Because a lot of people didn't think that he was
22 capable of doing something like that so we assumed that it
23 would be a matter of time before he got out of jail, and
24 because you know he was like essentially very popular
25 because of the gossip, you know it's like hey, you know

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 everybody knows your name. Maybe you'll get prom king.

2 It was a joke.

3 Q Remember when in your first letter, you said
4 that you were offering an account for his unaccounted
5 time? Do you remember that in that first letter the night
6 before?

7 A Yes.

8 Q Can you see why a person reading that sentence
9 for that offer, might think this seventeen year-old girl
10 might be willing to help out someone that she thinks
11 highly of?

12 A (No audible response.)

13 Q When you're making a reference to him being prom
14 king and being popular two days after he's charged with
15 strangling his ex-girlfriend?

16 A Well, first of all, I don't -- in writing the
17 letters, and after I sent the letters, I had no idea that
18 anyone would be reading this, except for Mr. Syed. So no.
19 I don't see how someone else -- I'm assuming you're
20 alluding to Christina -- would read it that way because I
21 never --

22 It never crossed my mind that her or anyone else
23 besides maybe someone at that jail, to make sure there's
24 no razor blades or something in it, would even look at the
25 letter besides him. So no. I could not see that because

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 I could not imagine at the time, that anyone else would be
2 reading that besides Adnan.

3 And I, if anything, I could see him reading it
4 and chuckling, and laughing because it was a joke. You
5 know because I had just, in the sentence before, said
6 "Look at the bright side. When you come back, nobody will
7 F with you," because he had been to jail, so he had street
8 cred. All that whole part is a joke.

9 Q Got it. And in -- just to be clear, in the next
10 paragraph --

11 A Um-hm.

12 Q -- "It's starting to get old."

13 A Yes. For -- it says, where is it? I'm sorry I
14 can't --

15 Q "You'll be happy to know that the gossip is dead
16 for your associates."

17 A Yeah.

18 Q "It's starting to get old."

19 A Yeah. "Associates" because the magnet program
20 was very separate from the major populous of the school.
21 A lot of their --

22 Q Ms. McClain, if I could just interrupt you for
23 one second?

24 A Oh.

25 Q That is what you wrote? "It's starting to get

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 old" is that right?

2 A Yes. I'm explaining. I'm sorry. I'm assuming
3 you want me to explain.

4 Q I'm going to ask you that in just a minute.
5 "It's starting to get old" is what you wrote, right?

6 A For his associates, yes.

7 Q And this was two days after he'd been arrested
8 is that right?

9 A Yes.

10 Q So by Tuesday morning in Ms. Ogle's class, for
11 his associates it was already starting to get old?

12 A Yes.

13 Q And you're sure you didn't write this letter
14 several weeks or several months later?

15 A Yes.

16 Q It was already old by Tuesday morning?

17 A Yes. For people who didn't know him very well,
18 his associates.

19 Q And the next sentence is "Your real friends are
20 concentrated on you and your defense." Right?

21 A Yes.

22 Q One of those friends is Justin is that right?

23 A Yes.

24 Q And one of those friends was Jauan Gordon right?

25 A I don't -- at the time I wasn't very sure. It's

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 kind of hard to gauge what other peoples' levels of
2 friendship are with another person.

3 Q Well, do you know who Jauan Gordon is?

4 A Yes I do.

5 Q He was one of your classmates?

6 A I don't know if we had a class together, but he
7 was a friend. Yes.

8 Q And he was friends with Justin, too, right?

9 A Yes.

10 Q And Justin was very close friends with Adnan
11 right?

12 A Yes.

13 Q So you might have been referring to those
14 friends that were concentrated on him and his defense?

15 A I was referring to a lot of people who knew him
16 personally, like a lot of the other magnet kids because
17 there was magnet kids and then there's non magnet kids.
18 When I speak of associates, I'm speaking of a lot of the
19 non magnet kids who didn't spend any of their time -- who
20 didn't spend a lot of time with him.

21 So you know it was getting old because they
22 didn't have any personal experience with him to go by, so
23 it was just rumor for them. And so afer a couple days,
24 they didn't have anything else to talk about because they
25 didn't know him and they couldn't interject any personal

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 relationships or you know recollections of his
2 personality. So for his associates it was getting old.

3 But people who may have had classes with him or
4 were actually real friends with him, that couldn't believe
5 that he was capable of it because of his personality.
6 They were you know they weren't concerned with the
7 negative gossip about him being a murderer. They were
8 more concerned with well, why is he in jail, like I just
9 don't get how he could have killed her you know.

10 Q They were concentrated on his defense.

11 A Yeah. His defense as in -- like not his defense
12 with his lawyer, but just, like defense in, like in the
13 sense of -- defense in the sense of, like how is it
14 possible that -- it's not possible that he killed her.
15 So, like you know, like people -- people were talking
16 about all kinds of stuff --

17 Q If I could interrupt you for one second?

18 A Okay. Sorry.

19 Q I appreciate your effort to explain it. It's
20 helpful. I just want to understand --

21 A Sorry.

22 Q -- when you -- no, no, it's fine. When you were
23 making this reference, had you already had a lot of
24 conversations with all these people, the magnet people,
25 and --

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 A Well, there were people from --

2 Q Again, if I just try to --

3 A Yeah. There were --

4 Q Had you had a lot of conversations yes or no?

5 A I had a couple conversations about speculations.

6 Q Okay.

7 A People were speculating.

8 Q Okay.

9 MR. VIGNARAJAH: Let's go to the next page then.

10 Thank you.

11 BY MR. VIGNARAJAH:

12 Q You asked a question --

13 A Um-hm.

14 Q Do you need to take a break?

15 A No. I'm fine.

16 Q You asked a question, "Did you cut school that
17 day?"

18 A Um-hm.

19 Q "Somebody told me that you cut school to play
20 video games at someone's house."

21 A Yes.

22 Q "Is that what you told the police?" Do you
23 remember writing that?

24 A Like I said there were a lot of speculations
25 that day.

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 Q I'm sorry. Do you remember writing that?

2 A Yeah. Oh, yes.

3 Q Okay. And you wrote that again Tuesday morning
4 in Ms. Ogle's class.

5 A It's in the letter.

6 Q Well, is it possible you wrote the letter later?

7 MR. BROWN: Asked and answered.

8 THE COURT: Overruled.

9 MS. MCCLAIN-CHAPMAN: I'm kind of confused by
10 your question.

11 BY MR. VIGNARAJAH:

12 Q Is it possible that even though it's dated March
13 2nd --

14 A No.

15 Q -- it's -- you actually wrote this letter weeks
16 later? Is that possible?

17 A No.

18 Q So then in Ms. Ogle's class, you're writing "Did
19 you cut school that day? Someone told me that you cut
20 school to play video games at someone's house."

21 A (No audible response.)

22 Q Yes?

23 A Yes.

24 Q Who told you that?

25 A I don't remember. I would have --

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 Q It wasn't Adnan --

2 A -- said that.

3 Q -- right?

4 A It's who?

5 Q It wasn't Adnan right?

6 A Well, no he's in -- he was in jail.

7 Q Right. And it wasn't Justin was it?

8 A I don't remember who told me.

9 Q It could have been one of Adnan's friends?

10 MR. BROWN: Objection.

11 BY MR. VIGNARAJAH:

12 Q Could it have been one of Adnan's friends?

13 MR. BROWN: Objection.

14 THE COURT: Overruled.

15 MS. MCCLAIN-CHAPMAN: I don't remember who told

16 me that.

17 BY MR. VIGNARAJAH:

18 Q Would it surprise you to learn that account of
19 playing video games at someone's house is exactly what Mr.
20 Wilds told the police that he was doing that day?

21 A It wouldn't surprise me.

22 Q So on Tuesday morning, you are putting in a
23 letter precisely what Mr. Wilds told police as to what
24 Adnan also might have been doing that day?

25 MR. BROWN: Objection.

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 THE COURT: Overruled.

2 MS. MCCLAIN-CHAPMAN: I think it's coincidental.

3 BY MR. VIGNARAJAH:

4 Q Coincidence?

5 A Yeah.

6 Q It's a pretty specific alibi, video games. No?

7 A Well, considering I don't remember who told me,
8 I know that I didn't make a habit of speaking with Jay, so
9 I don't remember who told me, but if he happened to say
10 the same thing, I do find that pretty impressive, but.

11 Q Is it possible that someone was getting you
12 messages from Adnan?

13 A No.

14 Q Are you sure?

15 A Yes.

16 Q The next sentence down it says "I don't
17 understand how it took the police three weeks to find
18 Hae's car."

19 A Yes.

20 Q Who did you learn that it was three weeks that
21 they recovered the car?

22 A I have no idea. This is all high school gossip
23 and speculation.

24 Q The car was in fact found on Sunday morning did
25 you know that?

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 A No, I didn't.

2 Q Do you know that today?

3 A (No audible response.)

4 Q Did you know that -- I mean I know you didn't
5 know it at the time you wrote the letter --

6 A my

7 Q -- but did you know it today, coming in before
8 testifying?

9 A I have read somewhere about them finding the
10 car, but I didn't retain the information. So if you asked
11 me I came in the courtroom today, if I knew they found the
12 car on Sunday, I could say no, but I know I've read it.
13 It just kind of went in one ear and out the other.

14 Q So you read somewhere that the car was found
15 three weeks after --

16 A No. I read somewhere about the car being found.

17 Q Right. Right.

18 A Yeah.

19 Q Because that was in the press. The fact that
20 the car had been found right?

21 A After "Serial" I read that.

22 Q Okay. Oh. So you didn't know, you hadn't read
23 anything after Mr. Syed was arrested?

24 A No.

25 Q And you hadn't watched any coverage on the TV

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 shows about his arrest?

2 A Not that I can remember no.

3 Q So how did you know sitting in Ms. Ogle's class
4 that the police found the victim's car three weeks after
5 her body was found? How did you know that in Ms. Ogle's
6 class?

7 A High school rumor and speculation you know
8 people gossiping.

9 Q And you're sure again that wasn't from one of
10 Adnan's friends?

11 A If they were the one gossiping, but I don't
12 remember who said that.

13 Q You don't have an explanation for why Jay would
14 know do you?

15 A No.

16 Q But it's possible they saw it on the news and
17 they made some assumptions about how long it was, fair to
18 say?

19 A I don't know where people got their information
20 from in high school. That I mean that's the whole concept
21 of rumors you don't know where they come from or if
22 they're true.

23 Q In the next sentence you write "I don't
24 understand how you would even know about Lincoln Park, or
25 how the police expect you to follow Hae in your car, kill

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 her, and take her car" -- sorry. Excuse me. "And take
2 her car to Lincoln Park, dig a grave, and find your way
3 back home."

4 Do you remember writing t
5 hat?

6 A Yes I do.

7 Q Do you know where you got that account of what
8 happened that day?

9 A Well, I knew that her body was found in Lincoln
10 Park.

11 Q Okay.

12 A And it says "how the police expected you to
13 follow Hae in your car." Obviously, I must have known
14 that he had a car, and that she had a car. So it didn't
15 make sense to me you know if two people have a car, and
16 her car is found somewhere else, like how do you manage
17 two cars is basically what I was trying to say, like how
18 do you kill somebody, while you're managing two cars at
19 the same time?

20 Q So I just want to make sure I understand.
21 Before you're writing that sentence, you know that Adnan
22 has a car right?

23 A Yes.

24 Q You know Hae has a car right?

25 A Yes.

Q You know that the body was found in Lincoln

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 Park.

2 A Yes.

3 Q And you know that the car was recovered near
4 Lincoln Park right?

5 A I didn't know that -- where the car was
6 recovered.

7 Q So you don't even know that. You know that the
8 car was recovered?

9 A Yes.

10 Q And you put -- now was the totality of the
11 information you had about what happened?

12 A I don't know if that's -- well, when I wrote the
13 letter.

14 Q And you put all of that together to write "I
15 don't understand how you would even know about Lincoln
16 Park" --

17 A Um-hm.

18 Q -- "or how the police expect you to follow Hae
19 in your car, kill her, and take the car to Lincoln Park,
20 dig a grave, and find your way back home."

21 A Yes. Because in my thought, if he had a car,
22 she had a car. They went somewhere together in their
23 separate cars and she was murdered, and then he took her
24 car and dumped it somewhere, how would he get back to his
25 car? So that's where that's communicating.

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 Q How did you know she was buried?

2 A Because when they told us that she was found
3 dead, they told us that she was in a park in a shallow
4 grave.

5 Q Who told you that?

6 A I don't remember.

7 Q But on Tuesday morning in Ms. Ogle's class, you
8 had all that information?

9 A Yeah. Sorry. (Crying.)

10 Q Ms. McClain, I have to ask you --

11 A (Sobbing.)

12 THE COURT: Ms. McClain, do you want a minute?
13 Let me see counsel just on scheduling.

14 (At 12:20:36 p.m., on the record bench
15 conference; counsel approached bench, and the following
16 occurred:)

17 THE COURT: We'll give her a minute, but how
18 much longer?

19 MR. VIGNARAJAH: I do have a little longer,
20 about twenty minutes or so.

21 THE COURT: Okay. All right. Well, let's give
22 her a minute to compose herself and then --

23 MR. VIGNARAJAH: Take a five-minute break and
24 then go until one?

25 MR. BROWN: Let's get this -- I mean --

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 THE COURT: I think I should keep moving --

2 MR. VIGNARAJAH: Okay.

3 THE COURT: -- if she's good.

4 MR. VIGNARAJAH: Very good.

5 THE COURT: And I'll almost defer to Mr. Proctor
6 if he --

7 MR. BROWN: Do you want me to check with Mr.
8 Proctor?

9 THE COURT: -- thinks she needs more, but if she
10 can -- if she needs more, I'll give it to her.

11 MR. PROCTOR: It's better to get it over with.

12 MR. NIETO: We are.

13 THE COURT: That's what we thought. For about
14 another 15 to 20 -- okay. She looks like she's ready
15 according to Mr. Proctor.

16 (At 12:21:35 p.m., bench conference concluded;
17 counsel returned to trial tables, and the following
18 occurred in open court:)

19 THE COURT: Ms. McClain, you tell us when you're
20 ready.

21 MS. MCCLAIN-CHAPMAN: (No audible response.)
22 (Sobbing.)

23 MR. VIGNARAJAH: Ms. McClain, I'm going to give
24 you as much time as you need, just let me know.

25 MS. MCCLAIN-CHAPMAN: (No audible response.)

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 (Sobbing.)

2 BY MR. VIGNARAJAH:

3 Q Ms. McClain, I have to ask you. Are you sure
4 you don't remember someone giving you information before
5 you wrote this letter?

6 A I've --

7 Q And that this letter was written weeks later?

8 A No. It's all school gossip.

9 Q All school gossip?

10 A Yeah.

11 Q Ms. McClain, just by watching television, you're
12 aware or are you aware that sometimes search warrants are
13 executed on houses related to individuals?

14 A Yeah I can imagine they are.

15 Q I'm sorry. I couldn't hear you.

16 A I'm sorry. I said I can imagine that they are.
17 I mean it's the law right?

18 Q And you're aware that sometimes search warrants
19 are executed on peoples' cars and on peoples' persons?

20 A If they're involved in a crime yes.

21 Q And you don't remember anybody -- I'm going to
22 ask you whether or not something might refresh your
23 recollection.

24

25 A Okay.

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 Q You never had a chance to read any search
2 warrants that were executed on Mr. Syed did you?

3 A No. Not that I know of, no. I mean you know
4 like not during that time, no.

5 Q Not back then. How about more recently?

6 A I don't think so.

7 Q And so you're not aware that search warrants
8 were executed on Mr. Syed's car, home, and person, on
9 March 9, March 20, and March 25, are you?

10 A If it was in the podcast, you know I assume
11 maybe I knew it then because of the podcast but not prior
12 to any of that no.

13 Q But March 9, March 20, and March 25, are after
14 you wrote the letter on March 2nd right?

15 A If that's the day you say they were done, then
16 yes.

17 Q Do you accept my --

18 A Yes. I accept.

19 Q I want to ask whether you've ever heard or read
20 or had told to you a couple of sentences from the search
21 warrants before you wrote this letter.

22 A Okay.

23 Q "This witness observed Syed who buries the
24 victim in a shallow grave in Lincoln Park. Subsequently
25 Syed parks the victim's automobile at a gas station in

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 Baltimore City. Syed then gets into his car, and drives
2 the witness to a location in Baltimore County."

3 Q You don't remember that?

4 A No.

5 Q In your question about how people followed one
6 another in different cars --

7 A Um-hm.

8 Q -- that wasn't based on something that was in
9 the search warrant?

10 A No. Like I say in the letter, you know I've
11 always had a very inquisitive investigative analytical
12 mind and you know when I see a situation, I try to look at
13 all the details and you know it was just me hearing
14 gossip, and wondering like you know yeah how is that
15 possible? So no, I don't remember anybody saying anything
16 like well, you know I mean outside of gossip.

17 Q And Stacy Allen was one of the friends that you
18 were close to back then right?

19 A Yes.

20 Q Did she have any nicknames back then?

21 A (Laughed.) Oh goodness.

22 Q Not that you remember.

23 A I don't remember, but maybe if you told me, I
24 could tell you if it was a nickname. (Laughed.)

25 Q I have to ask you, is there any chance she's

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 "White Girl Stacy"?

2 A No, no, no, no, no.

3 Q Okay.

4 A No. She's black girl Stacy.

5 (Laughter.)

6 BY MR. VIGNARAJAH:

7 Q And there is exactly one other white girl named
8 Stacy in your class at Woodlawn High School right?

9 A Yes. I believe she was a magnet student.

10 Q She wasn't in your classes was she?

11 A I don't know. I don't know. Mr. Parker's class
12 had a couple of magnet kids in it, so she may have been in
13 that class or another class. I don't know.

14 Q That was Mr. Parker's second period -- second
15 period Spanish class?

16 A That was Ms. -- like I think we already
17 established that maybe I got the succession of the classes
18 confused, but I don't remember if I had a class with her
19 or not.

20 Q The reason I'm asking is because in the next
21 paragraph, you say, "White Girl Stacy just mentioned that
22 she thinks you did it." Right?

23 A Yeah.

24 Q Something about fibers on Hae's body.

25 A Um-hm. She -- I think she had said something

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 about they found some fibers. What we know now is like
2 DNA so, but like I said it was -- people were talking out
3 of the side of their necks you know.

4 Q Was Stacy part of the investigation in any way?

5 A I don't know.

6 Q Had she made any references to DNA or
7 fingerprints or just fibers?

8 A Well, obviously back then we -- you know we were
9 kids. We didn't refer to it as "DNA." She -- if I said
10 that she said "fibers" she probably literally said
11 "fibers."

12 Q And again, that reference, that information came
13 from White Girl Stacy.

14 A Um-hm.

15 Q It didn't --

16 A I think --

17 Q -- from anywhere else?

18 A Not according to that letter.

19 Q I'm asking according to you.

20 A No. I mean essentially -- okay. Again, in
21 seventeen-year-old writing, but I guess maybe that should
22 have been a quote instead of just a sentence.

23 Q But it was quoting White Girl Stacy.

24 A Yes.

25 Q It wasn't quoting Adnan Syed's search warrant.

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 A No. It was quoting why she said that she thinks
2 he did it. You know she's like "Well, you know apparently
3 there's evidence in Hae's -- you know -- you know Hae's
4 car." People were speculating, like one of the things we
5 wanted to know is were there fingerprints, and was there
6 you know -- didn't -- we were talking about everybody was
7 gossiping.

8 Q You were just speculating --

9 A Yeah.

10 Q -- right?

11 A Speculating.

12 Q They hadn't found -- his fingerprints hadn't
13 been public yet right?

14 A No. I didn't even know about that until after
15 "Serial."

16 Q And but you specifically referenced fibers --

17 A Um-hm.

18 Q -- in your letter. Are you sure you didn't get
19 fibers from someone who had read Adnan Syed's affidavit
20 executed on March 20 --

21 MR. BROWN: Objection.

22 BY MR. VIGNARAJAH:

23 Q -- where they're looking for fibers?

24 MR. BROWN: Objection.

25 MS. MCCLAIN-CHAPMAN: Well that's --

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 THE COURT: Rephrase the question.

2 MR. VIGNARAJAH: Sorry.

3 BY MR. VIGNARAJAH:

4 Q Are you sure you didn't get that information
5 about fibers from someone who had read Adnan Syed's March
6 20 search warrant that referenced that the police were
7 looking for fibers?

8 A I'm sure I got it from White Girl Stacy that's
9 all I can tell you.

10 Q Is it possible White Girl Stacy had read Mr.
11 Syed's affidavit?

12 A Not if you're saying it was March 20 because
13 that would have been way after when I wrote the letter.

14 Q You said earlier that you've never spoken to Mr.
15 Syed right?

16 A Do you mean after he was in jail?

17 Q After he was arrested. Forgive me.

18 A Yes.

19 Q So you were not aware that he asked his first
20 lawyer six days after he was arrested, after this letter
21 is dated, how mail is scrutinized?

22 A No. I wouldn't know that no.

23 Q So you're not aware that on July 13 he told one
24 of his defense team members that you might be able to
25 account for his time at 3 p.m.?

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 A No. I don't know what he talked to his lawyer
2 about.

3 Q Why would he say 3 p.m.? Where would he have
4 gotten 3 p.m. from?

5 MR. BROWN: Objection.

6 MR. VIGNARAJAH: If you know.

7 THE COURT: Sustained.

8 MS. MCCLAIN-CHAPMAN: I have no idea.

9 BY MR. VIGNARAJAH:

10 Q Well, you never put 3 p.m. in any of your
11 letters right?

12 A I don't believe so.

13 Q And you actually only saw him from 2:15 to about
14 2:40 according to your affidavits from after the trial in
15 2015 right?

16 A Yes.

17 Q So none of those reference 3 p.m.?

18 A No. Not that I -- no -- remember no.

19 Q Did you get any letters from Mr. Syed or
20 instructions from Mr. Syed to type up a letter?

21 A No.

22 Q Do you know if Justin got any letters or the
23 request to type up any letters --

24 A I don't --

25 Q -- after he was arrested?

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 A I don't know. I know after he got arrested,
2 Justin sent him letters, but you know that's all I know.

3 Q And do you know if Jauan Gordon got any letters
4 from Mr. Syed --

5 A I don't know.

6 Q -- after he was arrested?

7 A I don't know.

8 Q You don't know or you don't remember?

9 A I don't know if Jauan got any letters from
10 Adnan.

11 Q Did any of those individuals Justin or Mr.
12 Gordon come to you and say, "Adnan wants you to type up a
13 letter"?

14 A Not that I can remember, no.

15 Q Do you have any explanation for why then Jauan
16 Gordon told police on April 9, "The Defendant wrote me a
17 letter. He called yesterday, but I wasn't home."

18 A Um-hm.

19 Q "I wrote Defendant bac"?

20 A (No audible response.)

21 Q Do you have any explanation for --

22 A Jauan said that?

23 Q Yeah.

24 A I'm sorry. Read it again. He said that --

25 Q "Defendant wrote me a letter. He called

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 yesterday, but I wasn't" --

2 MR. BROWN: Objection. May we approach, Your
3 Honor?

4 THE COURT: Approach.

5 (At 12:33:27 p.m., on the record bench
6 conference; counsel approached bench, and the following
7 occurred:)

8 MR. BROWN: Your Honor, if Mr. Vignarajah wants
9 to attempt to refresh her memory, refresh her
10 recollection, he'll show her the exhibit, see if it
11 refreshes her recollection. But this isn't a way to back
12 door testimony or evidence into this proceeding. That's
13 essentially what you're trying to do.

14 MR. VIGNARAJAH: She hasn't told me. She hasn't
15 asked. And we'll get this because this was --

16 THE COURT: What? I sort of missed the first
17 part of the question, it was did --

18 MR. VIGNARAJAH: Just asking whether --

19 THE COURT: -- did Justin --

20 MR. VIGNARAJAH: - she has an explanation for
21 why Jauan Gordon would have said something previously.
22 And Jauan Gordon referenced (inaudible) --

23 (Crosstalk)

24 MR. BROWN: She said --

25 MR. VIGNARAJAH: -- (inaudible)

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 MR. BROWN: -- she said that..

2 THE COURT: (No audible response.)

3 MR. VIGNARAJAH: Okay. I can ask it
4 differently.

5 THE COURT: All right.

6 MR. VIGNARAJAH: Thank you.

7 (At 12:34:17 p.m., bench conference concluded;
8 counsel returned to trial tables, and the following
9 occurred in open court:)

10 BY MR. VIGNARAJAH:

11 Q Do you have an explanation for why Jauan Gordon
12 would have told police that you had gotten a letter to
13 type up --

14 A Um-hm.

15 Q -- from Adnan?

16 A No. I don't remember that happening.

17 Q That Adnan had written a girl a letter to type
18 up with its address on it.

19 A Wait. I'm sorry. I'm trying to understand.

20 Q Do you have any --

21 A Someone said that --

22 Q -- explanation --

23 A -- I received a letter --

24 Q Yeah. Do you have any explanation --

25 A -- from him?

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 Q -- for why Jauan Gordon --
2 A Uh-huh.
3 Q -- told police on April 9 that you wrote a
4 letter to a girl -- sorry. That Adnan wrote a letter to a
5 girl, to type up with its address on it.
6 A No. I don't have an explanation.
7 Q Do you have an explanation for why Jauan Gordon
8 told the police that girl got the address wrong?
9 A No.
10 Q Do you have any explanation for why Jauan Gordon
11 told the police on April 9 that the address was 101 East
12 Eager Street?
13 A No.
14 Q Do you have any explanation for why Jauan Gordon
15 told police that girl was Asia, twelfth grade?
16 A No.
17 Q Do you have any explanation for why Jauan Gordon
18 told police that girl was Asia McClain?
19 A No.
20 Q Do you have any explanation for why Jauan Gordon
21 told police that he had gotten a letter, that Justin had
22 gotten a letter, as well?
23 A From me?
24 Q From Adnan.
25 A Well, yeah, him and -- he said that -- well, not

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 why he would have got a letter from Adnan, but I knew that
2 Justin was writing him so I mean I guess it's a
3 possibility Adnan could have written Justin back.

4 Q Do you have any explanation for why Jauan Gordon
5 said that Adnan wrote a letter for a girl to type up named
6 Asia McClain?

7 A No I don't.

8 Q The address on the top of the second letter is
9 not 101 East Eager Street is it?

10 A I don't know. Is it? It's 301 East Eager
11 Street.

12 Q Where did you get that address from?

13 A I have no idea.

14 Q Where did you get that number from that's next
15 to Mr. Syed's name?

16 A I don't remember.

17 Q Do you even know what that number is?

18 A I would -- I can assume what it is but --

19 Q What do you assume it is?

20 A I assume it's some sort of identification
21 number.

22 Q Did you type that on there?

23 A I typed the whole letter.

24 Q Did you type "Adnan Syed" and that --

25 A Yes.

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 Q -- number? And did you type 301 East Eager
2 Street?

3 A Yes.

4 Q So by Ms. Ogle's class on Tuesday morning, or
5 Mr. Parker's class on Tuesday morning, you had heard about
6 fibers --

7 A Um-hm.

8 Q -- you had heard about the route that the
9 perpetrators purportedly had taken, you had heard about --

10 A I didn't say that I heard about the route. I
11 said that I didn't understand how her car-- how two cars
12 could be involved, but I don't know if that pertains to
13 the route.

14 Q You had heard about the fact that the car had
15 been recovered three weeks after the body was found?

16 A Yes. All rumor.

17 Q And you had Mr. Syed's identification number and
18 301 East Eager Street?

19 A Yes.

20 Q All by Tuesday morning in Ms. Ogle's class?

21 A Yes. Or -- yeah. Or by the time I typed the
22 letter.

23 Q Is it possible that you typed the letter later?

24 A No.

25 MR. VIGNARAJAH: Thank you, Ms. McClain.

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 MS. MCCLAIN-CHAPMAN: Um-hm.

2 MR. VIGNARAJAH: Thank you, Your Honor. No
3 further questions.

4 MS. MCCLAIN-CHAPMAN: May I have some water?

5 MR. VIGNARAJAH: Certainly.

6 MR. BROWN: Your Honor, may we approach?

7 THE COURT: Yes. If we could get Ms. McClain
8 some water?

9 MS. MCCLAIN-CHAPMAN: Oh. Thanks.

10 (At 12:39:05 p.m., on the record bench
11 conference; counsel approached bench, and the following
12 occurred:)

13 MR. BROWN: We would ask to take a lunch break
14 now. It seems like an appropriate time.

15 MR. VIGNARAJAH: Thank you, Your Honor.

16 THE COURT: And Madam Clerk?

17 (No audible response.)

18 THE COURT: Ms. Snow? What's your--

19 (Madam Clerk approached the bench.)

20 THE CLERK: (Inaudible.)

21 THE COURT: You run the show. What's your
22 suggestion? It's about --

23 MR. BROWN: If I've got it right, it's about
24 twenty of one.

25 THE CLERK: (Inaudible) two o'clock. What do

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 you think? That's too long?

2 THE COURT: Two o'clock is that -- no, I was
3 thinking two.

4 MR. VIGNARAJAH: Fine by the State.

5 THE COURT: All right.

6 MR. BROWN: Two o'clock? All right.

7 THE COURT: Two o'clock.

8 MR. BROWN: Thank you.

9 (At 12:39:42 p.m., bench conference concluded;
10 counsel returned to trial tables, and the following
11 occurred in open court:)

12 THE COURT: Ms. Chapman?

13 MS. MCCLAIN-CHAPMAN: Yes?

14 THE COURT: We're going to take our lunch
15 recess.

16 MS. MCCLAIN-CHAPMAN: Okay.

17 THE COURT: And you may step down. I'm going to
18 excuse you, but because you're sequestered, obviously you
19 can't discuss your testimony with anyone.

20 MS. MCCLAIN-CHAPMAN: Um-hm.

21 THE COURT: -- except your attorney, Mr.
22 Proctor.

23 (Ms. McClain-Chapman was excused.)

24 THE COURT: So the Court will take its lunch
25 recess. We'll reconvene at two o'clock. Thank you.

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 MS. MCCLAIN-CHAPMAN: Thank you.

2 THE CLERK: All rise.

3 (At 12:40:11 p.m. luncheon recess.)

4 (On the record - 02:10:38 p.m.)

5 THE CLERK: Silence, please. All rise. The
6 Circuit Court for Baltimore City, Part 97, is back in
7 session. The Honorable Martin P. Welch presiding.

8 THE COURT: Good afternoon, everyone. You may
9 be seated.

10 Before we continue this afternoon, too, I just
11 want to remind everyone of the cell phone policy so we can
12 have some consistency, so that they are to be turned off,
13 please.

14 So I know it's a little bit colder in here than
15 it was and we'll try to act accordingly and we -- maybe in
16 a little bit, we'll ask them to adjust the temperature.
17 I'm afraid that if we do, it's going to go right back up
18 again. So we'll try to adjust it shortly.

19 So we should be ready to resume. Ms. Chapman,
20 are you ready to return to the witness stand?

21 MS. CHAPMAN: Yes.

22 THE COURT: And, again, Ms. Chapman, just state
23 your name for the record. Well, after you get adjusted.

24 MS. CHAPMAN: Asia Chapman.

25 THE COURT: Now, I'll remind you, Ms. Chapman,

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 that you're still under oath.

2 And Mr. Vignarajah?

3 MR. VIGNARAJAH: Your Honor, I believe I'm
4 completed with my cross examination. Thank you.

5 THE COURT: Oh, that's right. So any --

6 MR. BROWN: Your Honor, so we're going to ask --

7 THE COURT: -- any redirect?

8 MR. BROWN: -- we have a few questions on
9 redirect. Thank you, Your Honor.

10 THE COURT: Certainly.

11 REDIRECT EXAMINATION

12 BY MR. BROWN:

13 Q Ms. McClain, you've been asked a lot of
14 questions over the course of two days now --

15 A Yes.

16 Q -- and at times, some of those questions have
17 been pretty confusing.

18 A Yes.

19 Q I'm going to try to clarify a few points. I'm
20 going to talk about some specific points and give you an
21 opportunity to explain things.

22 A Okay.

23 Q Now, do you remember when Mr. Vignarajah asked
24 you some questions about your conversation with Adnan Syed
25 in the library?

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 A Yes.

2 Q And do you recall one of the things he said was
3 something along the lines of isn't it interesting that on
4 the day when Adnan Syed commits this murder, that he goes
5 into the library and strikes up a conversation about Hae
6 Min Lee, something along those lines? Do you remember
7 that?

8 A Yes.

9 Q Okay. So I want to go back, and just so I'm 100
10 percent clear for the record, isn't it you who initiated
11 that conversation?

12 A It is.

13 Q Can you please explain that to the Court?

14 A Well, when he walked in, I was very happy to see
15 someone that I knew because I had essentially been there
16 all day by myself, and so, like I said, we made eye
17 contact. He came over and sat next to me and I don't know
18 why I asked him, but I guess because we had mutual friends
19 and it had been known that they had broke -- well, it was
20 rumored that they had broken up. I asked him, you know,
21 was it true.

22 Q Okay. And just to be 100 percent crystal clear,
23 did Mr. Syed initiate that conversation?

24 A No, he did not.

25 Q Okay. And what, if anything, about that

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 conversation was striking to you?

2 A Just how cool he was about it, nonchalant, I
3 guess you could say, very mature about it in the sense
4 that, you know, they had broken up. He cared about Hae,
5 but she got an interest in someone else and he just wanted
6 her to be happy.

7 Q And that nonchalance and coolness, did that help
8 you remember the conversation?

9 A I guess you could say it did. Sometimes high
10 school boys tend to be a little immature, so the fact that
11 he was pretty mature about it did stand out in my memory.

12 Q Okay. I'm going to move on to a different topic
13 now. There were a lot of questions asked of you about
14 your schedule in school.

15 A Yes.

16 Q There was a first period class. There was a
17 second period class. And although you were asked the
18 question several times, it's not easy to remember exactly
19 which classes you had way back then; is that fair to say?

20 A Yes.

21 Q Okay.

22 A And the order --

23 Q And their order --

24 A -- can be confusing.

25 Q Right. So I want to ask -- and in relation to

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 that, talking about the second letter --

2 A Uh-huh.

3 Q -- okay, the letter dated March 2nd --

4 A Yes.

5 Q -- okay, and what you said was that, initially,
6 you had written something out by hand --

7 A Yes.

8 Q -- and I think you referred to that as a draft.

9 A Uh-huh.

10 Q And then it wasn't until much later that day, if
11 not the evening, that that letter took the format of being
12 typed up.

13 A Yes.

14 Q Okay. Now, if something happened -- let's say
15 after school, after you'd already written the first draft,
16 is it possible that you might've added that to the typed
17 up version?

18 A Yes.

19 Q Okay. So that to draw the conclusion that
20 everything -- every bit and piece of information in that
21 typed up letter was known to you by first period or second
22 period or recess or whenever, that's not necessarily
23 correct?

24 A No. I knew that I -- I know that I added stuff
25 in later as I typed it. I just don't specifically know

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 what items I added in later.

2 Q Okay. And is one of the reasons that you don't
3 remember specifically what you might've added in later is
4 because it took place so long ago?

5 A Exactly.

6 Q Okay. But are you doing your best to try to
7 remember it?

8 A I am.

9 Q And Mr. Vignarajah has asked you a lot of
10 questions about it. You're trying?

11 A Very hard.

12 Q Okay. Now, there were lots more questions about
13 sort of how you were able to recall certain facts in the
14 letter.

15 A Uh-huh.

16 Q Okay. And Mr. Vignarajah started asking you
17 questions about something called a search warrant.

18 A Yes.

19 Q Did you ever see a search warrant related to
20 this case?

21 A No.

22 Q Okay. Do you know what a search warrant is?

23 A Yes.

24 Q Okay. One of the things that you talked to him
25 about was a little bit of a timeline, a timeline of when

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 things took place. So is it correct that on January 13 is
2 when Hae went missing?

3 A Well, that's what we assumed because she never
4 arrived to pick her cousin up from school. So --

5 Q Okay.

6 A -- yes, it was assumed that's when she went
7 missing.

8 Q Okay. But if I told you that her body was found
9 on about February 9th, does that sound about right?

10 A Yes.

11 Q Okay. And that Mr. Syed wasn't arrested until,
12 as we now know that date was February 28th?

13 A Yes.

14 Q Okay. So between February 9th and February
15 28th, there were -- I'm checking my math. There were 19
16 days in between. Is that correct?

17 A That sounds about right.

18 Q Okay. Now, let me talk a little bit about
19 February 28th.

20 A Okay.

21 Q Are you aware that Mr. Syed was essentially --
22 that the police entered his house and arrested him in the
23 middle of the night?

24 A No. I thought they arrested him in the morning.

25 Q Okay. When they said in the morning, though,

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 couldn't that mean that they went into his house after mid
2 -- anytime after midnight?

3 A Yes.

4 Q Okay. And does it sound consistent with the
5 information that you have, the official arrest could've
6 taken place around 6:00 a.m.?

7 A Yes.

8 Q Okay. So, therefore, if he's arrested and then
9 let's say it's 6:00 a.m. on Sunday morning and that first
10 letter isn't written until Monday evening --

11 A Uh-huh.

12 Q -- there's two full days in between, right --

13 A Yes.

14 Q -- because there's all day Sunday --

15 A Uh-huh.

16 Q -- and then there's all day Monday?

17 A Yes.

18 Q All right. And in those two days, people are
19 talking?

20 A Yes.

21 Q Rumors are swirling around?

22 A Uh-huh.

23 Q Okay. And, in fact, were you aware that one of
24 the things that happens after someone gets arrested, they
25 try to make bail?

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 A Well, no, because I didn't really understand the
2 whole legal process when I was that age.

3 Q Okay. Do you now understand that, though, that
4 --

5 A When someone -- yeah, when someone is arrested,
6 I think they have a bail hearing before they actually go
7 to court. I know on TV that's what they do.

8 Q Okay. Okay. Well, sometimes TV can be
9 accurate. Sometimes it can't be. Would it surprise you
10 to learn that Mr. Syed's -- his bail hearing was on March
11 1st?

12 A Would it surprise me?

13 Q Right. Just after he'd been arrested.

14 A Yeah, it would.

15 Q Well, okay. I'm going tell you to assume -- ask
16 you to assume the fact that his bail hearing was on the
17 first.

18 MR. VIGNARAJAH: Objection, Your Honor. This is
19 direct -- or redirect examination.

20 THE COURT: Sustained.

21 MR. BROWN: Okay.

22 BY MR. BROWN:

23 Q Would it surprise you to learn that when Mr.
24 Syed went to his bail hearing, there were many, many
25 people from the Muslim community that were there to

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 support him in court?

2 MR. VIGNARAJAH: Objection, Your Honor.

3 BY MR. BROWN:

4 Q Would that surprise you --

5 THE COURT: Overruled.

6 BY MR. BROWN:

7 Q -- to hear that?

8 A Because there was a lot of people showing
9 support at his house --

10 Q Okay.

11 A -- when he got arrested. So that doesn't
12 surprise me.

13 Q All right. Now, do you think it's possible that
14 those people were in court at his bail review hearing
15 earlier in the day, then they ended up somehow at his
16 house that evening? Would that surprise you?

17 A No.

18 Q All right. I'd like to go back a little bit to
19 that period of time, those 19 days that we talked about
20 before --

21 A Uh-huh.

22 Q -- and those are the days between when the body
23 is found on February 9th and on February 28th, early --

24 A Uh-huh.

25 Q -- in the morning or late at night, I guess,

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 depending on how you view it, but at the time of the
2 arrest.

3 A Okay.

4 Q Now, first of all, after the body is found, was
5 there some kind of announcement made to the students?

6 A Yeah, they -- well, I don't know if there was an
7 official announcement, but it was known that she had been
8 found. I do recall an official announcement after Adnan
9 had got arrested, but I don't know if there was -- if they
10 sent out anything from the school.

11 Q Okay. Okay. After the body was found, did
12 rumors start to circulate around the school?

13 A Not in relation to Adnan. No. Well, I don't --

14 Q Well, let me try --

15 A Uh-huh.

16 Q -- let me ask you -- were there rumors, were
17 people talking about, you know, some -- one of your
18 classmates has just been found.

19 A Uh-huh.

20 Q She's no longer with the class.

21 A Uh-huh.

22 Q People are talking about it, right?

23 A Yes.

24 Q Okay. And would it surprise you to learn that
25 there was an article written in the newspaper shortly

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 after the body was found?

2 A That wouldn't surprise me. I mean, it's news.

3 Q Okay.

4 A Young girl's murdered, you know.

5 MR. BROWN: Okay. Let me show you what's been
6 marked as Post Conviction 2 dash --

7 MR. NIETO: Forty-two.

8 MR. BROWN: -- 42. I'm going to pre-mark it as
9 PC2-42.

10 (Petitioner's Exhibit PC2-42 is marked for
11 identification)

12 THE COURT: And this is then a new exhibit,
13 correct?

14 MR. BROWN: This is a new exhibit, Your Honor.
15 I'd offer this into evidence. This is an article from the
16 Baltimore Sun dated February 12, 1999.

17 THE COURT: Any objection to its introduction,
18 Mr. --

19 MR. VIGNARAJAH: No, Your Honor.

20 THE COURT: -- Vignarajah? It's so admitted
21 then as Petitioner's Exhibit PC2-42.

22 (Petitioner's Exhibit PC2-42 is admitted into
23 evidence)

24 BY MR. BROWN:

25 Q So we were talking a little bit about the dates

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 before and I said that the body was found on February 9th.

2 Can you read what the date of this article is?

3 A February 12, 1999.

4 Q Okay. And what does say in the very first
5 sentence?

6 A "Body of a young girl found Tuesday buried in
7 shallow grave in Baltimore's Leakin Park was identified
8 yesterday as an 18-year-old Woodlawn student who
9 disappeared nearly four weeks ago."

10 Q Now, you were being questioned about how in the
11 world you could've known that she was buried in a shallow
12 grave in Leakin Park. Do you remember those questions?

13 A Yes.

14 Q Does this help answer those questions?

15 A Yes. Anybody could've known.

16 Q Do you think it's possible that anyone in your
17 class read that?

18 A Yes.

19 Q Do you think it's possible that people in the
20 class were then talking about it?

21 A Absolutely.

22 Q Was it a big secret that she was found buried in
23 a shallow grave?

24 A No.

25 Q Was it a big secret that it was in Baltimore's

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 Leakin Park?

2 A No.

3 Q What's the next part? What does that say about
4 a vehicle?

5 A "Hae Min Lee last seen January 13th driving away
6 from Baltimore County School in a gray 1998 Nissan Sentra
7 on her way to get her 16-year-old niece and go to work at
8 LensCrafters store."

9 Q Okay. Is that talking about her car?

10 A Yes.

11 Q And you were asked questions about the car also?

12 A Yes.

13 Q And when you were asked those questions about
14 the cars and about shallow grave and stuff like that,
15 there were times when those questions were a little bit
16 confusing, weren't they?

17 A Yes.

18 Q Mr. Vignarajah was asking you a lot of questions
19 over and over again?

20 A Yes.

21 Q And I was standing up and objecting over and
22 over again.

23 A Yes.

24 Q And the Judge was saying -- well, let me show
25 you another exhibit. I'm going to pre-mark this one PC2-

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 43.

2 (Petitioner's Exhibit PC2-43 is marked for
3 identification)

4 THE COURT: And again, a new exhibit?

5 MR. BROWN: That's correct, Your Honor. And I
6 would move PC2-42 into evidence if I --

7 THE COURT: And --

8 MR. BROWN: -- haven't already.

9 THE COURT: -- you did. You did. It's in.

10 MR. BROWN: Okay. And I would move PC2-43 into
11 evidence as well.

12 THE COURT: Which is?

13 MR. BROWN: Which is a -- well, it's PC2-43.

14 BY MR. BROWN:

15 Q And, Ms. McClain, if you could --

16 A Uh-huh.

17 Q -- do your best to identify what this is.

18 A I'm assuming it's an article about Adnan being
19 arrested for or charged with Hae's murder.

20 Q Okay. And what's the date of that?

21 A March 1st.

22 Q Okay. There's a name mentioned in the second
23 paragraph. It says Sergeant Scott Rowe.

24 A Uh-huh.

25 Q And who does it say Sergeant Scott Rowe was?

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 A A police spokesman.

2 Q Okay. And he's the one -- so it sound -- from
3 this article, is it fair to infer that he was talking
4 about what had happened?

5 A Yes.

6 Q And it says that Mr. Syed was arrested at what
7 time?

8 A 6:00 a.m.

9 Q And there were lots of questions asked to you
10 about Central Booking.

11 A Yes.

12 Q How in the world could someone who has no
13 contact, no experience with the criminal justice system,
14 how could you possibly have known that this man was at
15 Central Booking?

16 A Apparently somebody could've read the article
17 and they could've said Central Booking and I could've just
18 continued with the same wording, I guess.

19 Q And that was known on March 1, 1999. Now, you
20 take these facts --

21 A Uh-huh.

22 Q -- you take all the kids in high school --

23 A Yeah.

24 Q -- and how old were these kids and your friends?

25 A We were 17, 18.

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 Q And I'll bet there was a lot of talking going on
2 about what had happened.

3 A Oh, yeah.

4 Q Some of it might've been true?

5 A Some of it.

6 Q And some of it might've been false?

7 A Yes.

8 Q Is it possible that people were talking about
9 DNA?

10 A I guess. We -- I don't remember anybody --
11 well, yeah, I guess.

12 Q Is it possible people were talking about
13 fingerprints?

14 A Yes.

15 Q Is it possible people were theorizing different
16 people who would've committed the murder?

17 A Yes.

18 Q Is it possible that people were talking about
19 evidence found on the body?

20 A Yes.

21 Q Now, you also know at this time that the police
22 were investigating, correct?

23 A Yes.

24 Q And you know that because they were occasionally
25 pulling kids out and they were talking to kids in your

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 class?

2 A Yes.

3 Q Right? Some kids -- or the kids who got picked
4 by the police to be interviewed, right?

5 A Yes.

6 Q And some kids weren't?

7 A Yes.

8 Q And you were one of the kids who wasn't
9 interviewed, right?

10 A Correct.

11 Q And also, your friend Justin Adger, he was one
12 of the kids who wasn't interviewed by the police, right?

13 A Yes.

14 Q If you know.

15 A Yes. Yes, if I know. I don't know that he was.
16 I don't think he was.

17 Q And is it fair to say that from the perspective
18 of the student, it was hard to figure out why the police
19 are talking to some people, but they're not talking to
20 others?

21 A Yes.

22 Q Because Justin Adger, for example, was a good
23 friend of Adnan's?

24 A Yes.

25 Q Yet, the police didn't speak to him?

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 A No. And they weren't telling us why they were
2 doing what they were doing. It's --

3 Q Okay.

4 A -- an active investigation.

5 Q And Mr. Vignarajah -- well, let me go back to
6 that. The police weren't telling you about their
7 investigation, right?

8 A No way. No.

9 Q But some of the students were?

10 A Yes. They were, you know, dishing out what they
11 thought they knew.

12 Q Because for someone who was a student who was
13 interviewed by the police and who was being part of that,
14 that might be something that they'd want to share with
15 other people if they're the kind of person that's looking
16 for attention?

17 A I would assume so, yes.

18 Q And you said before that you were not looking
19 for attention; is that right?

20 A Right.

21 Q You told very few people about what you knew?

22 A Correct.

23 Q And you didn't know why no one ever contacted
24 you, correct?

25 A Correct.

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 Q Ms. McClain, there are some parts of this story
2 -- this story goes on for about 16 years, right?

3 A Yes.

4 Q And there are some parts that are hard to recall
5 with 100 percent precision?

6 A Yes.

7 Q But on the very basic facts of the case, okay --

8 A Uh-huh.

9 Q -- the very basic important things that we're
10 here for in court today and yesterday and tomorrow, I want
11 to be 100 percent sure that you got it.

12 A I got it.

13 Q Okay. Let's go back and say what they are.
14 January 13, 1999, what do you remember?

15 A I was in the library with Adnan shortly at the
16 end of the school day. I talked to him for 15 to 20
17 minutes and then I left.

18 Q And did anyone put you up to saying that?

19 A No.

20 Q Did you write letters to him?

21 A Yes, I did.

22 Q Did you one affidavit?

23 A Yes, I did.

24 Q Did you write two affidavit?

25 A Yes.

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 Q Have you done your best to disclose as much as
2 you possibly can about this?

3 A Yes, I have.

4 MR. BROWN: Court's indulgence for a moment.

5 THE COURT: Certainly.

6 (Counsel confer)

7 MR. BROWN: Mr. Nieto has reminded me of one
8 other thing that's quite important about this story.

9 BY MR. BROWN:

10 Q Did anyone from Mr. Syed's defense team, lawyer,
11 investigator, law clerk, secretary, anyone at all from the
12 defense team representing Adnan Syed, did they ever
13 contact you?

14 A Unfortunately, no.

15 Q No further questions.

16 THE COURT: And any recross, Mr. Vignarajah?

17 MR. VIGNARAJAH: Court's indulgence, Your Honor.

18 MR. NIETO: I apologize, Your Honor, if I may
19 get the exhibit.

20 THE COURT: Certainly. And just so I'm clear,
21 too, were you offering the last exhibit that was referred
22 to the last article?

23 MR. BROWN: Yes. Yes, we offer that --

24 THE COURT: Okay.

25 MR. BROWN: -- into evidence.

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 THE COURT: And, Mr. Vignarajah, any objection
2 to the --

3 MR. VIGNARAJAH: No objection, Your Honor.

4 THE COURT: So the Court will admit into
5 evidence Defense Exhibits -- Exhibit PC2-43.

6 (Petitioner's Exhibit PC2-43 is admitted into
7 evidence)

8 MR. VIGNARAJAH: Very briefly, Your Honor.

9 THE COURT: Certainly.

10 RE CROSS EXAMINATION

11 BY MR. VIGNARAJAH:

12 Q Ms. McClain, do you know of any Baltimore Sun
13 articles that included Mr. Syed's identification number on
14 it?

15 A I don't remember. I -- yeah, I don't remember.

16 Q Do you know of any Baltimore Sun articles that
17 had the wrong address for Central Booking on it?

18 A I don't remember.

19 Q And you said that you don't know where that
20 original letter is that you handwrote; is that right?

21 A Correct. I did them, but --

22 Q The first time that you are -- you keep a lot of
23 things, but you didn't keep that letter; is that right?

24 A Yes. Correct.

25 Q And the first time that we're hearing that that

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 second letter was typed at home was in court today, right?

2 A Yes, that's the first time you're hearing it.

3 Q Is it the first time Mr. Brown's hearing it?

4 A No.

5 Q You told Mr. Brown that before?

6 A Yes.

7 Q And you've told him that there was a handwritten
8 letter earlier in the day; is that right?

9 A Yes.

10 MR. VIGNARAJAH: Thank you, Your Honor. Thank
11 you, Ms. McClain, very much.

12 MS. CHAPMAN: Uh-huh.

13 THE COURT: Anything further?

14 MR. BROWN: I've just got one follow-up
15 question.

16 FURTHER REDIRECT EXAMINATION

17 BY MR. BROWN:

18 Q Mr. Vignarajah's asking you questions about
19 whether you've told anyone about this previously.

20 A Uh-huh.

21 Q Did Mr. Vignarajah or anyone from the State try
22 to contact you -- ever try to contact you and ask if they
23 could talk to you prior to this hearing?

24 A No. My lawyer reached out to him directly and
25 told him that I would be willing to work with him and

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 answer any questions that he had for me, but no one ever
2 contacted either one of us to set up a time to do so.

3 Q You're telling me Mr. Vignarajah never contacted
4 you?

5 A Correct.

6 Q No further questions.

7 THE COURT: Anything further?

8 FURTHER RECROSS EXAMINATION

9 BY MR. VIGNARAJAH:

10 Q Am I right, Ms. McClain, that the last time you
11 had contact with the prosecutor, you ended up issuing an
12 affidavit that called the prosecutor a liar?

13 A I don't specifically recall calling him a liar
14 in the affidavit. I simply stated what I knew to be true.

15 Q Thank you, Ms. McClain.

16 MR. VIGNARAJAH: Thank you, Your Honor.

17 THE COURT: Is that it?

18 MR. BROWN: Your Honor, as tempted as I am, I
19 will excuse the witness.

20 THE COURT: All right. Ms. Chapman, I do want
21 to thank you. I do -- Ms. Chapman, I do want to thank
22 you. I do want to again advise you, though, you've been
23 sequestered, which --

24 MS. CHAPMAN: Okay.

25 THE COURT: -- means you cannot discuss the

ADNAN SYED v. STATE OF MARYLAND
February 4, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 testimony you've given today with anyone, with the
2 exception of your attorney --

3 MS. CHAPMAN: Okay.

4 THE COURT: -- until after you know these
5 proceedings have been concluded.

6 MS. CHAPMAN: Okay.

7 THE COURT: Thank you.

8 MS. CHAPMAN: All right.

9 MR. BROWN: Your Honor, may I request a very
10 brief five-minute recess? I need to check which of my
11 witnesses are available.

12 THE COURT: Certainly.

13 MR. BROWN: I apologize, Your Honor.

14 THE COURT: Certainly. And if that helps, I
15 think we'll just stay here until --

16 MR. BROWN: Thank you, Your Honor.

17 THE COURT: So I'll stay on the bench. People
18 can move around if they wish.

19 (Pause)

20 THE COURT: And, Mr. Brown, tell me when you're
21 ready to continue.

22 MR. BROWN: I'm just looking for my co-counsel -

23 -

24 THE COURT: All right.

25 MR. BROWN: -- Your Honor. Sorry.

Cited Excerpts of Post-Conviction
Hearing Testimony from Sean Gordon
(2/5/2016) (Pages 12, 52, 62)

1c COPY

ADNAN SYED v. STATE OF MARYLAND
February 5, 2016 BEFORE MARTIN P. WELCH, JUDGE

ADNAN SYED,	*	IN THE
	*	
Petitioner,	*	CIRCUIT COURT
	*	
V	*	FOR
	*	
STATE OF MARYLAND,	*	BALTIMORE CITY
	*	
Respondent.	*	199103042-46
	*	
* * * * *	*	* * * * *

TRANSCRIPT OF OFFICIAL PROCEEDINGS
(A.M. SESSION - Post-Conviction Hearing)

BEFORE: THE HONORABLE MARTIN P. WELCH, JUDGE

HEARING DATE: February 5, 2016

APPEARANCES:

For the Petitioner: C. Justin Brown, Esquire
Christopher C. Nieto, Esquire

For the State: Thiruvendran Vignarajah, Esquire, DAG
Matthew Krimski, Esquire, DAG
Tiffany L. Harvey, Esquire, DAG

Transcriptionist: Karen Ehatt
AAERT Cert. No.: CET D-574

Transcription Service: ACCUSCRIBES TRANSCRIPTION SERVICE
2007 W. Rogers Avenue
Baltimore, Maryland 21209
410-466-2033 Fax: 667-210-2925

Proceedings recorded on digital media with video,
transcript produced by transcription service.

ADNAN SYED v. STATE OF MARYLAND
February 5, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 duplicated, I believe.

2 Q. All right. So if we look at the bottom of the
3 first page of that exhibit, right --

4 A. Yes.

5 Q. -- there are three names there starting with
6 Mohammed Ali Khan (phonetic)?

7 A. Ali Khan, yes.

8 Q. Ali Khan, okay. Those three, correct?

9 A. Yes.

10 Q. And if we look at the following page, they are
11 the same three names that are up there as well?

12 A. Yes.

13 Q. So they are duplicates?

14 A. Yes.

15 Q. Okay. So there's in reality 83 names on this
16 list?

17 A. Yes.

18 Q. Okay. Did you endeavor or try to contact any of
19 the people listed in this notice of alibi?

20 A. Yes, I did.

21 Q. How many people were you able to contact?

22 A. I was able to talk to 41.

23 Q. Okay. Of those -- I'm sorry. I didn't mean to
24 cut you off.

25 A. No. Forty-one.

ADNAN SYED v. STATE OF MARYLAND
February 5, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 A. Yes.

2 Q. And it's a reference to Drew who presumably is
3 Drew Davis, the investigator again?

4 A. Yes.

5 Q. Now did you talk with Mike Lewis?

6 A. No.

7 Q. In order to find out who he contacted in
8 connection with this case? Did you talk to him before you
9 went and tried to talk to the 40 individuals?

10 A. Don't know.

11 Q. Mr. Lewis is still alive, right?

12 MR. NIETO: Objection, Your Honor. It's outside
13 the scope again.

14 THE COURT: Sustained.

15 Q. Well, I'm just trying to understand, you could
16 have -- your task, as I understand it, was to make contact
17 with the alibi witnesses, and find out which of them had
18 been contacted by Ms. Gutierrez's original team, right?

19 A. Yes.

20 Q. Ms. Gutierrez is no longer with us, right?

21 A. Yes.

22 Q. Drew Davis is no longer with us, right?

23 A. Yes.

24 Q. But Calliope and Mike Lewis are, right?

25 MR. BROWN: Objection, scope.

ADNAN SYED v. STATE OF MARYLAND
February 5, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 respect to the memos that you were shown, was there any
2 indication of where the phone numbers for the track team
3 members were obtained?

4 A. No. And just to clarify, I was shown one
5 additional memo not -- there wasn't multiple memos.

6 Q. Okay. Was that additional memo something that
7 was in -- did that additional memo indicate how the phone
8 numbers were obtained?

9 A. No.

10 Q. Going to show you A0195, 0196 and 0197. This is
11 the same thing we saw before, right, but it's blank?

12 A. Yes.

13 Q. And this is the same memo that's got some
14 handwriting and a post-it note, right?

15 A. Yes.

16 Q. And this post-it note says, "Friends with or
17 football team friends," right?

18 A. Yes.

19 Q. And there's some handwriting on this as well,
20 correct?

21 A. Yes.

22 Q. And you're not aware or you're not sure whether
23 this is Cristina's handwriting; do you know that?

24 A. No.

25 Q. And this memorandum also includes information

Cited Excerpts of Post-Conviction
Hearing Testimony from David Irwin
(2/5/2016) (Pages 123-25, 128, 148-149)

ADNAN SYED v. STATE OF MARYLAND
February 5, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 A Yes.

2 Q And also relevant to the cell tower issue?

3 A That's correct.

4 Q Okay. Have you also looked at the filings of
5 both of the sides?

6 A I have.

7 Q So you are familiar with sort of the Defense
8 version of the facts?

9 A I am.

10 Q But also with the State's version of the facts?

11 A I am.

12 Q Okay. And you have had a chance -- we -- the
13 State introduced an exhibit consisting of the attorney
14 file. Have you had a chance to review that a little bit?

15 A Briefly.

16 Q Very briefly, okay.

17 A I think it was produced to you on February 2nd.

18 Q I think that's correct. Although in all
19 fairness it was our file, so --

20 A I understand.

21 Q -- it was in our possession.

22 A I've seen some stuff from your file and I've
23 seen the A Exhibits and I think they were denominated by
24 the State.

25 MR. BROWN: Your Honor, at this time we would

ADNAN SYED v. STATE OF MARYLAND
February 5, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 offer Mr. Irwin as an expert in criminal defense practice
2 and Brady disclosure duties of the prosecutor.

3 MR. VIGNARAJAH: No objection, Your Honor.

4 THE COURT: Just one second.

5 All right, there's no objection to the motion or
6 is there any voir dire?

7 MR. VIGNARAJAH: No, Your Honor, thank you.

8 THE COURT: The Court does find that Mr. Irwin
9 is in fact an expert in the practice, or the field of the
10 defense practice as well as I guess Brady disclosure
11 obligations of a prosecutor.

12 MR. BROWN: Thank you, Your Honor.

13 All right, so I want to ask you some question
14 about alibis and I'm going to start in the general and
15 then at some point I will move into the specific. And
16 there's one other thing that I forgot to ask you before,
17 but I just want to make it clear. And maybe it's known to
18 the Judge because you've been around the courtroom, have
19 you had a chance to observe portions of this hearing?

20 MR. IRWIN: Yes, some of it's very interesting.

21 MR. BROWN: Okay.

22 MR. IRWIN: Some of it's not.

23 BY MR. BROWN:

24 Q Okay. So again we'll talk about alibi in
25 general. And I'm going to ask you some questions that

ADNAN SYED v. STATE OF MARYLAND
February 5, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 might quite frankly seem silly, but nonetheless we need to
2 put this on the record. What is the role of investigation
3 in defending a criminal case?

4 A Well, first of all, by ABA standards, by
5 training, the investigation of all relevant facts, all
6 potential avenues of defense are mandated by the defense
7 attorney and his or her team or associates to prepare for
8 a trial, plea bargaining, whatever, but you're supposed to
9 do prompt investigation of all lines of defense which
10 would include alibi.

11 Q Okay. Now could attorneys, whether they be
12 defense attorneys perhaps even other kinds of attorneys,
13 can they make strategic decisions without having first
14 investigated?

15 A No.

16 Q What is an alibi witness?

17 A An alibi witness is a witness who can place the
18 defendant at a location other than the location of the
19 crime at the appropriate, relevant time.

20 Q And what is the significance of an alibi
21 witness?

22 A Well, the significance of an alibi witness is
23 that if for the Defense if you have a credible alibi
24 witness that's the best possible defense you can have.

25 Q If you have a credible alibi witness that's the

ADNAN SYED v. STATE OF MARYLAND
February 5, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 hands-on approach. You have to at least send an
2 investigator or some associate to talk to the witness and
3 then have some sort of analysis. Without facts there can
4 be no strategy. Without intelligence there can be no
5 strategic decision.

6 Q Right. And part of the reason, if I'm correct
7 part of the reason it's so important to investigate in
8 this thorough manner is that there is some risk to putting
9 on an alibi witness, correct?

10 A Correct.

11 Q And what's that risk?

12 A Well, the risk is if you put on an alibi witness
13 that seems incredible to the finder of fact then you lose
14 your credibility with the finder of fact and that would be
15 -- that could be detrimental to the defense.

16 Q Right. Now are there times when an attorney
17 does not need to investigate an alibi witness?

18 A I can't think of any time that that could be
19 possible.

20 Q Are there times when the attorney does not need
21 to contact the alibi witness?

22 A I cannot think of a reason that that would be --
23 there may be some reason like the person's death notice is
24 in the paper or something. I can't think of a reason that
25 a live alibi witness isn't somebody you need to talk to.

ADNAN SYED v. STATE OF MARYLAND
February 5, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 opinion based upon everything including what was not known
2 to her but you discovered afterwards; does that make
3 sense?

4 MR. BROWN: Thank you, Your Honor.

5 MR. VIGNARAJAH: Thank you.

6 (At 1:52:00 p.m., Counsel returned to trial tables
7 and the following occurred in open court:)

8 THE COURT: Objection duly noted.

9 MR. VIGNARAJAH: Thank you, Your Honor.

10 THE COURT: You may proceed, Mr. Brown.

11 BY MR. BROWN:

12 Q Okay, so now I'm going to ask the question again
13 but in the more broader term. Based on everything you
14 know, everything you've seen, everything you've read, what
15 would have been Asia McClain's significance to that trial
16 if she had been called as a witness in 2000 in a case of
17 State v. Adnan Syed?

18 A My opinion is based on what should have been
19 done. I get the whole picture you're looking for, but
20 what should have been done by Ms. Gutierrez and her team
21 back in 1999 and that is that on the basis of what she had
22 then and what she was on notice of then, she had to meet
23 the minimal objective standard of reasonable defense care.

24 She had to go talk to Asia McClain. She had to
25 investigate what Asia McClain was saying and she had to

ADNAN SYED v. STATE OF MARYLAND
February 5, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 then determine if -- she had to investigate the two young
2 guys that were with her. She had to go talk to them.
3 Somebody had to talk to those people because the testimony
4 could have been critical.

5 Q Okay.

6 A And now we know, so everybody can have their
7 record, now we know that Asia McClain is a fabulous
8 witness, lovely lady, credible, intelligent and she would
9 have been material and changed the ball game's result.
10 It's pretty obvious to me.

11 Q Okay. Do you have an opinion of what Asia
12 McClain would have been like then as a witness from your
13 experience from what you've seen?

14 A Well, she might not have been as polished, but
15 she would have been instead of a diamond she would have
16 been a diamond in the rough and therefore probably even
17 more likable and more believable.

18 Q The State when they cross examined Asia McClain
19 they asked a lot of questions --

20 THE COURT: Just one second, please, Mr. Brown.

21 (Off record discussion between Court and Clerk.)

22 THE COURT: I'm sorry, Mr. Brown.

23 MR. BROWN: No problem, Your Honor.

24 Do you remember in the cross examination of Ms.
25 McClain there was a series of questions that we'll refer

Cited Excerpts of Post-Conviction
Hearing Testimony from Steven Mills
(2/8/2016) (Page 229)

CC COPY

ADNAN SYED v. STATE OF MARYLAND
February 8, 2016 BEFORE MARTIN P. WELCH, JUDGE

ADNAN SYED,	*	IN THE
	*	
Petitioner,	*	CIRCUIT COURT
V	*	
	*	FOR
	*	
STATE OF MARYLAND,	*	BALTIMORE CITY
	*	
	*	CASE NO. 199103042-46
	*	
	*	POST CONVICTION NO.
	*	10432
* * * * *	*	* * * * *

TRANSCRIPT OF OFFICIAL PROCEEDINGS
(Excerpt of Proceedings - Post-Conviction Hearing)

BEFORE: THE HONORABLE MARTIN P. WELCH, JUDGE

HEARING DATE: February 8, 2016

APPEARANCES:

For the State: THIRUVENDRAN VIGNARAJAH, ESQUIRE
TIFFANY L. HARVEY, ESQUIRE
MATTHEW KRIMSKI, ESQUIRE

For the Defendant: C. JUSTIN BROWN, ESQUIRE
CHRISTOPHER NIETO, ESQUIRE

Transcriptionist: Donna R. McCormick
AAERT Cert. No.: CET-699
Transcription Service: ACCUSCRIBES TRANSCRIPTION SERVICE
2007 W. Rogers Avenue
Baltimore, Maryland 21209
Telephone: (410) 466-2033
Facsimile: (667) 210-2925

Proceedings recorded by digital media with video;
transcript produced by transcription service.

ADNAN SYED v. STATE OF MARYLAND
February 8, 2016 BEFORE MARTIN P. WELCH, JUDGE

1 A Yes, sir.

2 Q Could you tell the Court what you meant by that?

3 A Well, on that particular -- most of the students
4 would come in, you know, every day just as they normally
5 would and for the regulars, I knew the regulars and they
6 knew me. If he was an outsider, they'd have stood out.
7 It was somebody who didn't calmly come to the library.

8 Q Do you recall if students at the school would
9 sometimes be picked up from the public library?

10 A Yeah. Many of them would. Many of them would.

11 Q And do you recall any people from the sports
12 teams coming to the public library?

13 A Occasionally, the track team, would come after
14 practice but, you know, that was after practice.

15 Q After practice?

16 A Uh-huh.

17 Q How about individuals on other sports teams, do
18 you remember?

19 A Some of them would also come, too, but they
20 would usually come a little later because, you know,
21 practice was late. That's where they would get picked up
22 from, the library.

23 Q I'm just going to show you what I've marked as
24 State's Exhibit 12. This is already in evidence as A0374.
25 I'm sorry. Forgive me. Mr. Nieto.

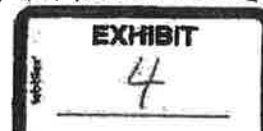
Handwritten Letter of Asia McClain
(3/1/1999)

it's late.

I just came from your house an hour ago. March 1, 1999

Dear Adnan... (hope I sp. it right)

I know that you can't visit, so I decided to write you a letter. I'm not sure if you remember talking to me in the library on Jan. 13th, but I remembered chatting with you ~~for~~ throughout your actions that day. I have reason to believe in your innocence. I went to your family's house and discussed your "calm" manner towards them. I also called the Woodlawn Public Library and found that they have a surveillance system inside the building. Depending on the amount of time you spend in the library that afternoon, it might help in your defense. I really would appreciate it if you would contact me between 1:00pm - 7pm or 8:45pm - until... My number is (410) 486-7655. More importantly I'm trying to reach your lawyer to schedule a possible meeting with the three of us. We aren't really close friends, but I want you to look into my eyes and tell me of your innocence. If I ever find otherwise I will hunt you down and wip your ass, ok friend...!!



☺

I hope that you're not guilty and
~~and I ~~need~~ hope to death~~ that you have
 nothing to do with it. If so I will
 try my best to help you account
 for some of your unattested, unaccountable
 lost time (2:15-8:00, Jan 13th)

The police have not been notified Yet
 to my knowledge. maybe it will give
 your side of the story a partick
 head start. I hope that you
 appreciate this, seeing as though
 I really would like to stay out
 of this whole thing. Thank...

Justin, he gave me a little
 more faith in you, through his
 friendship and faith. I'll pray
 for you and that the "REAL TRUTH"
 comes out in the end.

"I hope it will set you free." only trying to help

Asia McClain

~~*~~ P.S. If necessary my grandparents
 line number is 653-2957. Do not call
 that line after 11:00 O.K.

Like I told Justin if your innocent
 I do my best to help you.
 But if you're not only God can help you.

If you were in the library for
 awhile tell the police and I'll
~~continue to tell what I know~~
 even colder than I am. My boyfriend and
 his best friend remember seeing you there too.

Your Amiga

Asia McClain

Typed Letter of Asia McClain
(3/2/1999)

Adnon Syed #992005477
301 East Eager Street
Baltimore, MD. 21202

Dear Adnon,

How is everything? I know that we haven't been best friends in the past, however I believe in your innocence. I know that central booking is probably not the best place to make friends, so I'll attempt to be the best friend possible. I hope that nobody has attempted to harm you (not that they will). Just remember that if someone says something to you, that their just f**king with your emotions. I know that my first letter was probably a little harsh, but I just wanted you to know where I stode in this entire issue (on the centerline). I don't know you very well, however I didn't know Hae very well. The information that I know about you being in the library could helpful, unimportant or unhelpful to your case. I've been think a few things lately, that I wanted to ask you:

1. Why haven't you told anyone about talking to me in the library? Did you think it was unimportant, you didn't think that I would remember? Or did you just totally forget yourself?
2. How long did you stay in the library that day? Your family will probably try to obtain the library's surveillance tape.
3. Where exactly did you do and go that day? What is the so-called evidence that my statement is up against? And who are these WITNESSES?

Anyway, everything in school is somewhat the same. The ignorant (and some underclassmen) think that you're guilty, while others (mostly those that know you) think you're innocent. I talked to Emron today, he looked like crap. He's upset, most of your "CRUCHES" are. We love you, I guess that inside I know that you're innocent too. It's just that the so-called evidence looks very negative. However I'm positive that

March 2, 1999

everything will work out in favor of the truth. The main thing that I'm worried about is that the real killers are probably somewhere laughing at the police and the news, that makes me sick!! I hope this letter and the ones that follow ease you days a little. I guess if I didn't believe in your innocence, that I wouldn't write to you . ☺

The other day (Monday) We (some of Mr. Parker's class) were talking about it and Mrs. Shab over-heard us; she said, "Don't you think the police have considered everything, they wouldn't just lock him up unless they had "REAL" evidence." We just looked at her, then continued our conversations. Mr. Parker seems un-opinionated, yet he seemed happy when I told him that I spoke to you family about the matter (I told him) Your brothers are nice, I don't think I met your mother, I think I met you dad; does he have a big gray beard. They gave me and Justin soda and cake. There was a whole bunch of people at you house, I didn't know who they were. I also didn't know that Muslims take their shoes off in the house...thank God they didn't make me take mine off, my stinky feet probably would have knocked everyone out cold.

I over-heard Will and Anthony talking about you, they don't think you did "TT" either. I guess most people don't. Justin's mom is worried about you too. She gave me your home number, when Justin was in school. Classes are boring, that's one benefit to being "there", no school!!

They issued a school newsletter on the issue, so everyone is probably aware. It didn't say your name, but between that, gossip and the news, your name is known. I'm sorry this had to happen to you. Look at the bright side when you come back, won't nobody f**k with you and at least you'll know who your real friends and new friends should be. Also, you're the most popular guy in school. Shoot...you might get prom king.

You'll be happy to know that the gossip is dead for your associates, it's starting to get old. Your real friends are concentrated on you and your defense. I want you to know that I'm missing the instructions of Mrs. Ogle's CIP class, writing this letter.

March 2, 1999

It's weird, since I realized that I saw you in the public library that day, you've been on my mind. The conversation that we had, has been on my mind. Everything was cool that day, maybe if I would have stayed with you or something this entire situation could have been avoided. Did you cut school that day? Someone told me that you cut school to play video games at someone's house. Is that what you told the police? This entire case puzzles me, you see I have an analytical mind. I want to be a criminal psychologist for the FBI one day. I don't understand how it took the police three weeks to find Hae's car, if it was found in the same park. I don't understand how you would even know about Leakin Park or how the police expect you to follow Hae in your car, kill her and take her car to Leakin Park, dig a grave and find you way back home. As well how come you don't have any markings on your body from Hae's struggle. I know that if I was her, I would have struggled. I guess that's where the SO-CALLED witnesses. White girl Stacie just mentioned that she thinks you did it. Something about your fibers on Hae's body...something like that (evidence). I don't mean to make you upset talking about it...if I am. I just thought that maybe you should know. Anyway I have to go to third period. I'll write you again. Maybe tomorrow.

Hope this letter brightens your day... Your Friend,

Asia R. McClain

P.S: Your brother said that he going to tell you to maybe call me, it's not necessary, save the phone call for your family. You could attempt to write back though. So I can tell everyone how you're doing (and so I'll know too).

Asia R. McClain
6603 Marott Drive
Baltimore, MD 21207

Apparently a whole bunch of girl were crying for you at the jail...Big Playa Playa (ha ha ha he he he).

March 2, 1999

**Affidavit of Asia McClain
(3/25/2000)**

Affidavit

a. r. m.

Asia McClain having been
duly sworn, do depose and state:

I am 18 years old. I
attend college at Catonsville
Community College of Baltimore
County. In January of 1999,
I attended high school at
Woodlawn Senior High. I
have known Aamin Syed
since my 9th grade freshman
year (at high school). On 1/13/99,
I was waiting in the
Woodlawn Branch Public Library.
I was waiting for my ride from
my boyfriend (2:20), when I spotted
Mr. Syed and held a ~~15-20~~
minute conversation. We talked
about his girlfriend and he seemed
extremely calm and very caring.
He explained to me that he just
wanted her to be happy. Soon
after my boyfriend (Derrick Banks)
and his best-friend (Marcel Johnson)
came to pick me up. Spoke to Aamin (briefly)
and we left around 2:40.

EXHIBIT

2

A.R.M.

No attorney has ever contacted me
about January 13, 1999 and the
above information

Asia McClain 3/25/00

11000 1st St SE, Apt 101

Redmond, WA 98052-1101

**Affidavit of Asia McClain
(1/13/2015)**

ASIA MCCLAIN

1. I swear to the following, to the best of my recollection, under penalty of perjury:
2. I am 33 years old and competent to testify in a court of law.
3. I currently reside in Washington State.
4. I grew up in Baltimore County, MD, and attended high school at Woodlawn High School. I graduated in 1999 and attended college at Catonsville Community College.
5. While a senior at Woodlawn, I knew both Adnan Syed and Hae Min Lee. I was not particularly close friends with either.
6. On January 13, 1999, I got out of school early. At some point in the early afternoon, I went to Woodlawn Public Library, which was right next to the high school.
7. I was in the library when school let out around 2:15 p.m. I was waiting for my boyfriend, Derrick Banks, to pick me up. He was running late.
8. At around 2:30 p.m., I saw Adnan Syed enter the library. Syed and I had a conversation. We talked about his ex-girlfriend Hae Min Lee and he seemed extremely calm and caring. He explained that he wanted her to be happy and that he had no ill will towards her.
9. Eventually my boyfriend arrived to pick me up. He was with his best friend, Jerrod Johnson. We left the library around 2:40. Syed was still at the library when we left.
10. I remember that my boyfriend seemed jealous that I had been talking to Syed. I was angry at him for being extremely late.
11. The 13th of January 1999 was memorable because the following two school days were cancelled due to hazardous winter weather.
12. I did not think much of this interaction with Syed until he was later arrested and charged in the murder of Hae Min Lee.
13. Upon learning that he was charged with murder related to Lee's disappearance on the 13th, I promptly attempted to contact him.
14. I mailed him two letters to the Baltimore City Jail, one dated March 1, the other dated March 2. (See letters, attached). In these letters I reminded him that we had been in the library together after school. At the time when I wrote these letters, I did not know that the State theorized that the murder took place just before 2:36 pm on January 13, 1999.
15. I also made it clear in those letters that I wanted to speak to Syed's lawyer about what I remembered, and that I would have been willing to help his defense if necessary.
16. The content of both of those letters was true and accurate to the best of my recollection.

17. After sending those letters to Syed in early March, 1999, I never heard from anybody from the legal team representing Syed. Nobody ever contacted me to find out my story.
18. If someone had contacted me, I would have been willing to tell my story and testify at trial. My testimony would have been consistent with the letters described above, as well as the affidavit I would later provide. *See below.*
19. After Syed was convicted at trial, I was contacted by a friend of the Syed family named Rabia Chaudry.
20. I told my story to Chaudry on March 25, 2000, and wrote out an affidavit, which we had notarized. (Affidavit attached).
21. The affidavit was entirely accurate to the best of my recollection and I gave it by my own free will. I was not pressured into writing it.
22. At the time when I wrote the affidavit I did not know that the State had argued at trial that the murder took place just before 2:36 pm on January 13, 1999.
23. After writing the affidavit and giving it to Chaudry, I did not think much about the Syed case, although I was aware he had been convicted and he was in prison.
24. Eventually I left Maryland and moved to North Carolina and then out west.
25. In the late spring of 2010, I learned that members of the Syed defense team were attempting to contact me. I was initially caught off guard by this and I did not talk to them.
26. After encountering the Syed defense team, I began to have many case questions that I did not want to ask the Syed defense team. After not knowing who else to contact, I made telephone contact with one of the State prosecutors from the case, Kevin Urick.
27. I had a telephone conversation with Urick in which I asked him why I was being contacted and what was going on in the case.
28. He told me there was no merit to any claims that Syed did not get a fair trial. Urick discussed the evidence of the case in a manner that seemed designed to get me to think Syed was guilty and that I should not bother participating in the case, by telling what I knew about January 13, 1999. Urick convinced me into believing that I should not participate in any ongoing proceedings. Based on my conversation with Kevin Urick, the comments made by him and what he conveyed to me during that conversation, I determined that I wished to have no further involvement with the Syed defense team, at that time.
29. Urick and I discussed the affidavit that I had previously provided to Chaudry. I wanted to know why I was being contacted if they already had the affidavit on file and what the ramifications of that document were. I never told Urick that I recanted my story or affidavit about January 13, 1999. In, addition I did not write the March 1999 letters or the affidavit because of pressure from Syed's family. I did not write them to please Syed's family or to get them off my back. What actually happened is that I wrote the affidavit because I wanted to provide the truth about what I remembered. My only goal has always been, to provide the truth about what I remembered.

30. I took, and retained, contemporaneous notations of the telephone conversation with Urick.
31. Sometime in January of 2014, I had a conversation with Sarah Koenig, a reporter for National Public Radio. I spoke to her on the phone and she recorded the conversation. It was an impromptu conversation and I misunderstood her reasons for the interview and did not expect it to be broadcasted to so many people. While Ms. Koenig did not misrepresent herself or the purpose of the conversation and interview, it is fair to say that I misconstrued that it was a formal interview that would be played on the Serial Podcast. I rather thought that it was a meticulous means of information gathering, for a future (typed) online news article. Due to dialogue with Jerrod Johnson in 2011 concerning Derrick Banks, I recommended that Sarah Koenig reach out to both Jerrod Johnson and Derrick Banks, to see if they remember January 13, 1999. Later on, when Sarah Koenig asked to re-record my statement in a professional sound studio, I became confused and unwilling to participate in any further interview activity. As a result my interview with Sarah Koenig was incomplete in the Serial Podcast.
32. After I learned about the podcast, I learned more about Koenig's reporting, and more about the Syed case. I was shocked by the testimony of Kevin Urick and the podcast itself; however I came to understand my importance to the case. I realized I needed to step forward and make my story known to the court system.
33. I contacted Syed's lawyer, Justin Brown, on December 15, 2014, and told him my story. I told him I would be willing to provide this affidavit.
34. I am also willing to appear in court in Maryland to testify, if subpoenaed.
35. I am now married, and my legal surname is no longer McClain. However, due to the wealth of publicity that this case has had, and the fact that all previous mention of my name has been with my maiden name, I am signing below as Asia McClain.
36. I have retained counsel in Baltimore, Gary Proctor, and I respectfully ask that any attempts to contact me be made through him.
37. I have reviewed this affidavit with my attorney before providing it to Syed's attorney, Justin Brown.


ASIA McCLAIN

DATE 1/13/15

Billing Summary for March 1999
(from defense file, A-0374)

Billing Summary for Adnan Syed

The following is a summary of the man-hours and miles used to investigate this case while Attorneys Doug Colbert and Chris Flohr were Adnan's council.

Total Hours: 39.75 Total Miles: 582

1. 3-2-99 3.0 hours 62 miles-First meeting
2. 3-3-99 1.75 hours 18 miles – met with attorneys and met Mr. Syed
3. 3-3-99 4.0 hours 41 miles – drove the area of Woodlawn High and Leakin Park, Balt. Co. Library, interviewed Wackenhut Off. Steven Mills, interviewed Coach Michael Sye
4. 3-4-99 6.0 hours 49 miles-met and interviewed Adnan
5. 3-8-99 3.5 hours 104 miles- phone conversation with Mr. Flohr and interview with Nisha Tanna
6. 3-10-99 5.50 hours 85 miles – interviewed Stephanie McPherson and Yaser Ali, responded to Adult Boutique and picked up phone list
7. 3-11-99 2.50 hours 41 miles- Woodlawn Sr. High for Memorial Service and re-interviewed Steph
8. 3-15-99 .50 hours phone conversation with cell phone company
9. 3-16-99 5.0 hours 82 miles – met with Mr. Colbert, Lens Crafters interview, Saad Chaudry interview
10. 3-22-99 3.0 hours 39miles- Rebecca Walker interview
11. 3-23-99 2.0 hours 22 miles- Mr. Flohr meeting and re-visit Boutique
12. 3-30-99 .50 hours – conversation with Becky Walker about letter for Bail Review
13. 3-31-99 1.5 hours 39 miles- picked up letter and met with Attorneys about Bail Review

Memo to Cristina Gutierrez re:
Interview with Adnan's
Brother, Ali (August 21, 1999)
(from defense file, A-0150)

MEMORANDUM

TO: MCG

FROM: ALI

DATE: AUGUST 21, 1999

RE: INTERVIEW WITH ADNAN'S BROTHER, ALI

Stephanie
Hussain
Jwan

These are the questions asked and answered during the interview:

1. Why did Jay hang out with Adnan and his friends considering that he was a couple of years older? Everyone in the area just hangs out together regardless of age. But Jay usually hung out with the Indian kids.
2. Was Leakin Park a hang out for everyone/anyone? No, people did not hang out in Leakin Park, it was considered to be dangerous.
3. Did anyone use Leakin Park as a place to go hook up? Did Adnan use it for that purpose? No, no one used Leakin Park to hook up, including Adnan. Adnan used to hook up in Aziz Syed's house (no relation). Aziz was known as the trouble maker. Aziz was one of Jay's good friends.
4. How friendly were Adnan and Stephanie? They had been friends since second grade. They were close friends. They would talk often, and for long periods of time.
5. What does Stephanie have to say about this whole situation? Stephanie was telling people that Adnan had actually committed the murder. This being based on the fact that Jay had told Stephanie that he helped Adnan bury the body.
6. Has anyone else made similar comments as to what Jay said about helping bury the body? Yes, Tayib Hussain. Tayib is 20 years old and attends the University of Maryland at College Park. Tayib asked Jay about the incident, and Jay said that he helped Adnan bury the body. Jay told Tayib that Adnan had called Jay the day before asking for his help in the murder. Jay said his reply to Adnan was that he would not help in the killing of Hae, but he would help Adnan bury the body. Jay further went on to tell Tayib that he met Adnan on the day of the incident at a gas station where Adnan showed Jay the body.
7. Is there anyone else we could speak to in relation to Adnan and what he did regularly? Ask Jwan Gordan. This is Adnan's best friend outside of the muslim community. Jwan would know more, especially about the hook ups.

Faci

Lorrie
Karlson

Part 11/20/05

Memo to Cristina Gutierrez re: Interview
with Adnan Syed with handwritten
account by Adnan Syed regarding
January 13, 1999 (August 25, 1999)
(from defense file, A-0153-54)

MEMORANDUM

TO: MCG
FROM: KALI (LP)
DATE: AUGUST 25, 1999
RE: INTERVIEW WITH ADNAN SYED

On August 21, 1999, I met with Adnan at the Baltimore City Detention Center to discuss the filming in the detention center on August 17 or 18, 1999.

Adnan stated the filming aired on the 6 p.m. news on Channel 2 on August 20, 1999. He stated that the news showed his hands, his t-shirt, and his shorts. There was no footage of his cell. Adnan stated that what was aired did not distinguish him at all and only he was able to recognize himself because he knew what he had on.

He stated that the "goon squad" has random shake-downs for contraband/knives, etc. They are in full gear and place the inmates in handcuffs, remove the inmates from their cells and search the inmate and the cell. This is the standard "shake-down" procedure according to Adnan in which the "goon squad" goes from cell to cell. Nothing was found in Adnan's cell during the shake-down, nor has there ever been anything found in his cell.

Information regarding Jay Wilds

Adnan states he has known Jay since 7th grade. Jay was in the 8th grade and Adnan was in the 7th. They attended Johnnycake Middle. They did not hang out together, but began to do so in Fall 1998 because of Stephanie. Jay provided Adnan with weed. He paid for it sometimes, but usually not because Jay always had weed. Adnan states he smoked with Jay less than 10 times.

Information regarding January 13, 1999

States he believes he attended track practice on that day because he remembers informing his coach that he had to lead prayers on Thursday. Hae's brother called Adnan on his cell phone. He initially asked for Don (thinking it was the current boyfriend's number) and then realized it was Adnan. He asked if Adnan had seen Hae and then a police officer got on the phone. Adnan does not remember where he was when Hae's brother called, but he believes he was in his car with Jay. He states he keeps his cell phone in the glove compartment and recalls reaching over Jay to get the phone from the glove compartment.

Provided a handwritten account of his recollection of his whereabouts on Jan 13 and his efforts in ensuring Hae had a proper memorial service. (ATTACHED)

* 1-13-99 - arrive at school 7:45

* 1st pd. 7:50 - 9:15 - Photoq 1:1 s. Margaret Muse

nothing significant / of remembrance - don't remember lesson plan

* 2nd pd. 9:20 - 10:45 - AP English - Mrs. Jane E. Fran

gave Stephanie McPerson (Jay's girlfriend) b-day

present - stuffed teddy bear, B-day card.

don't remember lesson plan

* Lunch 10:50 - 11:55 - left school, went to Jay's

house don't know what we did, came back

to school 12:40 - 1st Ta. borrow my car (no phone

in glove compartment)

* 12:40 - went to guidance office Ms. Bettye Stucy - counselor -

to get college recommendation letter - (copy update 1-13-99

in packet of letters for bail hearing)

* 4th pd. - 12:50 - 2:15 - I arrived a few minutes before 1:00, cause

it took some time in the guidance office

Memo to Cristina Gutierrez re:
Interview with Adnan Syed
(January 15, 2000)
(from defense file, A-0234-35)

MEMORANDUM

TO: MCG
 FROM: KALI 
 DATE: January 15, 2000
 RE: INTERVIEW WITH ADNAN SYED

On January 15, 2000 I visited Adnan at the Baltimore City Detention Center. Adnan looked tired and stated he was ready for this trial to be over with – one way or the other.

He had concerns, actually points he wanted to make with regard to the first trial.

OFFICER ADCOCK Adnan stated Officer Adcock testified Adnan asked Officer Adcock if there was going to be a police report made. Adnan said their conversation was long. Officer Adcock did not merely inform Adnan that Hae was missing. Officer Adcock asked Adnan a series of questions, his address, his name, birthday, etc. It was only after Officer Adcock asked these series of questions that Adnan questioned if a police report was going to be made.

NURSE Adnan said she had been fired or let go or asked to leave Woodlawn because she was not performing her job well. Adnan also said he only spoke to the nurse 10-20 minutes the day it was announced to the school Hae was missing. On what basis could the nurse state Adnan was “faking” when she had no basis on which to judge Adnan’s state of mind.

DEBORAH WARREN She testified as to a note from October or November where Adnan and Aisha were writing back and forth to one another. Adnan said the part about kill looks like his writing. Aisha and Adnan were in Health class writing this. Health class is about 1-1 1/2 hours long. He cannot remember what they were writing about, but knows it had something with Hae being sick in the morning and the speculation about her being pregnant.

She also stated Adnan was possessive – that he did not want her to be around other guys. Adnan does not know hwy she would say that. He wondered if she could give specific examples of how this was. I guess also why this behavior would be any different from Hae being upset about girls sitting on his lap, etc.

Also when Hae disappeared Deborah stated that she did not come back home and Deborah knew where she was. Deborah told Aisha, Krista Meyers that she knew where Hae was and that she was going to try to get in touch with her. Apparently Deborah implied Hae was with Don.

TRACK Adnan ran in the county championship in the 300meter race after January 13, 1999. He received his track medal in November. Hae was the person who put the medal over his rear view mirror and he left it there. The medal was still placed in his car like that when he was arrested. He wants to point out that Tina questioned whether he was a scholar-athlete. He would not formally be considered one, nor would he himself consider himself to be one. The persons in school recognized as scholar-athletes were so recognized in formal ceremonies at school.

JAY WILDS

- (1) When Hae left school she left by herself, as noted by Butler. Butler said she saw her by herself. Where was Adnan?? If he was with Hae or had broken into her car at school someone would have seen him because the school day had ended and people were outside. Both Adnan and Hae were in Psychology class from 12:45-2:15. That is when school ended. Jay allegedly met him at the Best Buy parking lot around 3:30. So how did Adnan get into her car or have Hae meet him, kill Hae, pick her up drag her from the car to the trunk (how could he lift her??) between 2:15 and 3:30 with noone seeing him. Where in the Best Buy parking lot did this allegedly take place?? If Jay said it occurred on the side where they would have sex, Adnan would not then walk all the way to the phone booth (it is a long walk and Adnan does not like walking).
- (2) Do we have the videotapes from Best Buy and Westview??
- (3) If Adnan threw the red gloves away before he got into the car and drove all around town as Jay testified then why were his fingerprints not all over the car?? I questioned Adnan how he knew about the red gloves before they were ever mentioned or we were ever made aware of them? Adnan stated that when he was arrested the police told him they knew about the shovels he discarded; the red gloves; the plans; the phone calls; his throwing up and his fingerprints were all over the car.
- (4) Adnan said his fingerprints were on the cover of the map. He has flipped through that map a hundred times when he would be driving with Hae when they were downtown because they would always get lost. If his fingerprints were on the cover why were they not on the Leakin Park page?
- (5) Adnan said the assembly in which he convinced Stephanie not to go Jay's house was in late October or November. Jay was spending time with "ghetto white girls". He told Hae because they were together at the time and Stephanie was so devoted to Jay that she had talked about not going to college and possibly staying with Jay and renting an apartment. This upset Adnan because he knew Jay was crazy about Stephanie and liked her being his girlfriend, but he did not treat her right.
- (6) Adnan describes Jen as a good friend with Jay. He was always with her when he was not with Stephanie, but Jay never spent time with Jen and Stephanie together. He wouldn't be surprised if they slept together, but he doesn't think so. She's "butchie looking", i.e. a tomboy, with guys lots.

DESCRIPTION When I asked Adnan to describe himself in 10 words, he said:

Pakistani; his age; Muslim; light skinned (not white); dark hair; dark eyes; slender; 6'0 tall; wears glasses (except when he is home); and educated.

He would not describe himself as Arab. If he had to chose a box he would chose either Middle Eastern or Asian American or other. He would also describe himself as Indian, if people have not heard of Pakistan and wanted to know what it was near.

Memo to Cristina Gutierrez re:
Interview with Adnan Syed
(October 6, 1999)
(from defense file, A-0182-83)

MEMORANDUM

TO: MCG
FROM: KALI
DATE: October 6, 1999
RE: INTERVIEW WITH ADNAN SYED

Went for address school records Take up

*Stephanie McPherson
Main Falls Circle
Upper Merion
Woodbridge
Valley*

On October 6, 1999, I met with Adnan at the Baltimore City Detention Center.

(1) *Discussed whether he spoke with anyone at school, i.e. counselors, teachers, etc., formally regarding the disappearance/death of Hae.* Adnan stated that he spoke generally about the death to the school counselor, but he had not been formally evaluated nor did he have formal discussions.

Adnan stated he spoke with his Social Studies teacher, **Mr. Cliff Thomlin**, regarding what Christians believe happens when someone dies. He discussed this topic with him a few days after Hae's body was found.

request my notes from [unclear]

Stuckey

He stopped in and spoke with his guidance counselor, **Mrs. Stuckey**, after he and Hae had broken up in December. She told him breaking up is a part of growing up and that eventually you find the person whom you were destined to meet. When Hae's body was found, the detectives came to school and Adnan found out they wanted to meet with him. Adnan did not want to meet at his home, due to concerns surrounding his parents. Mrs. Stuckey suggested to Adnan the detectives interview Adnan at school. Mrs. Stuckey asked the principal, Mr. Wilson, if Adnan could meet the detectives at the school. Mr. Wilson authorized the interview to take place on school grounds, and both Mrs. Stuckey and Mr. Wilson stated they would be present to assist Adnan when he met with the detectives because Adnan needed someone over 18 years old to be present. Mrs. Stuckey informed Adnan that one should always be careful when talking to police detectives. The interview never took place.

(2) *Adnan wanted to know if we found any connection between Jay and Alonzo Sellers.*

Assembly or choice for some people to leave January assembly at half day

Adnan asked if we found any connection between Jay and Hae. He stated that in January after he and Hae had broken up, Adnan told Hae that Jay had cheated on Stephanie. Jay told Adnan he planned to have a girl at his house during the time the students at Woodlawn would be participating in an assembly (in January). Adnan saw Stephanie on the way to the assembly. Stephanie told Adnan she was going to Jay's house. Adnan convinced Stephanie not to go to his Jay's house and to attend the assembly. Hae was really upset that Jay was cheating on Stephanie and stated that the next time she saw Jay she planned on confronting him. Adnan questions whether upon Jay's return to school to return the car to Adnan he saw Hae in the parking lot who would have been leaving at 3 p.m.

*Who
Hae b/c she was supposed to go to Jay's house to attend the assembly. Why would she have done that?
Hae's case*

(3) **EMT CLASSES** He attended the class through May Ambulance - which was next to Woodlawn High School and is now closed. He attended at age 16, June - September 1997. The class met two times during the week for 3 hours each session, and every other Saturday. He participated in the EMT Basic training which required 125 hours of training versus the EMT Paramedic class which

*WORK do tech attend patient in ambulance to make sure vital signs stable
What did he do?
make sure oxygen flowing
replace batteries
check vital signs
talk to patient
assist in first aid
medical help
try to resuscitate
App-236*

to get records

*has been on the way about 1 year
to Stephanie
if she was*

press - E
records
ASAP

required 1000+ hours. He learned lifesaving skills and learned about the respiratory, circulatory and nervous systems. He said every person generally knows how to stop someone from breathing. He was appalled that the ASA would imply that taking an EMT class makes one well versed in methods of murder. He took the EMT class because his employment required him to do so, not for the heck of it. He was employed at RURAL METRO AMBULANCE October 1998-Feb 1999.

(4) **DIARIES** He knows that Hae kept a diary and she often teased him about it. She would leave the diary unattended in Adnan's presence and often ask Adnan if he had looked at it. Adnan stated he never looked at the diary because the diary was her personal property. She kept the diary in her car a lot. Adnan told the detectives that Hae kept a diary and asked the detectives if they found it because that may be helpful as to what she planned for that day. The detectives informed Adnan they had the diary already.

(5) **NEW CELL PHONE NUMBER** Adnan called Hae at her home the night before she was missing. Adnan was calling at 11 p.m. from the Rite Aid. She was on the other line when he called. He always discussed his desire for a cell phone with Hae and asked that she guess from where he was calling. She initially guessed a pay phone and then guessed that he had gotten a cell phone. She was excited according to Adnan. He gave Hae his new cell phone number. Hae told him that she'll call him on his cell phone later and Adnan told her not to because he was going home and going to bed. He doesn't think Hae ever called him on his cell phone.

(6) **Relationship with Hae following breakup** Adnan describes their relationship as friends, "good friends". He gave Hae a picture frame that said "Best Friends" and had their picture in it for Christmas. He said there was no animosity between them and they talked practically everyday. There was occasional light flirting, but no sexual relationship.

(7) **Attorney Anne Benroya** Adnan did not know the attorney who represents Jay. He also did not recognize any names on the list from the district court/ Towson computer, with the exception of "OSMAN SHARIF". Adnan knows an Omar and Atif Sharif. They are brothers, but no Osman.

H:\DOCS\DATA\SYED\INTERVIEW\ADNAN2.DOC

Hae's #.
410
602
5294
in Jan. 12th
we called
at home.
11-12 p.m.
called
from the
Rite Aid on
corner of
Inglewood &
Rite Aid 40
across from
Wheatview
Mall.

pull
cell
phone
records
+ 1.D.

Same
picture
as the
one on
his
brother's
table?

like what
he really would've worn
just "plucking" - nothing suggestive -
casual conversation - button
defines
flirting
"dealing w/
person w/out
physical contact or
boundaries that
is normal
not seem around you;
staring smiling.

ML
As a letter request


did he have
people in Rockville

don't know.
has friends near
Frederick, MD.
b/c # on his cell
phone called #
day to
Frederick

Memo to Cristina Gutierrez re:
Interview with Adnan Syed
(October 12, 1999)
(from defense file, A-0189-92)



MEMORANDUM

TO: MCG
 FROM: KALI 
 DATE: October 12, 1999
 RE: INTERVIEW WITH ADNAN SYED

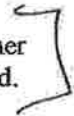
On October 9, 1999, I met with Adnan at the Baltimore City Detention Center. Adnan and I reviewed the diary of Hae Min Lee.

I. *I asked Adnan follow-up questions to the interview on October 6, 1999 (attached).*

(2) Adnan stated the assembly in school occurred in January. He was unsure if it was actually an assembly or a chance for persons to leave school a half day. Upon reflection Adnan stated it was an assembly.

Adnan stated Hae was upset that Jay would cheat on Stephanie because Hae had been cheated on before and was opposed to cheating. She thought that as Stephanie's best friend, Adnan should have told Stephanie what Jay had done. Adnan should not have covered for Jay. Hae had questioned Adnan if he and Stephanie were "only friends" or if there was something more.

(3) Adnan worked for Rural Metro Ambulance as a TECHNICIAN. Two persons rode in the ambulance, the driver and the technician. As the technician Adnan was responsible for making sure the oxygen was flowing; replacing the canister when necessary; checking the patient's vital signs; talking to the patient to get patient info, insurance info, medical history, family info, etc.

(5) Hae's phone number was (410) 602-5244. On January 12, 1999 Adnan called her at home and provided his new cell phone number. She was on the phone when he called. Adnan stated he called Hae from the Rite-Aid on Ingleside and Route 40 across from Westview Mall. 

(6) The picture Adnan provided for the picture frame as the gift for X-mas was the same as the picture on the cover of Adnan's binder of the Hae and Adnan together. Adnan describes light flirting as "friendly". He defines flirting as "dealings with a person, verbal or physical, that would exceed normal boundaries". He was unable to define 'normal boundaries' because he thought that was subjective and dependent on the relationship the people shared and their manner of communication. He provided examples of "flirting" as someone putting their arms around someone else, staring, smiling, etc. He actually wouldn't even call what he and Hae did as 'flirting'. He said it was nothing suggestive, just casual conversation, brotherly-sisterly conversation.

- (7) Relationship to Anne Benyora - Adnan does not know if Jay has family or friends in Rockville, but Jay does know people in Frederick, MD because on Adnan's cell phone that day were calls to Frederick MD that Adnan states were made by Jay.

II. The meeting with Adnan continued with general questions. He was uncomfortable with my announcement that I was there to review the diary with him. I began with the questions noted above, to allow him time to get comfortable with the fact that we were going to review the diary. We then discussed general information about Hae.

- (1) **Ex-boyfriends** Adnan had difficulty naming Hae's boyfriends.
- Kwa - her ex-boyfriend who is Vietnamese and works at Pep Boys near Howard County near the Giant on Route 40. He and Hae went out before Hae had moved to California. Hae broke up with him because he was pressuring her to have sex with him.
 - Michael - he lived in California and died in a car crash. He also had cancer. Hae told various accounts as to whether she was in the car with him when he died.
 - Jeff or Chris
 - Nick - named in the diary. was close friends with him. May have actually gone out but Adnan they thinks they were more or less "talking" and not formally boyfriend/girlfriend.
 - Jake - not a boyfriend, but a friend. He died in the summer of 1998. He attended college in Atlanta. He came to visit Hae. Hae did not mention that Jake had died until two weeks later. Hae's friends and Adnan discussed that it was weird that Hae had not mentioned when Jake died until a few weeks later. Jake is mentioned in the diary and at one point it says "JAKE CASSOL". She describes as the only person who really knew her.

- (2) **Relationship** Hae was not a virgin when Hae and Adnan first went out. She told various accounts of when she had lost her virginity. Once she said it was when she was in California in the ninth and tenth grade, once she said it was in middle school. Adnan said Hae had 1,2 or 3 prior lovers, other than Adnan. She would tell varying accounts. Adnan states they never really discussed it.

Hae was Adnan's first lover. They began dating the end of March 1998, beginning of April. Adnan asked Hae to attend the prom and gave his pager number to Hae. When I asked why he asked Hae to go to the prom versus anyone else, Adnan replied it was just someone who would go. Their friend Debbie was sitting by Adnan. She and Adnan were discussing the prom and Adnan stated he needed someone who would go. Debbie told Adnan that Hae would probably go. Debbie then ran outside and asked Hae if she would go to the prom with Adnan. Adnan states that he had never really noticed Hae before. Debbie ran in and said Hae would go to the prom. Adnan gave Hae his pager number. Hae eventually told Adnan that she always had a crush on him. Adnan states they just "hit it off" and started going out.

On the night of the prom, Adnan won Prom Prince and Stephanie won Prom Princess. They were dancing to one of Hae's favorite songs. Adnan danced a minute with Stephanie, the Prom Princess. He was supposed to dance the entire song with Stephanie, but because Adnan knew it was Hae's favorite song, he excused himself from Stephanie, left her on the dance floor, and took Hae out onto the dance floor. They kissed on the dance floor, but Adnan described that kiss as a peck.

The first time he *really* kissed Hae on the lips was on prom night when they had gone to the Inner Harbor in front of the Cheesecake Factory. Adnan says everyone knew they were going out. They were always together in school. Before practice they would go to the McDonald's together. They talked on the phone at night. They would go to the movies. The family pressure made it difficult to maintain a relationship. Adnan states that in the summer they had their ups and downs because they always had to cover up what they were doing because his parents did not know about Hae. Unlike Adnan's parents, Hae's mother would not have minded that Hae had a boyfriend but she wanted to meet the parents of the person Hae was dating. That was impossible. Therefore, Hae had to hide that she was dating Adnan from her mother and grandparents. Adnan describes Hae as always wanting to take a "recess" from their relationship. She always took breaks and then would call back a few days later and want Adnan back.

Adnan started to play football and work in the fall 1998 so the **amount of time he and Hae started spending together decreased**. He states that Hae was always getting on him about that. Then Hae began working at Lens Crafters and she was unable to spend time with him either.

I asked Adnan if he put pressure on Hae to not spend so much time with her friends but to devote more time to Adnan. Adnan stated just typical young relationship stuff. He would be playing basketball at the Mosque and she would get mad because he should be spending time with her. She would tell Adnan she had to stay in the house and then she would go to a girlfriends house. It was basically "tit for tat".

(3) *Sexual Encounters* Adnan and Hae would spend a lot of time in Adnan's car making out. There would be a lot of **foreplay**. Adnan describes foreplay as one person would be driving and the other person would tease the person who was driving with their hand. They would run their hands on the person's body above and below the person's waist and under the person's clothes.

They first time they had sex was sometime between April 25 to May 10. They would have sex off of Dogwood Road going to *Patapsco State Park*, where there is a little lake/pond and benches where people fish and the golf course is across from their spot. They also frequented the *Best Buy parking lot* next to Security Square Mall (this was their designated spot when school started).

Hae initiated the sex. He was uncomfortable and nervous initially. They used condoms initially, but later did not use condoms. He assumed she would get birth control, but they

never discussed it. On his birthday, May 21, Hae brought whipped cream and strawberries. Adnan describes this encounter as extremely messy.

They began having oral sex, both of them performed on the other, after they began having sex. Adnan does not remember how soon after they began having sex oral sex began. They had sex with Adnan on the bottom; Hae on top; or Adnan from behind. Adnan and Hae preferred Hae on top because it was easier due to mobility restrictions if you are in the car.

When I asked Adnan how often they had sex, "As often as possible" was Adnan's response. Out of the 7 days in a week, they probably had sex every time they had a chance to go somewhere or be together. On average they saw one another 4,5,6 times a week and had sex each of those days, about 2-3 times a day. Since Hae was responsible for picking up her niece after school, they would have sex in the Best Buy parking lot close to the school after school. Hae would leave to get her niece and they would see one another that night, when they would have sex again.

Who knew they were having sex? Adnan stated Saad knew everything. He did not tell his brother because he knows his brother would have been upset. He describes his brother as a practical person, a moral person. He states he is not religiously moral, but basically moral. He would think of the practical considerations of having sex with someone, i.e. pregnancy, sexually transmitted disease, etc. Adnan describes his relationship with his brother as "close".

Debbie also knew that Adnan and Hae were having sex. Hae told Debbie. Adnan would often ask Debbie how Hae described Adnan's sexual ability. Hae would occasionally mess with Adnan when Adnan asked if he was good after they had sex. She never outright said no, but teased him once when he did not ejaculate. Adnan states that once or twice he did not ejaculate, but on a few times Adnan "outlasted" Hae. Hae and Adnan stopped having sex the beginning of December because they had broken up. Hae and Adnan did not continue having sex after they broke up.

(4) **Other people** In October Adnan met Anjuli ___ at a party. She attends Bryn Mar College in Philadelphia. Adnan spoke with her on the telephone. Hae did not know Adnan was speaking with someone else. Adnan went to see Anjuli one day in Philadelphia and spent the day in her dorm room. They were in her bed. She had no clothes on, Adnan only had his shirt off. He and Anjuli fooled around. They kissed and Adnan teased her. Upon reviewing the diary Adnan stated that at that time he and Hae were both going their separate ways, he was talking to Anjuli, she was interested in Don.

III. Adnan reviewed the diary. See Notations Attached.

Memo to Cristina Gutierrez re:
Track Team Roster with handwritten
notes from Cristina Gutierrez
(October 16, 1999)
(from defense file, A-0195-202)

Track Team:

MEMORANDUM

TO: MCG
FROM: KALI
DATE: October 16, 1999
RE: Track Team Roster

*Are there
W/O
GA?*

Boy Indoor Track Team - Woodlawn High School

Kehinde Adeloje (Sr.) *lots of classes by*

Joel Brown (Sr.)

Michael Clites

^A
Clevon Johnson →

Anthony Jenkins

William McCray — *W see*
plays football

Aaron Noreiga

Dorrell Walker

~~W/O~~
*friends w/ or
football team
friends.*

*used to play football
hang out at track meets*

*4x2 Relay:
J... pelan*

Track Team:

MEMORANDUM

TO: MCG
FROM: KALI
DATE: October 16, 1999
RE: Track Team Roster

Boy Indoor Track Team - Woodlawn High School

*the
Wo
of A*

- lots of classes by*
- ✓ Kehinde Adeloje (Sr.)
- ✓ Joel Brown (Sr.)
- ✓ Michael Clites
- ✓ ^A Clevon Johnson →
- ✓ Anthony Jenkins
- ✓ William McCray — *Wise*
- ✓ Aaron Noreiga — *plays football*
- ✓ Dorrell Walker

~~Mark Pryor~~
*friends w/ of
football team
friends*

Woodlawn
~~Mark Pryor~~
1804
plays for Mully track meets
hang out at track

Coach
High
Gerald Russell
4x2 Relay
John
Julian


MEMORANDUM

TO: MCG
FROM: KALI
DATE: October 16, 1999
RE: Track Team Roster

CC: Mike Lewis

Drew called and provided the telephone numbers of the members of the track team.

Boy Indoor Track Team - Woodlawn High School

Kehinde Adeloje (Sr.) 410-298-7459
Joel Brown (Sr.) 410-944-2278
Michael Clites 410-747-5578
Clevon Johnson 410-521-5393
Anthony Jenkins 410-298-4960
William McCray 410-744-4047
Aaron Noreiga 410-747-9513
Dorrell Walker no home phone (mom's work) #410-679-0776

Mike- Drew also stated he will attempt to personally serve everyone, but knows that you recommended subpoenas, and that he thinks it's a good idea. He said for you to put a copy of every subpoena in the mail to him. He said you will understand what this means.

MEMORANDUM

TO: MCG
 FROM: KALI
 DATE: October 16, 1999
 RE: Track Team Roster
 CC: Mike Lewis

Drew called and provided the telephone numbers of the members of the track team.

Boy Indoor Track Team - Woodlawn High School

Kehinde Adeloye (Sr.) 410-298-7459 - *left message on answering machine, then did not
 my call + said so was away at college. 20 mins late*

* Joel Brown (Sr.) 410-944-2278 - *# has been disconnected - no further info avail*

Michael Clites 410-747-5578 - *spoke with mother & gave her message not to appear*

* Clevon Johnson 410-521-5393 - *# temporarily disconnected*

Anthony Jenkins 410-298-4960 - *left message with master Jenkins (he did not return)
 subpoena yet*

William McCray 410-744-4047 - *left message with him.*


Aaron Noreiga 410-747-9513 - *left message with his Mom.*

Dorrell Walker no home phone (mom's work) #410-679-0776 - *called his house - 869-7346,
 spoke with him & gave him the message.*

** needs to be followed up with during the day -- another # possibly?*

Mike - Drew also stated he will attempt to personally serve everyone, but knows that you recommended subpoenas, and that he thinks it's a good idea. He said for you to put a copy of every subpoena in the mail to him. He said you will understand what this means.

MEMORANDUM

TO: MCG 
FROM: KALI
DATE: October 16, 1999
RE: Track Team Roster

CC: Mike Lewis

Drew called and provided the telephone numbers of the members of the track team.

Boy Indoor Track Team - Woodlawn High School

Kehinde Adeloje (Sr.) 410-298-7459
Joel Brown (Sr.) 410-944-2278
Michael Clites 410-747-5578
Clevon Johnson 410-521-5393
Anthony Jenkins 410-298-4960
William McCray 410-744-4047
Aaron Noreiga 410-747-9513
Dorrell Walker no home phone (mom's work) #410-679-0776

Mike- Drew also stated he will attempt to personally serve everyone, but knows that you recommended subpoenas, and that he thinks it's a good idea. He said for you to put a copy of every subpoena in the mail to him. He said you will understand what this means.

MEMORANDUM

TO: MCG
FROM: KALI
DATE: October 16, 1999
RE: Track Team Roster
CC: Mike Lewis

Drew called and provided the telephone numbers of the members of the track team.

Boy Indoor Track Team - Woodlawn High School

Kehinde Adeloje (Sr.) 410-298-7459
Joel Brown (Sr.) 410-944-2278 - *disconnected*
Michael Clites 410-747-5578 - *left message*
Clevon Johnson 410-521-5393
Anthony Jenkins 410-298-4960 - *contacted*
William McCray 410-744-4047
Aaron Noreiga 410-747-9513
Dorrell Walker no home phone (mom's work) #410-679-0776

Mike- Drew also stated he will attempt to personally serve everyone, but knows that you recommended subpoenas, and that he thinks it's a good idea. He said for you to put a copy of every subpoena in the mail to him. He said you will understand what this means.

F

MEMORANDUM

TO: MCG
 FROM: KALI
 DATE: October 16, 1999
 RE: Track Team Roster

CC: Mike Lewis

Drew called and provided the telephone numbers of the members of the track team.

Boy Indoor Track Team - Woodlawn High School

Kehinde Adeloje (Sr.)	410-298-7459	
Joel Brown (Sr.)	410-944-2278	
Michael Clites	410-747-5578	- served
Clevon Johnson	410-521-5393	-
Anthony Jenkins	410-298-4960	
William McCray	410-744-4047	
Aaron Noreiga	410-747-9513	- served
Dorrell Walker	no home phone (mom's work) #410-679-0776	- served

Mike- Drew also stated he will attempt to personally serve everyone, but knows that you recommended subpoenas, and that he thinks it's a good idea. He said for you to put a copy of every subpoena in the mail to him. He said you will understand what this means.

F

MEMORANDUM

TO: MCG
 FROM: KALI
 DATE: October 16, 1999
 RE: Track Team Roster
 CC: Mike Lewis

Drew called and provided the telephone numbers of the members of the track team.

Boy Indoor Track Team - Woodlawn High School

✓ Kehinde Adeloye (Sr.) 410-298-7459
 M.K. Joel Brown (Sr.) 410-944-2278
 N.H. Michael Clites 410-747-5578 - served
 Clevon Johnson 410-521-5393 - disconnected #
 ✓ Anthony Jenkins 410-298-4960
 ✓ William McCray 410-744-4047
 N.H. Aaron Noreiga 410-747-9513 - served
 Dorrell Walker no home phone (mom's work) #410-679-0776 - served
 not employed there -
 COVE ELECTRIC

Mike- Drew also stated he will attempt to personally serve everyone, but knows that you recommended subpoenas, and that he thinks it's a good idea. He said for you to put a copy of every subpoena in the mail to him. He said you will understand what this means.

Memo to Cristina Gutierrez re: Adnan Syed
(February 28, 2000) (from defense file, A-0241)

Memorandum**TO: MCG****FR: RP****RE: Adnan Syed****DA: 2/28/00**

1. Adnan called to see if you can ask the judge to refer him to Patuxent. (remember that Patuxent is really not taking lifers. Maybe if the judge suspends part of the sentence they will, but they even say they don't want people with long sentences.) Also, will you see him before sentencing? Also at this point he wants to have you handle the appeal but I told him you will discuss everything with him.

2. Rabia Chaudry, Saad's sister, called b/c the family would like to meet with you asap re the MFNT and sentencing, etc., and what happens next. They asked to see you Thursday or Friday, but I said those days don't look good and suggested today or tomorrow. She asks if you are available tomorrow at 9 or 10 a.m. – she is in Virginia and needs a bit of notice, and they need to do it in the morning. Her number is 703-578-3326. The family wants her there b/c she can help interpret.

Internal Defense Notes with
Task List and handwritten notes
of Cristina Gutierrez
(from defense file, A-0261-66)

Date: 09.04.99
 Re: ADNAN SYED, 5540.1402
 TTD

Attorney/Client Privilege &
 Material Work Product
 Privileged Material

TASK	PERSON(S) ASSIGNED	NOTES
Response to Motion in Limine	ML	<i>Done</i>
Motion to Compel	ML and KP	<i>Motion to Compel Done Another ?</i>
Letter to Syed family requesting money	MCG	<i>done 09/07/99</i>
Letter to Urick demanding to see the scene w/ aid of individuals present at the crime scene on 02/09/99 and State for Appropriate Relief	ML MCG	<i>delivered Fly w/ Motion to be filed for 2 "showings"</i>
Find out Balto. Cnty. Police protocol for initiating missing person investigation. Find out protocol for joint investigations. Why weren't Balto. Cnty. police involved. Balto. Cnty Cops involved SDT Balto County Missing Persons and Homicide file	Drew Davis ✓	<i>urgent</i>
Obtain and review Balto. Cnty. missing person file. SDT for trial, Tangible Evidence, Ex Parte	Drew Davis ✓ ML	
Need to subpoena Hae Lee's work records and records of boyfriend, at Lenscrafters SDT for trial, Tangible Evidence, Ex Parte	ML	
Any priors/police responses to Lee family.	Drew Davis ✓ ML	

Three Reports
 \\NW2\SYSDocs\DATA\Syed\ToDo.doc.5540.1402

Drig file

Date: 09.04.99
 Re: ADNAN SYED, 5540.1402
 TTD

Attorney/Client Privilege &
 Material Work Product
 Privileged Material

TASK	PERSON(S) ASSIGNED	NOTES
Obtain every police report in existence concerning Alonzo Sellers and Jay Wilds. Find the connection.	Thornton Daniels and Drew Davis ✓	9.24
Discover whereabouts of Alonzo Sellers on January 13th	Thornton Daniels and Drew Davis	SDT to be filed for copy
Ltr & SDT to BFI, Waste Mgmt., records of dumpsters SDT for trial, Tangible Evidence, Ex Parte	ML	to be filed 9.24
Dist. Ct. Tapes (ltr dated 08/06/99) 03/01, initial bail hearing 03/09, second bail hearing 04/05, preliminary hearing, pp 04/13, preliminary hearing	ML	need ASAP letter sent requesting all part now.
criminal records on all witnesses	ML + Drew ✓ A.P.	
SDT FBI Reports and notes SDT for trial, Tangible Evidence, Ex Parte	ML + Drew ✓	re: agent in Leakin Park
SDT 3 dumpsters Dept. of Public Works, reports and notes SDT for trial, Tangible Evidence, Ex Parte	ML	at Leakin Park Supervisor who when called
review photos of crime scene another other photos	mt Drew D mcs ✓	schedule review on 09/13/99, letter requests of copying Done ML letter re video of CS scene
SDT Baltimore Co. Police Dept. homicide file, all reports, missing person file and all reports SDT for trial, Tangible Evidence,		any other photos let. - COST + CC

ML 9.24.

Date: 09.04.99
 Re: ADNAN SYED, 5540.1402
 TTD

Attorney/Client Privilege &
 Material Work Product
 Privileged Material

TASK PERSON(S) ASSIGNED NOTES

Ex Parte		
SDT Lencrafters, Hae's employment records and time sheets SDT for trial, Tangible Evidence, Ex Parte		Hae's personnel file Donald Clindinst's personnel file time sheets for 12/01/98 - 02/28/99 GM: Carlign Tunnel (Tawson Store) 325 Sulemoy Valley Rd. Suite 322 Towson, MD 21286 410-825-5343 Send SDT to store
SDT Woodlawn H.S. and Balto Co. Board of Education Records on: Hae Adnan Jay Stephanie class schedule, attendance record teachers assigned to all senior classes SDT for trial, Tangible Evidence, Ex Parte		Send subpoenas to Woodlawn H.S. Attn: Ms. Lisha Evans 1801 Woodlawn Dr Baltimore, MD 21207 9.24
SDT Donald Clindinst criminal record, school records SDT for trial, Tangible Evidence, Ex Parte	ML New Hartford Co.	
SDT Baltimore Co. Police Dept any prior complaints to Lee's address SDT for trial, Tangible Evidence, Ex Parte	ML	
SDT Alonzo Sellers criminal record, all police reports of any prior arrests or interactions w/ police SDT for trial, Tangible Evidence, Ex Parte	ML	

Date: 09.04.99
 Re: ADNAN SYED, 5540.1402
 TTD

Attorney/Client Privilege &
 Material Work Product
 Privileged Material

TASK	PERSON(S) ASSIGNED	NOTES
Mosque		
Leakin Park 4400 block N. Franklinton Road		
Alonzo Sellers' house, 6545 Gilmore Street, Woodlawn		
Copping State College <ul style="list-style-type: none"> • maintenance department • of security guard 		
Wetherdsville Rd -- when open -- when closed		
Dumpsters <ul style="list-style-type: none"> • Westview Mall (Caldor) • (2) Rite Aid Caldor <ul style="list-style-type: none"> • Petsmart, Rt. 40 West, Catonsville 		
Hae's house		
Syed's house		
Hae's work		

Date: 09.04.99
 Re: ADNAN SYED, 5540.1402
 TTD

Attorney/Client Privilege &
 Material Work Product
 Privileged Material

TASK	PERSON(S) ASSIGNED	NOTES
Hae's p/up at daycare		
Where Hae's car was found		
Jay's house		
Jay's work <ul style="list-style-type: none"> • porn store • Petsmart 		
Cell Towers		
Wetherdsville Road and Windsor Mill Road		
Earl Carter, 5910 Charmwood, 21244		
Woodlawn Library		

Internal Defense notes of
Cristina Gutierrez re: “How
did Adnan get in Hae’s Car”
(from defense file, A-0775)

How did Adnan get in
Hae's car

Debbie Warren
Saw Hae at 3:00 pm

Hae recognizes Adnan's car

even if Jay was
driving

Jay describes himself as very high

Strip = where drugs sold.

Jay = I couldn't bury here.

There are 2 TAPES

Jay admits to Drug Trafficking
& Distribution

Who Prepped

Internal Defense Notes
(7/13/1999) (from defense file)

Debbie Warren work w/ Alana to put Hae's school
assembly together

E-mail → syed ~~adnan~~ - adnan @ hotmail.com ^{password} poppy

7/13

1/14 - 1/15 snow days

Asia McLean → saw him in the library @ 3:00
→ Asia boyfriend saw him too

Library may
have cameras

Track starts @ 3:30

school start @ 7:50 ^{bell ring} 7:45 school start

Ms. M. Muse 1st Pd. Photography 7:50 - 9:15 take role

Ms. Jane Efrom → English AP English ^{1 day} / Social Studies ^{2 days} 9:20 - 10:45

Mr. Cliff Tomlin → Soc. on the 1/13

Lunch 10:50 - 11:15 on premises lunch
left school w/ friends

went to Jays house

Free Period 11:20 - 12:45 stayed @ Jays house

Counseling Office 1/13
Counselor Letter
Ms. Donna Paolotti → AP Psychology 12:50 - 2:15

school end 2:15

Internal Defense Notes
stating “Asia + boyfriend saw
him in library 2:15-3:15”
(from defense file)

Stephanie like me of his boys

Jay - If anyone ever tried to get between her & I I'd kill her

Stephanie don't like Hae at all

Friends of his there
Stephanie
when they wanted to 'broke up
Can police get for her

Aria + boy friend

(paw her in February

Went to library after 2:15 - 3:15
3:30 Practice started

Memorial service

Detective Interview Notes
of Debbie Warren
(February 14, 1999) (B-0006)

BALTIMORE COUNTY POLICE DEPARTMENT

CONFIDENTIAL

REPORT OF INVESTIGATION

NAME OF SUBJECT WARREN, DEBBIE	DATE SUBMITTED 02/14/99
	TYPE OF INVESTIGATION LEE MISSING PERSON 99-013-1074

NOTICE: THE INFORMATION CONTAINED IN THIS REPORT IS HIGHLY CONFIDENTIAL. DISSEMINATION OF INFORMATION TO ANY PERSON WITHOUT A NEED TO KNOW IS STRICTLY FORBIDDEN.

REPORT OF FINDINGS:

INTERVIEWED: WARREN, DEBBIE
 BLACK FEMALE, DOB [REDACTED]
 [REDACTED]
 BALTIMORE, MD 21228
 TELEPHONE [REDACTED]
 RELATION: SCHOOLMATE AND FRIEND OF HAE LEE

On 01/28/99 the assigned interviewed Debbie Warren. Debbie said she saw Hae at approximately 1500 hours on 01/13/99. Hae was by herself and she was inside the school near the gym. Hae told Debbie that she was going to see Donald at the mall. Debbie did not see Hae leave the school.

Debbie said Hae was excited about her relationship with Donald Clinedinst. Hae would fight with her mother, but it was nothing serious enough to make her leave.

SIGNATURE OF INVESTIGATOR <i>Det. J. O'Shea #2828</i>	NAME OF INVESTIGATOR Detective J. O'Shea #2828
Page 1	MPIA 15 459 817

Detective Interview Notes
of Inez Butler

(March 23, 1999) (B-0191, B-0193)

3/23/99

1:20 - 2:03 INEZ BUTLER
GYM TEACHER

DETECTIVE
QUESTION: WHEN
DURING THE DAY
DO YOU SEE EITHER
HAE / ADNAN OR
BOTH?

DON'T HAVE EITHER IN MY CLASS
SEE ▲ EVERYDAY DURING
LUNCH GOING TOWARD LIBRARY. HANG WITH
ASSOCIATES UPSTAIRS BY NEWSSTAND AREA
DID NOT SEE V/▲ TOGETHER THAT DAY

SAW ▲ IN BUILDING EARLIER THAT DAY.

DIDN'T SEE HAE UNTIL LUNCH. SHE WAS TAPING FOR CHANNEL
36. AIRED ONE WEEK LATER.

MY CLASS IN ROOM 214, PUSH CART TO GO INTO CLASSROOM. USE
HALLWAY TILL HALLWAY CLEARED. SAW ▲ 2ND PERIOD. HE
HAD MS. EFRON FOR ENGLISH.

REMEMBER BECAUSE HE'S ONE OF THE ONES THAT I HAVE PULLED
HIS SCHEDULE ON. (TO SEE WHERE HE IS SUPPOSED TO BE)

REMEMBER WHAT SHE HAD ON

BECAUSE HER SKIRT WAS SHORT

SHE PUT \$ IN CASH BOX HERSELF.

TEACH PSAT/ SAT -- HOW TO TAKE THE TEST

2ND PERIOD -- 9:15 - 10:40

**DON'T REMEMBER SEEING THEM AT LUNCH
USUALLY SAME GROUP THERE

HAE KNEW I HAD TO LEAVE AT 2:45

BELL RINGS 2:15. SHE GOES GETS CAR

UP HERE BETWEEN 2:20 - 2:25, AS SOON AS THE BUS LOOP
CLEARS

SHE'S UP IN FRONT OF THE SCHOOL.

HAE KEEPS CAR RUNNING. KEYS IN CAR

RUNS BEHIND COUNTER

VERY FINE APPLE JUICE / HOT FRIES

WE FUSS -- TOLD HER TO GO HOME AND CHANGE CLOTHES

SHE SAID SHE HAD TO PICK COUSIN UP BEFORE SHE COULD GO TO
WORK,

(DID WE FIND A JUICE

BOTTLE OR FRY BAG

IN CAR PER SGT. LEHMAN) ?

MY CHILD'S BELL RINGS AT 2:45

I LEFT AT 2:45. COULD HAVE BEEN CLOSER TO 2:50

COULDN'T BE CLOSER TO 2:15 BECAUSE:

2:25 BUSES LEAVE

2:30 SHE JUMPS FROM CAR

SHE DIDN'T WANT TO WAIT WITH OTHERS

SO SHE JUST RAN BEHIND COUNTER

ALICE SAID HAE IS LATE COMING BACK TODAY.

I KNOW EVERYONE DID NOT SEE HIM (▲) IN GYM AREA THAT DAY.

"DO YOU STILL RUN TRACK?"

Detective Interview Notes
of Virginia Madison
(March 24, 1999) (B-0247-48)

--LIST
--SIGN IN SHEETS
--HARD DRIVE
FOR ▲'S INFOR

3/24/99

VIRGINIA MADISON
ASST. TO LIBRARIAN

▲ CAME INTO LIBRARY FREQUENTLY
SEVERAL DAYS IN A.M. (USE COMPUTER)

SOMETIMES AT LUNCH -- 3RD / 4TH PERIOD
SITTING ON SIDE

HAVE TO HAVE A PASS TO COME IN LIBRARY
LUNCH ROOM TEACHER MUST GIVE PASS.

CAN'T RECALL NAMES OF INDIVIDUALS WITH HIM
KNOW ▲ DOESN'T RETURN LIBRARY BOOKS.

HAVE BEEN ASKING AND ASKING
NEVER COULD UNDERSTAND THAT BECAUSE THEY'VE
BEEN OUT A WHILE. THEY WERE FOR ENGLISH /
SHAKESPEARE / MS. EFRON'S CLASS.

LUNCH 3RD AND 4TH PERIOD:
12:15 -- 12:50

HE AND VICTIM IN LIBRARY OFTEN BEFORE VICTIM DIED
3RD PERIOD

TAKE NOTICE WHEN KIDS WERE IN THERE LONGER:
HE SAID HE HAS FREE PERIOD AND LUNCH PERIOD

HAVE SIGN IN SHEET
SOMETIMES THEY DON'T SIGN IT IF WE'RE NOT
STANDING THERE.

→ NEED SHEETS FROM SEPT. → NOV.

SAAD PATEL, IMRON, SYED HANG OUT --
OWES BOOKS

MUST ASK TO USE COMPUTERS
7 TO 8 COMPUTERS
3 HAVE INTERNET

▲ IN THERE THE MORNING THEY FOUND OUT THAT CHILD HAD DIED

MEETING THAT MORNING

SAYING SORRY TO HIM
HE JUST NODDED IN RESPONSE

▲ WITH TRACY KRAMET

NO PASSWORD NEEDED TO GET INTO COMPUTER

NO STUDENT DISC PER EACH STUDENT IN LIBRARY

WE HAVE A STUDENT DISC --
DON'T RECALL ▲ USING THAT STUDENT DISC

Detective Interview Notes
of Cheryl Metzger
(March 24, 1999) (B-0251)

3/24/99

CHERYL METZGER

LOOKED ON HARD DRIVE
FOUND HAMLET ESSAY ON COMPUTER

A QUESTION OF POWER -- BOOK OVERDUE
BESSIE HEAD - (AUTHOR)
WRITER FROM SOUTH AFRICA

VIRGINIA LOOKING FOR SIGN IN SHEETS
REGULARS WEASEL THEIR WAY THROUGH.
NOT WATCHED AS CLOSELY

STUDENTS DON'T NEED A PASS DURING LUNCH

REGULARS ARE:

▲ WAS A REGULAR
NEVER PAID ATTENTION TO WHO HE SAT WITH
IMRAN AHMED WOULD SIT WITNESS HIM

1/13 -- CAN'T REMEMBER 1/13

DAY THAT DR. WILSON, AND POLICE OFFICER CAME TO SCHOOL AND
ANNOUNCED BODY FOUND, KRAMER AND ▲ IN LIBRARY. I HUGGED
HIM. SAID SO SORRY. HE JUST STOOD THERE

HE WAS DOING SOMETHING ON COMPUTER.

ALWAYS FRIENDLY
QUIET, RESPECTFUL

COME TO LIBRARY -- THEY DON'T EAT IN CAFETERIA

Detective Interview Notes
of Ja'uan Gordon
(April 9, 1999) (B-0101, 0129-33)



CIB - HOMICIDE
POLICE DEPARTMENT
BALTIMORE, MARYLAND
Progress Report

TO: Commanding Officer
Homicide Unit

FROM: Detective Greg Macgillivray
& Carew

SUBJECT: Progress Report
Homicide Investigation

SUSPECTS (Name, DOB, Race, Sex, Age, Address):

Syed, Adnan Masud [REDACTED] O/M 17	7034 Johnnycake Road

VICTIMS (Name, DOB, Race, Sex, Age, Address):

Lee, Hae Min [REDACTED] A/F 18	

OCCURRED: 02/09/99 1400
4400 N Franklinton
CC Number: 998B05801 **Case Number:** 99H0030
District: SWD **Post:** 823

On Friday, 9 April 1999, Assistant States Attorney, Ms. Vickie Wash along with this investigator responded to Woodlawn Senior High School in furtherance of the above captioned investigation. While at the school the following students were interviewed; Rebecca Walker, Peter Billingsley, Nina Philipsen and Ja'uan Gordon. For information gathered during those interviews, see section F of this file.

The investigation continued with Ms. Wash and this investigator responding to the residence of Nisha Tanna, located [REDACTED] in Silver Spring, Maryland. Your investigator agreed to meet with the witness at her residence because of her reluctance to travel to Baltimore.

During the interview, Ms. Tanna was very cooperative and helpful in providing background information about her friendship with suspect, Adnan Syed. She also provided your investigators with information about the call placed to her residence on Wednesday, 13 January 1999 from the suspect's cellular phone. For additional information obtained during that interview, see section F of this file.

Respectfully,

Detective William F. Ritz

B - 0129

REGISTERED WITH ME LIKE 2 WEEKS LATER THAT SHE HADN'T COME
BACK YET.

THOUGHT SHE WAS ON VACATION.

CAME TO CLASS ONE DAY 2ND PERIOD - HEARD PEOPLE SAY SHE WAS
MISSING

LAST YEAR SOME TIME THEY BECAME BF/GF BEFORE PROM

THEY BROKE UP DECEMBER:

THINGS WEREN'T WORKING OUT

SHE SAID SHE LIKED SOMEONE ELSE

▲ AND I TALKED ABOUT IT

HE WAS SHOCKED , SHE SAID SHE LOVED HIM, BUT HOW COULD
HER FEELINGS CHANGE SO FAST BECAUSE SHE LIKED SOMEONE
ELSE.

DID NOT KNOW REASON FOR 2ND BREAK-UP

SHE WROTE ▲ A LETTER - SHE DON'T LOVE HIM ANYMORE

▲ WAS MAD

SCHOOL TRIP THAT DAY--

CAME BACK AFTER SCHOOL

MEET CANCELED

EYES WATERY, HE WAS FLUSHED, NEVER SAW HIM CARE

ABOUT ANYONE LIKE THAT BEFORE, NEVER SEEN HIM

LIKE THAT BEFORE

DIDN'T TALK ABOUT SEXUAL RELATIONSHIP WITH ▲

NEVER SAW ▲ DRINK

JA'UAN DRINKS --

SMOKED MARIJUANA BEFORE WITH ADNAN IX

REMINISCING ABOUT SPOT BY BEST BUYS

HE SAID -- IT WASN'T MUCH (AMOUNT OF MARIJUANA)

HE SNEEZED AND IT BLEW.

HAD A FASHION SHOW PRACTICE AFTER SCHOOL

WENT TO HIS HOUSE; I STAYED IN HIS CAR - ACCORD - BROWN

OR GOLD

CAME BACK BEFORE PRACTICE

WOULD HAVE BEEN AFTER CHRISTMAS AFTER SHE WAS GONE

▲ HAD TO PICK UP A LIGHTER

B - 0131

BOTH OF OUR CARS HAD ELECTRICAL PROBLEMS

GO TO BEST BUYS BY MCDONALD'S ACROSS FROM SECURITY

PULL IN BACK.

GO TO END PARKING LOT CLOSEST TO BELTWAY

JOINT-NOT MUCH, ROLLED IT RIGHT THERE

HE DID IT, I DON'T' ROLL. HE HAD THE PAPERS

MARIJUANA WAS JA'UAN'S

TALKED ABOUT IT NOT BEING ANY GOOD

★ HE SAID - I USED TO COME HERE WITH HAE

WHERE IT WAS AT, DIDN'T KNOW IT WAS OVER THERE

1ST MISSING -- HE SAID HE HOPED SHE RAN OFF WITH HER BOY-

FRIEND CAUSE HE DIDN'T WANT TO FIND OUT THAT

SOMETHING HAPPENED TO HER

NEVER GOTTEN HIGH ON OTHER OCCASIONS

WENT TO MALL BEFORE -- SECURITY SQUARE MALL

HE CAME TO MY HOUSE COUPLE TIMES IN SUMMER

HAS CELL PHONE/ PAGER

FOUND OUT THAT MORNING ---

▲ IN NURSE'S OFFICE

WENT TO GO SEE HIM.
FIRST HE WAS IN DENIAL
THEN AT NURSE'S OFFICE HE BROKE DOWN
BUT I WASN'T IN THERE
NOT SURE IF ▲ HAD A LOCKER.
I SHARE WITH SOMEONE ELSE.

WE LEFT THE SCHOOL. WENT TO PETER'S HOUSE. ME, PETER,
IMRON H., ADNAN
NO WEED OR ALCOHOL
PARENTS NOT HOME
▲ WENT DOWNSTAIRS BY HIMSELF, BUT WAS
CRYING IN CORNER.
THOUGHT HE NEEDED TO BE BY HIMSELF
PEOPLE CAME TO HOUSE
HE SAID HE PROBABLY WOULDN'T HAVE BROKEN DOWN IF
NOT FOR THE NURSE. SHE SHOOK HIM MADE HIM REALIZE IT
WAS HER.
ME, MAC, PETER, DERRICK, JEIVAUGHN?

B - 0133

▲ WROTE ME A LETTER. HE CALLED YESTERDAY, BUT I WASN'T
HOME. WROTE ▲ BACK
HE WROTE A LETTER TO A GIRL TO
TYPE UP WITH HIS ADDRESS ON IT
BUT SHE GOT IT WRONG

101 EAST EAGER STREET

ASIA? 12TH GRADE

I GOT ONE, JUSTIN AGER GOT ONE

JUSTIN WAS IN ENGLISH CLASS. THEY GREW
UP TOGETHER. HE IS NOT MUSLIN.

SAW ▲ DRIVE CAR - HAE'S CAR- WE USED IT TO GO
TO MARKET: FOR FOOD CLASS ONE MORNING:

BAGELS, CHOCOLATE MILK, DONUTS

SHE PICKED BOTH OF US UP FOR SCHOOL

▲ DIDN'T HAVE CAR --

PARKING LOT:

▲ DIDN'T MENTION ANY OTHER PLACES THEY WENT.

Baltimore Police Department
Information Sheet re Ja'uan Gordon
(April 20, 1999) (B-0293-95)

TAPED

Police Department
Baltimore, Maryland

CI/209

Case Number H99030

INFORMATION SHEET

Name JA'UAN GORDON Nickname JAY

Race B Sex M Age 18 D.O.B. [REDACTED]

Height 5-08 Weight 185 Complexion LIGHT

Address [REDACTED] SS# [REDACTED]

Home Phone [REDACTED] Date and time of interview 4-20-99 1250

Parent's name [REDACTED] Address SAME

Boy/girlfriends name _____ Address _____

Last School Attended WOODLAWN HIGH SCHOOL Grade 12

Employer ECONOMY SHOES Address WESTVIEW

Employers Phone 410-747-4650 Hours of employment _____

RELATIVES IN BALTIMORE NOT LIVING WITH WITNESS

Name _____ Relationship _____

Address _____ Phone _____

Name _____ Relationship _____

Address _____ Phone _____

Read and Write Yes No _____

Under the influence of drugs Yes _____ No

If yes explain _____

Alcohol Check One Sober Had Been Drinking _____ Intoxicated _____

Description of clothing at time of Interview (note in bloodstained torn etc.) MULTI-COLORED RUGBY SHIRT, BLUE JEANS, BLACK TENNIS

Note any injuries _____

Meals Provided _____ Date _____ Time _____ Date _____ Time _____

Detective MACGILLIVARY Detective RITZ

4/20/99

INTERVIEW @ Woodlawn @ 1251

High - JA'UN Gordon

1st ENGLISH
- SS
HEALTH

2nd - ENGLISH/SS
PHOTOGRAPHY

3rd ENGLISH/SS - 2nd
1st FOODS 745 - 915

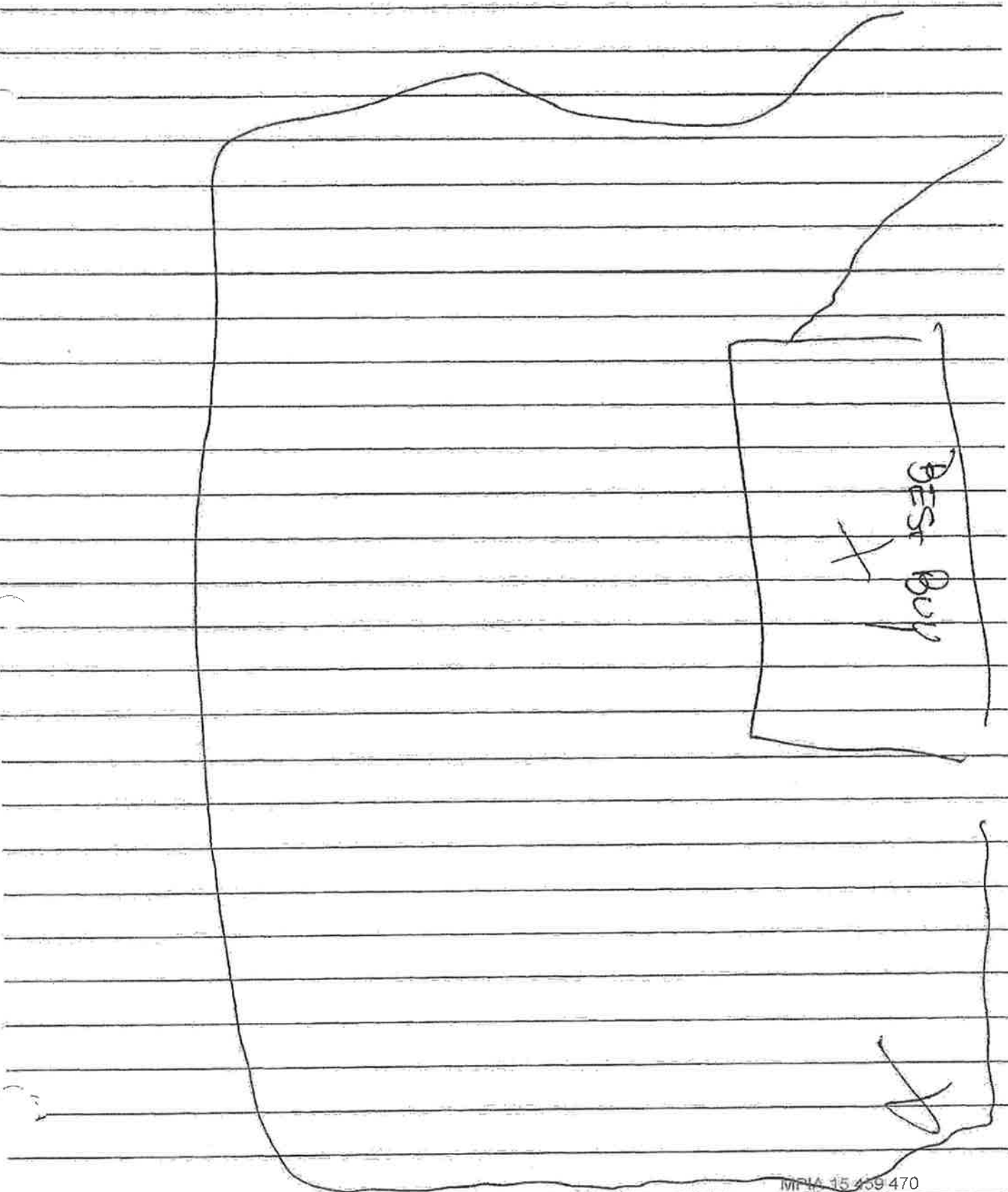
FASHION SHOW PRACTICE - Best Buy

MS. GRAYAN - FASHION SHOP

JA'UAN

(C)

(P) 410



MPIA 15 459 470


Sworn Affidavit by Ja'uan
Gordon for Post-Conviction
Hearing
(February 7, 2016)

AFFIDAVIT

- 1 My name is Javan Gordon. I was in contact with Aonnan Syed the months following his arrest.
- 2 I am aware that Aonnan tried to get character-letters to be used during his case. He sent me a letter asking me to draft a character letter on his behalf after his arrest.
- 3 I am aware that he reached out to others asking that they write character letters on his behalf as well.
- 4 In my interview with police on 4/9/99 I was not suggesting that Aonnan or anyone else did anything deceptive. I recall telling police that Aonnan talked about asking Asia to write a character letter. He may have asked her by letter (just like he did with me and Justin). I do not know if he ever sent her the letter, nor do I know if she ever received it.
- 5 I have no knowledge of Aonnan asking Asia to write anything fraudulent, or with intentions of misrepresenting anything to the court. I was not in any way suggesting that ~~to the police~~ in my interview with police.

I swear and attest that everything contained
within this affidavit is, to the best of my recollection,
true and accurate

February 7, 2016 5:05pm
DATE/TIME


JAVIAN

Defendant's Alibi Notice
(10/4/1999)

REDMOND & GUTIERREZ, P.A.

ATTORNEYS AT LAW
 THE FIDELITY BUILDING, SUITE 1301
 210 NORTH CHARLES STREET
 BALTIMORE, MARYLAND 21201-4105
 (410) 752-1555

Facsimile: (410) 752-1064

LEONARD C. REDMOND, III
 HAROLD L. BURGIN*
 JOSEPH L. TRIVIS, JR.
 BAMBI GLENN
 RITA PAZNIKAS

* ALSO ADMITTED IN THE DISTRICT OF COLUMBIA

PRINCE GEORGE'S COUNTY OFFICE
 14746 MAIN STREET
 UPPER MARLBORO, MARYLAND 20772
 (301) 952-1555

M. CRISTINA GUTIERREZ

October 4, 1999

VIA HAND-DELIVERY

Kevin Urick, Esq.
 Office of the State's Attorney
 for Baltimore City
 Mitchell Courthouse
 100 N. Calvert Street
 Baltimore, MD, 21202

RE: *State of Maryland v. Adnan Syed*
 Circuit Court for Baltimore City
 Case No. 199103042-46
 Our File: 5551.1402

Dear Mr. Urick:


These witnesses will be used to support the defendant's alibi as follows: On January 13, 1999, Adnan Masud Syed attended Woodlawn High School for the duration of the school day. At the conclusion of the school day, the defendant remained at the high school until the beginning of his track practice. After track practice, Adnan Syed went home and remained there until attending services at his mosque that evening. These witnesses will testify to as to the defendant's regular attendance at school, track practice, and the Mosque; and that his absence on January 13, 1999 would have been noticed.

Abbas Contractor, 8 Senta Court, Baltimore, MD 21244
 Anisha A. Contractor, 8 Senta Court, Baltimore, MD 21244
 Abdul Hasnuddin, 7 Glen Wilton Court, Baltimore, MD 21228
 Meraj Hasnuddin, 7 Glen Wilton Court, Baltimore, MD 21228
 Adila Aurangzeb, 15 Glencoe Manor Court, Sparks, MD 21152
 Adnan Khattak, 1420 Harberson Road, Baltimore, MD 21228
 Mohammad Imran Khattak, 1420 Harberson Road, Baltimore, MD 21228
 Ahmed Abdul Moiz, 1522 Rawlings Well Road, Baltimore, MD 21228
 Aiyasha Moiz, 1522 Rawlings Well Road, Baltimore, MD 21228
 Mohammed Alikhan, 17 East Cross Street, Baltimore, MD 21230
 Anamar Al-Badarneh, 2204 Riding Crop Way, Baltimore, MD 21244
 Summer Atiya Al-Badarneh, 2204 Riding Crop Way, Baltimore, MD 21244

Mohammed Alikhan, 17 East Cross Street, Baltimore, MD 21230
 Ammar Al-Badarneh, 2204 Riding Crop Way, Baltimore, MD 21244
 Summer Atiya Al-Badarneh, 2204 Riding Crop Way, Baltimore, MD 21244
 Amrul Bashir, 40 Pacton Place, Baltimore, MD 21244
 Bilal Ahmed, 40 Pacton Place, Baltimore, MD 21244
 Anwarul H. Chaudry, 1228 Pleasant Valley Drive, Baltimore, MD 21228
 Khalida A.K. Chaudry, 1228 Pleasant Valley Drive, Baltimore, MD 21228
 Arian A. Waseem, 11010 Nacrima Court, Stevenson, MD 21153
 Malika Firdous Waseem, 11010 Nacrima Court, Stevenson, MD 21153
 Badr E Oweis, M.D., 612 Edmondson Avenue, Baltimore, MD 21228
 Cilia Kader Ndiaye, 2 Craven Court, Baltimore, MD 21244
 Abu Bakar Ndiaye, 2 Craven Court, Baltimore, MD 21244
 Farooq A Marfani, 4 Lenis Court, Baltimore, MD 21244
 Rabia Marfani, 4 Lenis Court, Baltimore, MD 21244
 Khan Pathan, 2071 Park Trail Road, Baltimore, MD 21244
 Rafia Chaudhry, 2071 Park Trail Road, Baltimore, MD 21244
 Loay Oweis, 4705 Hallowed Stream, Ellicott City, MD 21042
 Maqbool H Patel, 9 Randolf Spring Court, Baltimore, MD 21228
 Shaheenza Patel, 9 Randolf Spring Court, Baltimore, MD 21228
 Mustafa Ali Khan, 6627 Johnnycake Road, Baltimore, MD 21244
 Masood Ali Khan, 6627 Johnnycake Road, Baltimore, MD 21244
 Mazhar A Baig, 2026 Cross Trails Road, Baltimore, MD 21244
 Surraiya Ahmed Baig, 2026 Cross Trails Road, Baltimore, MD 21244
 Mohammed Aslam Khan, 1027 Cummings Avenue, Baltimore, MD 21228
 Mohammed N. Khartak, 1420 Harberson Road, Baltimore, MD 21228
 Sameena Khartak, 1420 Harberson Road, Baltimore, MD 21228
 Mohamed Amjad Mian, 4414 Wynfield Drive, Owings Mills, MD 21117
 Nargis Amjad Mian, 4414 Wynfield Drive, Owings Mills, MD 21117
 Mohammed Ijaz Mufti, 1711 Chesterton Road, Baltimore, MD 21228
 Farhana Mufti, 1711 Chesterton Road, Baltimore, MD 21228
 Kashif Munir, 2401 Battersea Place, Baltimore, MD 21244
 Sadia Munir, 2401 Battersea Place, Baltimore, MD 21244
 Mohammed Mustafa Qalawee, 2517 Sarrington Circle, Baltimore, MD 21244
 Leslie M. Qalawee, 2517 Sarrington Circle, Baltimore, MD 21244
 Muhammed Tufail Chaudhry, 2071 Park Trail Road, Baltimore, MD 21244
 Mujtaba Ali Khan, 6627 Johnnycake Road, Baltimore, MD 21244
 Nauman Khokar, 6 Cedar Bluff Court, Baltimore, MD 21228
 Nauman H Siddiqi, 15 Glencoe Manor Court, Sparks, MD 21152
 Ossama Abdou, , Baltimore, MD
 Laila Abdou, , Baltimore, MD
 Presley Cason, Jr., 4234 Mary Ridge Drive, Randallstown, MD 21133
 Gloria O. Cason, 4234 Mary Ridge Drive, Randallstown, MD 21133
 Presley Cason, III, 5511 Stonington Avenue, Baltimore, MD 21207
 Lisa Cason, 5511 Stonington Avenue, Baltimore, MD 21207
 Nasreen Rahman, 118 Gale Wood Road, Timonium, MD 21093
 Samer E Atiya, 2204 Riding Crop Way, Baltimore, MD 21244
 Sardar Hasan Khan, 9744 Gudel Drive, Ellicott City, MD 21043
 Surraiya N. Khan, 9744 Gudel Drive, Ellicott City, MD 21043
 Sartaj Lodhi, 7011 Glen Spring Road, Baltimore, MD 21244
 Qudsia Wahab Lodhi, 7011 Glen Spring Road, Baltimore, MD 21244

Sara Patel, 9 Randolph Spring Court, Baltimore, MD 21228
Syed Habeeb Ashruf, 1301 Lincoln Woods Drive, Baltimore, MD 21228
Aneesa Ashruf, 1301 Lincoln Woods Drive, Baltimore, MD 21228
Sayed A. A Hashmi, 6210 Craigmont Road, Baltimore, MD 21228
Shahrukh A Hashmi, 6210 Craigmont Road, Baltimore, MD 21228
Syed Abid Husain, 2 Mc Lendon Court, Baltimore, MD 21244
Tahseen A. Husain, 2 Mc Lendon Court, Baltimore, MD 21244
Syed Wahid Husain, 2004 Greengage Road, Baltimore, MD 21244
Syed Zahid Husain, 4 Mc Lendon Court, Baltimore, MD 21244
Rabia Z. Husain, 4 Mc Lendon Court, Baltimore, MD 21244
Tarik S. Ideis, P.D., P.O. Box 653, Ellicott City, MD 21041
Aida T. Ideis, P.D., P.O. Box 653, Ellicott City, MD 21041
Umar I. Mustafa, 8211 Chandler Court, Ellicott City, MD 21043
Annette D. Mustafa, 8211 Chandler Court, Ellicott City, MD 21043
Usman Mian, 4414 Wynfield Drive, Owings Mills, MD 21117
Michael Clites, 1801 Woodlawn Dr., Baltimore, MD 21207
Clevon Johnson, 1801 Woodlawn Dr., Baltimore, MD 21207
Anthony Jenkins, 1801 Woodlawn Dr., Baltimore, MD 21207
William McCray, 1801 Woodlawn Dr., Baltimore, MD 21207
Aaron Noriega, 1801 Woodlawn Dr., Baltimore, MD 21207
Dorrell Walker, 1801 Woodlawn Dr., Baltimore, MD 21207
Kehinde Adeloye, Baltimore, MD
Joel Brown, Baltimore, MD
Saad Chaudry, 1228 Pleasant Valley Dr., Catonsville, MD 21043

Sincerely,



M. Cristina Gutierrez
MCC:ml

Handwritten Letter of
Hae Min Lee

OK, here it goes... I'm really getting carried
 that this situation is going the way it is...
 At first, I kinda wanted to make this easy for
 me + for you. You know, people break up all
 THE TIME! Your life is NOT going to end. You'll
 move on and I'll move on. But, apparently, you
 don't respect me enough to accept my decision,
 I really couldn't give a damn about whatever
 you wanna say. With the way things have
 been since 7:45 a.m., this morning now I'm
 more certain than I'm making the right
 choice. The more fuss you make, the more
 I'm determined to do what I gotta do. I
 really don't think I can be in a relationship
 like we had. Not between us, but mostly
 about the stuff around us. I seriously DID
 respect you to accept, although not understand.
 It'll be busy today, tomorrow, and probably
 till Thursday. I got other things to do, better
 than give you any hope that we'll get back
 together, I really don't see that happening, esp
 now. I NEVER wanted to end this like this, so
 hostile + cold. But I really don't know what
 to do. Hate me up, you will. But you should
 remember that I could never hate you.

NO I = ~~missed~~

to us till

6:45



I'm going to kill.



Here's the thing.

... drug, with a ...

You should ask her to make a list of all her symptoms, and compare it w/ the list on the overhead.

Can we ask her "Are you a good lender?"

~~Will probably ...~~

Maybe she was pregnant & she read ...
or not while we want to ...

Her ... chngg self ... probably ... tripped and fell on the way to the clinic and ~~that~~ caused an abortion.

she would never think ...
I do nothing ...

Whenever you kiss a guy you probably think your pregnant, she's scheduled in ...
... which she's still in denial. Not that bad, for me for her hell yeah.

Diary of Hae Min Lee

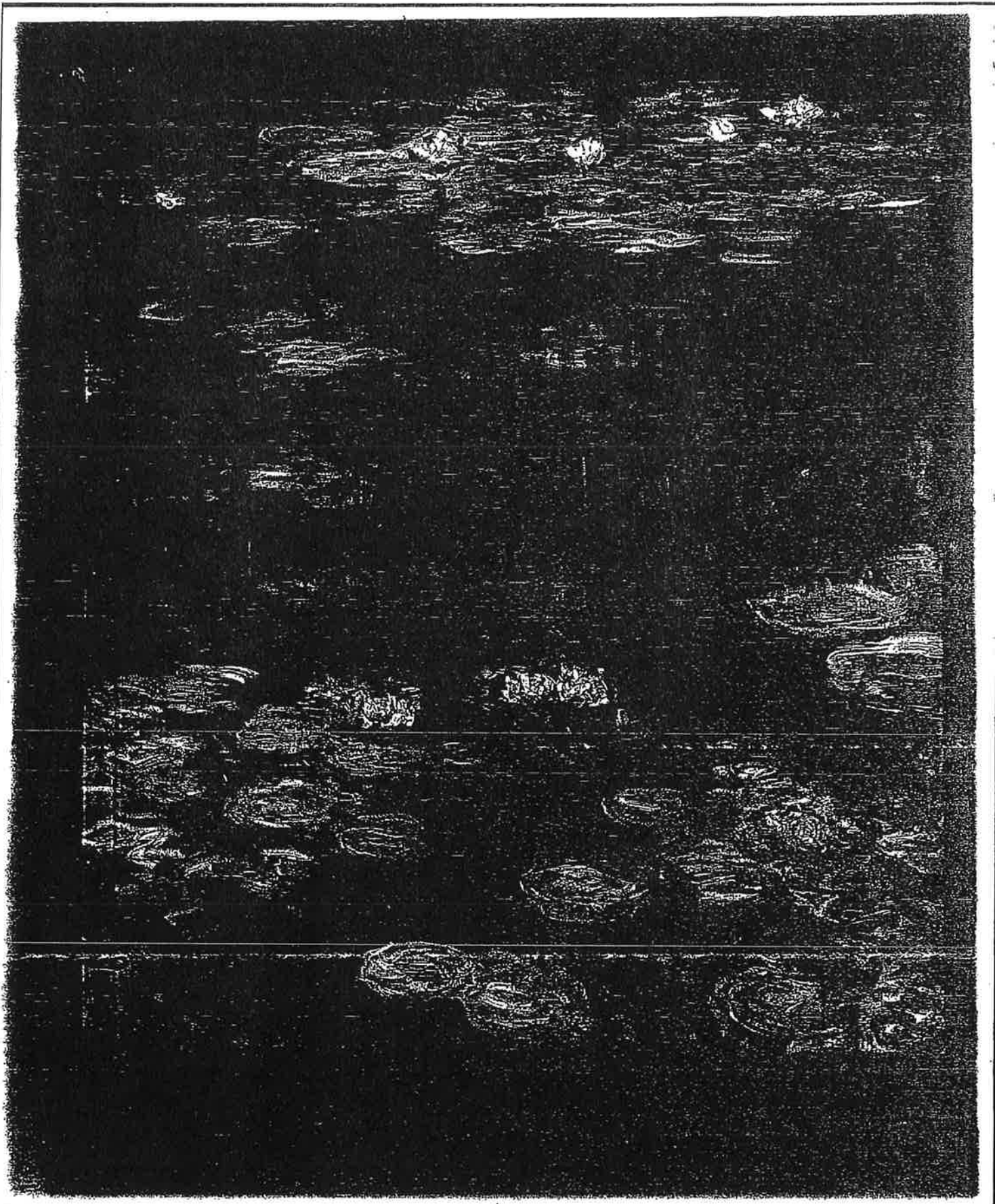
FAE

LEE'S

Memorie



Far away from
being Monet



This book is open to those whose heart is innocent.

If you feel any guilt reading this,
Then you should stop.

This book is full of my experiences.

This may make you: angry, sad, happy, mad, or/and any

So do enter at your own risk.

Dedicated to those who I love & love me back. Do love & remember me forever, since I'll always love you call!



4/1/98

I got this today, at Monet exhibit @ Walter's Art Gallery, from the french field trip. I bought this cause I thought it would be cool to write stuff in here... about my life. So I guess I would just start w/ my life so far... so sit back + enjoy. Why? Cause my life won't be considered "typical" to most. Consider this as an intro. Hopefully, I'll write frequently. If not, oh well. :)

4/1/98

I gotta say that today is a pretty cool day. Mr. Jones + I talked, and I think he'll give me an "A"! I'm so happy! I was on the french field trip to Monet exhibit @ Walter's Art Gallery, so not much happened @ school. But it was a cool day. At the gallery, I had a pretty cool time. I got this book, + the Ford Rock Cafe was cool, even though I couldn't order anything other than a chicken sandwich + sprite. But, the ceiling was in the shape of a dome . So, from where I was sitting, I could hear this blonde talk from the opposite side. Me, Toni, Asha, Del, + Becky were sitting on a table, + we were crossing @ her. Then, we went around the dinner harbor for 20 min, allowing me to get some judge! When I got to school, I decided to stay after + help out drama and all that. Then, I decided to take James home to get something. When he + Ajana went to his house, the thing we needed to talk about came up. As you might know, I have been telling Isha to take Nick to prom. Why? here are reasons:

- 1) she don't have no date.
- 2) I already have Adnan.
- 3) I am ever so over Nick.
- 4) Nick is her friend.

she told me that it kinda feels weird to take Nick to Dr. Prom, since we were like, close + call. But I told her that I am ~~so~~ so over him, which is truth! I wouldn't care - Nick is now a friend, + nothing more. And I truly think that we are too diff. Anyhows, I got Adnan +. He makes me feel so special! Unlike Nick, who is a player, Adnan ACTUALLY apologized for Laura. (sitting on his lap! I mean, now. How many guys would do that?!?) I think I might just love him. Anyways, I gotta go + do my english!

Night

+huggers + kissers

4/5/98

Well, this is great. I can't go 2 lax prac cause I have no ride! Adrian + I cleared up for Wednesday. I don't know why, but I think things better become more slower, cause he is moving way too fast for me. But, hey, that's cool. But I have to plan few stuff soon, for yr. prom. I do have a knock-out dress and matching shoes soon. Oh, my hp is almost starting. I gotta get working on it. And I'm gonna start writing poetry, again. And I'm pissed, cause Young read this book, like I wouldn't find out. Just because he wants to be ignorant + invade MY privacy. Anyways, he is probably interested in MY life, cause I actually have one. Hmmm... new Beyoncé Men music...

4/7/98

Someone please smack me? What the fuck am I doing?!?!
 I am pushing Adnan away! Damn my grandma
 mother. ~~Shut! I can't get close,~~
 and he can't get close to me. This is really fucked
 up! He is way too sweet + All! What is happening?
 I can't believe things are about to blow up
 in my face 'sigh' my life's a bitch.

4/27/98

EEK! 20 days since I wrote? Oh well, let me
 fill you in. School is still a bitch, but I'm
 surviving it. And PROM was 25th, and I
 better tell about so it while it's still fresh in
 my mind. I wore this dress that's blue + sparkles
 as purple in light. I was suppose to be dropped
 off @ Alsha's, but the fire burst, so I had to call
 Adnan. Flawless! Me and Adnan had troubles. We had
 a huge fight the day before prom. But we cleared
 the air just in time for prom "G". We had a blast!
 First, he dropped me off @ Alsha's, still not dressed.
 I seriously freaked, because I thought we were
 gonna be late for prom. But he got his fix

013

9:35 AM
Gate C-16/10

S

and after group pics, we were off to prom!
 We took our pics, one together, one of me, and
 one with me, Ulsha, Becky + Debbie. I was so
 crazy! Then we came back to cafe, and we
 had sooooo much fun! Me + Adrian were dancing
 like crazy, hugging, AND kissing. I swear, he is
 the sweetest guy... let me tell you why "G" He was
 the PROM PRINCE!!! and Stephanie McPherson was
 prom princess. And, traditionally, they were suppose
 to dance ~~the~~ together... to my song, KC + Jo-Jo's
 All My Life! I tried to act natural + unjealous, but
 it did kinda bother me. But, I took the pic of them
 dancing + sat next to Deb, who went on about
 how heart ~~it~~ is for Adrian to be the prince. 10 seconds
 later, guess who danced with me, and not w/ Stephanie?
 ADRIAN!!! Now, how can I not fall in love with
 this guy! Of course, I gave him his first kiss
 on lips. Then, I totally fell in love w/ him "G".
 Then we left prom w/ Debbie + Justin, Kara + her date Justin,
 Shawn + Becky, Ulsha, Sophia, Amber, and Ulsha.

4/29/98

Well? I'm getting better at writing after. Nothing new happened. Me + my baby went out after school. We dropped off Stephanie @ Garland's to get her car from Jay. Then me + Adrian went + picked up some Burger King food, made out in parking lot, etc. Then we came back to school + messed around w/ Ms. Butler + Ju'wan for awhile. Then I went to practice. I swear, Nick is a jealous monster! He is telling ppl that I'm a tease. What?!?! He is just saying that 'cause he CAN'T have me, and we both know it. Why the hell would I want him when I have my baby! I gotta go my solo + tech. I promise I'll write tomorrow, about my the last game of the season... against Dunderk.

W/loves + kisses,

4/30/98

I have to write right now, so I can tell about the game. We WON!! Durdalk was burning with rage!! I scored 3 at beginning + 0 at second half. Tori scored 4, the top scorer. And, Isha scored 2!!! She is soooo happy about it! This is soooo great! What a way to end a season! I'm soooo in love with Abnan! He is William come true. And, he is improving "K" I think I'll come home early tomorrow, since we have no practice. I LOVE ADNAN! Becky is suppose to page Shawn tonight, cause he wants to talk to her. I wish Becky would stop leading Shawn on, and Shawn to stop drooling over Becky. They are both cool friends, and it upsets me to see them both angry/sad/confused. I wish they would just start something, or end it altogether. I hope me and my baby could stay together till we graduate. I'm much in love w/ him, and he loves me like crazy. Hope we can keep it up...

5-1-98

Adrian is the sweetest guy! I love him to death. Guess what he did! He was suppose to go to his mentor right after 3rd pd. Guess what he did instead. He went out and picked up a single rose ... for me! And he gave it to me in physics ... in middle of the class! EVERYONE was staring. All I could do was just look surprised, and just kiss him in middle of class! All day, I walked around with my rose. Everyone was telling me how cute it is and all. I got lots of "awwws" and "cute's". It was lovely! I came home, and put it in the heart vase I got from prom. I can't believe he did it! It's sooooo sweet! Now, how can I not love a guy like this? He is picking me up ~~for prom~~ after SATs, and we are going to Deb's to get my pics, then we are going to go somewhere ... I can't wait!!! Oh, yeah? I have my SATs tomorrow.

we went downtown, me, Adnan, + Deb in his car.
 First, we ~~are~~ were planning to go to Cheesecake Factory,
 but we changed to Hard Rock. ~~At~~ As we walked to
 Hard Rock, everyone was clapping + cheering @ Adnan
 since he chival on his crown. We had to hurry to
 catch up to everyone, cause we were too busy "WG"
 making out. At Hard Rock, it was no better. Me
 and Adnan ~~are~~ ^{were} totally isolated in our own little
 world, busy making out. Debbie was jokingly ~~gave~~
 giving me looks, + so did everyone else at the table.

After Hard Rock, we walked back to Adnan's car +
 we dropped off Debbie. Then, we went to Usha's house, so
 I can sleep over. Parting is such a sweet sorrow...

The moment he went out the door, I missed him.

I went to sleep + dreamed. Since then, I keep on falling
 deeper and deeper into him. He's the cutest, sweetest,
 and coolest guy, and he loves me!!! The bad thing
 is that we have to keep things secret.... "sigh"

But it's ok, cause love conquers all!

5/4/98

I hate my gm + gp for being such a bitch!
 But I love my baby, and they can't stop
 me!!!!. Now, things are calm. We just
 gotta be more careful...

5/7/98

Three days have gone by, and lotsa things happened.
 First, there was this thing w/ Nick. He started telling
 ppl about the things me + my baby did... like it's ANY
 of his business I can't believe that shit. At first, I
 didn't give... especially with that "tease" thing. But I
 got pissed when Isla heard from Greg who heard
 from Alton about the thing we did in tech room...

FIRST OF ALL, we have never been up in tech room
 together. And why the hell is he spreading rumors?!?!
 I got mad, + my baby told me to leave it alone.
 But the first thing I did when I got to physics is to
 fight. But in the end he apologized. Then my baby told
 me his secret... bout his sex life. It was soooo

nothing, but he scared me to death by making it sound so important... What a sweetheart! I love him so much. Either way, I better go to sleep..

p.s- hook Aisha w/ Terrace!

5/11/98

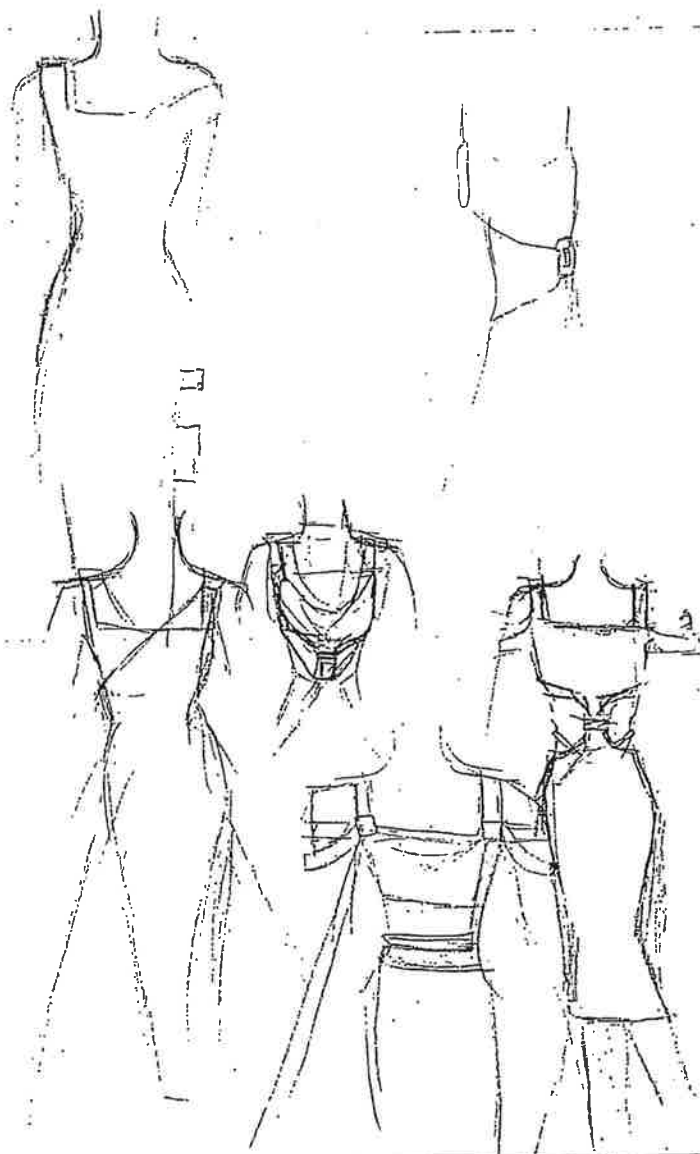
Ok, I gotta make this brief, cause I have to do my English. I'll talk about my baby. I don't know what's gonna happen with us, especially with the ppl against us (i.e. His mother) But believe it or not, our love gets stronger and stronger everyday. I keep on loving him more and more. And when I look into his eyes, I know that he loves me. I really love him... and I don't know what I'll do w/o him. It's good that we are in love, cause it's keeping me out of depression + all. I wrote Debbie a mail about all this. And I'm talking to Shawn about Becky. I wish Becky would just leave him alone so he can move on. Aisha is as cynical as usual! Deb is delusional that Rohit actually like her. Whatever! I don't care, as long as I got my baby + he got me. I'm gonna do my English now... and think about him!

5-12-98

* Sigh I love him so much. Although everyone has
 crush on him, I know he's mine + I know
 that he's mine. I don't know what to do
 without Laura though. She sounds like she needs
 him more than I do. I remember when someone (Nik)
 played around w/ my head w/ Ashly Meg. I really
 feel sorry for Laura, but I better stop thinking
 about this, cause knowing myself, I might just
~~hand~~ turn him over to her. ~S~ I love him.
 We got carried away today, but I won't give.
 He is so wonderful, + I'm so glad that I
 have him. I'm in love!!!!!!

5-14-98

I think I'll try that "one week recess" Deb suggested.
 I checked 4th and went out w/ Ashly, Dobi + Shawn in Shawn's
 new car. It's so fly w/ these tinted windows. We went
 to Boston Robins + I got some Cappuccino blast. I couldn't
 be w/ my baby, cause he had to go to D.C for his



religious stuff. That's what I need to figure out.
 Do I dare to pull him away from his religion? Ms. Sawick
 was all up on my face about it. She said stuff like,
 "well, Adnan used to be so religious + strict last year. But
 this year, he is so loose," like I changed him... actually
 I did. And I don't want to pull him away from
 who he is. I think I need time to organize these things.
 But I do know one thing: I love him and he loves me.
 Nothing will change that. I'll try the "news week" and
 see what happens. I'll probably kill myself if I lose him.
 But I'll go crazy, with things complicating things. I wish
 he'll call back soon.

- 1:00 am

5-15-98

I did it... me and Adnan are officially on "news week"
 or "apartment." I don't know what's gonna happen to
 us. Although I'm in love w/ him, I don't know about
 him. He ACTUALLY suggest that what we have is ltsa
 like, not love. I heard the doubt in his voice. Although
 he couldn't pick up mine, I felt the SAME way.
 I like him... no, I love him. It's just all the

Things that stand in the middle. His religion +
 muslim customs are the main thing. It irks me
 to know that I'm against his religion. He called me
 a devil few times. I ~~at~~ know he was only joking,
 it's somewhat true... I hate that. It's like, making
 him choose between me + his religion. The second thing is
 the possessiveness... independence rather. I'm a very independent
 person. I ~~rarely~~ ^{rarely} rely on my friends... Although I love him,
 it's not like I NEED him. I know I'll be able to just find w/o
 him... And I need time for myself + w/ my friends other
 than him... How dare he get mad at me for planning to
 hang w/ Aloha? Third thing is the mind play. I'm matured
 out of jealousy shit. I don't get jealous, + I think whoever
 trying to get me jealous is a fool, cause they'll definitely
 lose me. I prefer a straight relationship, that don't get
 ppl mixed in just because he wanna play mind games.
 Fourth thing is... nothing. It's that I DO love him. It's
 just all the slutty things that are messing w/ my mind.
 I'm just too confused. If I don't take the time to set
 things straight, the whole thing will build up on my

head, making me ~~so~~ mad + do something I'll regret
 FOREVER? That's why I need the timeout. I just hope that
 I don't lose him because of this... I LOVE HIM! When
 I hold him, I want it to be forever. I feel ~~secure~~^{secure} + comfy
 with him. I think he expected more of a spontaneous
 connection. That's not going to happen ALL THE TIME. A relation-
 ship burns brightly at first. Then it eventually calms down. We
 started strong... and now we settle.. in a boring, but secure
 and loving relationship. I don't know what he wants. All
 I want is him... to hold on to, to cuddle up to, to
 kiss when I feel empty ~sigh~ maybe I'm ^{not} suppose to
 be loved... but ~~do~~ suppose to love. And I thought I have
 found another keeper... and maybe I have. Hopefully,
 we'll go through this + come out ^{w/} much stronger foundation.
 I love him... I can live w/o him, but I love him +
want him w/ me... Please, Adnan... be patient with me,
 love...

5-18-98

Sorry I didn't write for awhile. And lotsa things happened. On Friday, ~~the~~ ... you know what happened. Anyways, we made up. On Saturday when I was at nex door house after work, I paged him like crazy, totally forgetting that his pager don't sleep day the forth night. Oh well... anyways, I asked him if I can change my mind. He was SO happy, cause he didn't want timeout. We talked for awhile. Although things aren't peachy-creamy, it's all pretty good. Sleepy... 2:30 am... damn it!

5-21-98

~G~ Sorry! Been too long since I wrote last. But today is my baby's B-day!!! Gosh, I love him soooooooooooooo much. I got him Scooby Doo Jokers. And the funniest thing is that he guessed! How cool is that? I gave him a real beautiful card that he ~~loved~~ soooooo much. ~~It's a~~ ~~crazy~~ ~~but~~... but we were cool.

5-27-98

~G~ been long!! I didn't finish my last entry, cause I feel stupid!! Anyways, he loved his gift + the... um... the other thing!! Tonight was the Greater Britain Chapter of US Air Award ceremony. Although I didn't win, I had a ball. time!! If they didn't put Div. II + III together, I would have had our Div. II!! But, oh well!! Oh my God! I just have to tell u what happened!! My baby... is the sweetest, most loving, most caring, and THE best boyfriend a girl can have! Just yesterday, we kinda fought, and I was kinda mad. But today, everything was soooo great! My baby got me half a dozen roses and looked browned for me!!! And he wrote me this sweetest note that just made me cry!! I love him sooooo much!!! He is THE BEST!!!

June 1, 1998

~G~ wow, I have the most wonderful, sweet, cute, and loving boyfriend! Today was the sports banquet. I received MVP!! What an honor!! and the best thing is that my baby was there to see me. He was the most supportive. BF!! He was there. He is the most wonderful of words!! ~G~ he gave me the angles. He was me a poem!! He was kind a night about it cause it was a little special. I'm soooooo

Lucky!!



June 4, 98

The first day of no school!! I slept, I watched TV, ~~and~~ I ate, and I rested. I had a real relaxing day, and I love my baby. I'm talking to him right now. He is telling me how he gets happy just by making me happy. He was talking to Jordan today. Telling him how my smile makes him happy + how it's more than anything I can buy him.

I LOVE HIM!!

June 8, 98

I'm talking to my baby now. Oh, Ush + Justin "hooked-up" at Caroline's party. It seems that they kissed + fooled

around. Well, it turns out that it was one of those
 hook-up once & never mention again thing. I was
 kinda hoping that they would keep it going.!! But
 it's all cool!! My baby is the most wonderful
 man I have ever known. He is sweet, wonderful,
 he is caring, loving, thoughtful, and very passionate.
 He has the most handsome man with soft hair and
 with wonderful scent. Did I mention that he came
 to my house & we talked on ~~last~~ window @ 11:45 pm!!
 I love ~~and~~ him sooooo much!! One day we'll get married
 and be happy!! I can't wait 'till the day we & my
 baby can be together openly.

still feels like
 Thursday - 6-12-98 (2:25am)

G~ he came over again!! Well, he'll start w/ Wednesday.
 He & my baby went to Inner Harbor, to aquarium. We walked
 around & saw the dolphin show. My baby acted like a little
 kid!! We had fun, especially when we saw the acting clown
 in the Harbor square!! We just didn't want to go home
 when we were @ the parking lot, but we knew we had
 to. I cancelled our plans for Thursday, because it

wouldn't look good to my mom that I'm going out two days in a row. But we are definitely doing something today. My baby brought me Hershey's mac secker & ice cream sandwich. What a sweet heart! And he also told me the sweetest things that I "swallows" actually I cried to. He is sooo sweet! Isha + Teri called me when my baby came. He took the phone after I told Isha that she always have bad timing. Isha was just like, SORRY!! But it's cool. I can't wait to see him today!

6-15-98

What a day "sigh" I'm in a real bitch attitude, and Adren is NOT helping. He hasn't called me since 12:30 this afternoon. And it's definitely pushing me to the edge. I think I'm going to pick a fight. I don't know what the hell is wrong w/ me. I'm just having a real bitch day, + he is not here to help me... "sigh" oh well... I really don't feel like writing anymore.

6-19-98 (11:40a)

OK, I'll tell you what happened... He didn't get any of my pages!! And he didn't call me cause he figured I couldn't want to talk to him because of my crappy mood. He came that night and we stayed up till like, 2:30. And last night, he came also. And we stayed upon my grandfather's car till 2:45! I love him!! We are going on a picnic today @ 2:30. I can't wait!!!!!!

6-19-98 (12:30a)

OK... I'm writing this with no lines. So it might be a bit messy! Anyway, I had fun today, probably the last fun I'll have before I get locked away for a week.!! We'll survive, me and my baby. I know for sure!!

Well, he couldn't come tonight... after I waited up for him... FUCK. I'm pretty pissed @ him, but then again, he's the one who has to drive over here anyway. FUCK. What the hell? -ok-... he just fucking hung up the phone on me... now, he just called me and it rang once. I'm going to be in MAD trouble. Shit, at least I'll get to be mad @ him when I go away. FUCK This is soooo upsetting to me... I'm soooo about to let this day go!! ^Sigh~ but I'll probably be sad if I do that. But I could... he's just a guy... right? ~ definitely confused ~

8-24-98. Am maybe 25

been so long! I hate it when I forget to write, + don't know the ending of the last entry!! Well, let's see... oh yeah! Adnan's friend got into an accident on last entry. He got really injured, + died about two days ago. And, screwy, the boy Becky + Adnan knew, died yesterday... And it totally got to him. Adnan got high... he smoked weed. ~sigh~

And this is after he sorta promised me that he would never get high... but he did. I could have blown up on him; but I couldn't. Cause I understood his pain, & that he needed a way out. I totally felt his pain... and I cried. I think I'm gonna write a note for him. Maybe it would cheer him up. I love him soooo much, that I totally don't know what to do. But I just want to be there for him...

6-27-98 (1:05am)

I love my baby so much, but to tell you the truth, I don't know just how much more off this... depression I can take. It's not annoying, I'm not wanting attention, nor more love from him. It's that I love him so much that it REALLY hurt to see HIM hurt, and I don't know just how much more pain I can stand. It's that I REALLY want to be there for him... but I sorta feel like he is moving away from ^{me} him... and I love him. But as long as I can, I'm going to stay with him, be there for him. I love him so much. (Note: NEVER make love when the guy is depressed... it's NOT good) Oh, his friend who lost his left eye & all is getting his legs amputated. That's why Adnan was so depressed today. It's so horrible. He's going through so much, & I can't do anything. He says that me being here for him is enough, but his tears & sad voice REALLY hurts me. But I love him soooo much & I'll be strong as long as I have to be. He took my bitchiness and I'll take his, through the end. I didn't talk to him tonight, & it REALLY worries me. But I'm sure he'll keep himself safe... for me. Baby, I love you... and I hope you'll always know that I'll always be here for you.

6-28-98

OK... I'm gonna write a LOT in this one. Well, last night, from 12:30am to 6:30am, I talked to Adnan. Wanna know something? Well, he just was accusing me of all the crappy things. Like, how I can't give him as much love as he gives me, cause I've been in love before. It's like, love is IN him

7-1-98 (10:25 @)

OK... I didn't finish my last entry. Well, that night, we fought... well, discussed over the phone. The next day, he went to places w/ his friends while I went over to Aisha's & watched movies. Dh. Tori's parents are getting separated. Poor gal. She's taking it pretty hard. Anyways, that night, me & Adnan talked again on the phone, & he said one thing that will always irritate me... "You said that I can't fulfil you physically, well, you can't fulfil me emotionally." I just broke on that one, cause earlier that day, Aisha said, "Even if you don't have great sex life, at least you have a strong emotional relationship." Humm... Does that mean something? I don't understand why he said that. First of all, he loves me is ENOUGH for me to love him back. He said something like he doesn't feel special enough because I don't show it. How can I show him that? Cause I damn well love him more than my life. I'm lost without him. I'm nothing without him. I will give him the world if I could. I would give my life for his love. To know that his love is in my heart is ENOUGH for me. But I don't know about him. I guess nothing would be perfect.

7-2-98 (4:05 am)

Well, I went to Adnan's car today & it was pretty neat. Just before I was with my baby. We were going to look for some stuff for the car, but you know someone's gonna see him. So we went around. I love him so much, I want to last forever. First of all, when I go to field hockey practice over the summer, I want him to be w/ me, I'll bring football. And in the first day of school, I want it so that we'll enter holding hands. That, I want us rolling into Mariotte for our senior prom in a limo. I want him & in my senior farewell will. I want to see his eyes just before I move the tassel on the left. I want to ~~see~~ hold his hand just before I start college. I want to see him every weekend. Is that possible? For anyone else, it might not be, but to me, it is, with my baby. That's how much I love him. I just hope that he knows, because to me, he is more valuable, precious, & needed than my own life. I'm giving him my soul, mind, body, & heart. I just wish he knows.

Cool song: My All by Mariah Carey

I'm thinking of you
 In my sleepless solitude tonight
 If it's wrong to love you
 Then my heart just won't let me be right
 cause I'm drowning in you
 And I won't pull through
 without you by my side.

chorus: I'd give my all
 To have, just one more night with you
 I'd give my all
 To feel, your body next to mine
 Cause I can't go on
 Living in the memories of our song
 I'd give my all
 For your love tonight

Baby can you hear me
 Imagining I'm looking in your eyes
 I can see you clearly
 embrowned in eyes
 And it's just so far
 like a distant star
 I'm wishing on tonight

Chorus

7-4-98

What a day! OK... this is what happened. Aisha + I went to Ching Mills to find a ring for Adrian. I got a cute silver ring like the one he lost, but I didn't like it. But when we were getting out of the car, he started to page me. I figured I would call him from Aisha's house. And I did, but he had to go for few minutes. So while we were off phone, I went to eat crabs. Then he starts to page me again. But it is rude to leave the table + I didn't page him back. Then when I called him, he left me a message. It said something like "You are trouble + I hate you" basically.

7-16-98

Umm... talk about a lazy writer. But I DID type the story on comp. Anyway, I'll tell you what happened. Anyway, he came right after I left him "I hate you, it's over" message. He came to Aisha's + apologized. Because of his sick friend + all that, he took it out on me. He came over + apologized with tears. So I gave him the ring + we went to see the fireworks w/ Aisha, Shawn, Tori, Tony, Adrian, and me. We saw Erin Hardy, her cousin Julie and Nick Sweet. Tori + Terrance couldn't come, cause they got into car troubles. Anyway, fireworks were great. lovely + wonderful w/ kisses from my baby. The traffic was haphazard in Catonsville. Anyway, that night, me, Aisha + Tori slept over at Aisha's house. Tori's going through ALOT... alot of unnecessary things. But it's cool. Anyway, Adrian dropped by Aisha's late, w/ a carrot cake! Oh... funny joke time! Well, it was me + Aisha on bed + Tori on little one. Well, we were both messing w/ Aisha, insulting her + pillow fighting. Anyway, I was lying down on my stomach when Aisha aimed a punch to my leg when I insulted her. But cause I was on my stomach, she got my ass. So we cracked on her being us. And then the next day, Aisha told me to roll over to see Tori doing something stupid. I just looked at her funny + she got the signal + CRACKED up. It was a cool + funny sleepover. Now we crack on Aisha for slapping my ass and telling me to roll over.

Anyways my baby's ~~gone~~ ^{been} since... 12:00 pm of 16th. He went to Texas with his father for some Muslim convention thing. He called me on 17th, Friday, twice, on 1:00 pm + 8:30 pm with calling cards. Isn't he SWEET? I keep crying over the phone because I miss him so much! Then he went into whole explanation of the purpose of the trip to Dallas. He told me that his religion means life to him. And he hates it when he sees someone purposefully going against it. He tried to remain a faithful Muslim all his life. But, he fell in love w/ me, which is a great sin. But he told me that ~~there~~ there is NO way he'll ever leave me, cause he can't imagine a life w/o me. Then he said that one day, he would have to choose between me + his religion. ~~z~~ This was exactly what Sawick was talking about. I love him so much! And when it comes down to choosing... I'm going to let him go his way. If you have to deny yourself a part of you for love... then that's not good. I really couldn't care less, since my religion means shit to me. But to him, his religion guides his life. It's the world to him. And I hate the fact that I'm the cause of his sin, no matter what he says. He said that I shouldn't feel like I'm pulling him away from his

Religion... But, HELLO? That's exactly what I'm doing. I don't know we'll live through all this. But this is BAD, Now I'm gonna anticipate the day when things will come to an end, gradually pulling away, protecting myself from the oncoming pain.

Baby, I love you with ALL my heart. Nothing ^{NO ONE} could even come anywhere close to all the smile, happy tears, laughter, and love you have brought to me. I've NEVER loved anyone as much as I love you and I'll never be able to love anyone as much as I love you. I think about you the moment I open my eyes in the morning ~~and~~ I fall asleep... well, longer cause I think about you & dream about you in my sleep.

My days drag on as I wait to hear your voice or see your face. The main point is that I love you, Adnan. If I were to have my way, we would be together forever. But if something happens... ~~my love~~ "My love is strong enough. Strong enough to let you go. But I'll always hold you. Inside my heart."

~ Xscape "One Who Loves You"

Anyway, the day is slow as HELL? It's much slower since I'm waiting for my baby to come back on Sunday. When he comes back, the moment I see his beautiful + loving face,

this is what I'm gonna do... in order: Slap him (lightly), kiss him ONCE, then Slap him again, then jump on him + melt on his lips + in his embrace. I just might cry. I want to get him something on Sunday... what? Well, I DO need to buy books for that damn English + start working on psychology crap. So I should get him a Calvin Hobbs comic book. I should make Mommy take me to Owings Mills tomorrow. I'll hopefully find Thejus + get damn discounts.

Take Cassol

I'll always Miss you

8-24-98 (Monday)

WOW! Month since the last time I wrote! well, few stuff happened. It will be chaotic if I try to remember things. Well... kinda. Oh, two, I mean, last 3 Saturdays ago, my baby went to Atlantic City, New Jersey while I was @ Chesapeake Bay. It was pretty cool, spending most of time in the car, sleeping. Anyways, he won thousands of dollars, but had it taken away because he was a minor & it's cool though. Then on Thursday after that, I went.. wait, @ 1am Friday. I was @ Gusha's house. Snuck out.

It was me, Adnan, Shawn, + Asha @ her house at
Midnight. Shawn left. But, me + my baby slept @ her
house + Asha invited over Tim, who tried to fuck her for
Anyway, that day, we just screwed around the whole
day. And Asha called mom, who started bitching cause she
thought I was at 6 Plugs. I snuck back into the house through
the window around 11, bitched @ mom back @ Then on that
Saturday, got my hair cut + straight. Although it's pretty
short, it's nice looking. So as long as I curl it often, it will stay
~~cool~~.

cool. (I can't write too small, cause it hurts my wrist)

Anyways, then starting next week, I started soccer.

Nina is playing soccer. But now, starting this week,
we are gonna rock with field hockey! We got ourselves
a FH coach. We have a meeting ~~that~~ tomorrow, and
hopefully, we'll get through the season. Waw, I do look
a bit sexy in black shirt. Oh, we almost broke up today,
cause I was getting mighty sick of all that you do this and
do that crap. Accusing me of hurting him. But it's ok.
We are back together.

B-25 (Tuesday)

Oh wow ~G~ Two days in a row! Anyway, we have
a FH coach! Note how I said A COACH, not
A TEAM. We still need people on the field. @

should go and steal Nina and Katie from soccer!!
New coach is a white woman w/ short curly brunette
her name is Ruby Kelly or Kelly Ruby. Orwell,
either way. we have practice starting today &
(it's now 12:11 am) Anyways, shit happened yesterday
(to be politically correct) Adnan told me to wait
around till the end of his practice. Me + Aisha just played
around school till 4:30, then we went to her house to
call people to play field hockey. Then we went back to
our school. And Aisha clipped me off at front, when I
asked her to clip me at back cause I saw my baby @
soccer practice. And then, she absolutely refused to take
me to the back, so I walked around to back, to see Aisha
pulling into the back parkinglot. What a B! Anyways,
when I got there, I saw Adnan who completely ignored me.
and it wouldn't have been so bad if Laura or Amara
wasn't there. It was so embarrassing + degrading! So I
just said hello to Ms. Tuggs + made Aisha take me home. And
on the way there, I bitched him out. Then later on, he goes
to Aisha's house + calls me from there. He said he is

very sorry. We talked for awhile + ~~we~~ I found out that
 he is having probs with his mother + his father. Poor
 babipoo... I love my mommy, and it's something a child
 shouldn't miss. I love chim so much! But I'm a bit
 tired, so I'll go to bed, get ready for FH tomorrow.

8-25-98

Well, it was only me + Ms Ruby today. Aisha's working
 for the rest of the week. What a B! Anyway, she's
 pretty cool. I hope ppl would show up today (8/26 -- it's
 12:14 now.

8-27-98 (1am)

Have you ever been accused of something, and it's true... it's
 your fault... and tried to deny it, hoping that you will
 actually believe the lies? Well, I have. Today, I spent the
 day... whole day with Adrian. Now that I look back the
 last 24 hours... the last week... the last 5 months, I
 regret it. Why? Because I have lost myself... in love, in
 embrace, and in lies. All the lies I told my mother, my family...
 it's going to haunt me tonight. My heart can't sleep... why is
 that? No matter how horrible I am, I love my family... especially
 my brother. He, I can always count on... fight with... and always
 believe to tell me the truth ↓ Tonight, he accused... I mean,

advised me ... to not to lie. His words cut through my heart
 Because ... he has hit a spot... I tried so hard to cover. Where
 was me for the past 5 months? Now, I'm back ... back to
 myself, free ... well, at least, let go of my worries. Now that I
 think about it, I have been denying myself to me. I devoted 5
 months to a man I loved, while ignoring myself. Every lies I
 told, I buried within me. Why? How can I love someone when I
 have hated myself for the past 5 months... and still do? Now, I get
 myself back ... to be the rightful daughter, sister, niece, g-daughter,
 cousin, etc, etc, etc. No more sneaking out of the house. No more
 feeling bad about myself, hating myself because of one person,
 Although my heart will always be with him. I have lost the things that
 I enjoyed so much. Now it seems that everytime I do something
 I used to do ... like hanging around w/ Aisha, it seems to
 shoot through Adnan's heart. It seems like my life has been
 revolving around him. Where's me? How did I end up like this?
 I have completely changed myself to make him happy. Every
 thing that bothered him, I tried to change. Why did I do
 that? What's a love if someone has to change ^{themselves} to receive it?
 I soooo hate myself. I see when I think about the past 5
 months... I have done stuff I swore never to do

in the past few weeks. WHY???. Now, I cry... for all I have gained and for all that I have lost. I saw a TV show called OZ today. And a woman told a man that ppl don't use drug for its taste. Drugs are used to hide away from reality. I heard that, and all I could do was to cry. I have been hiding... running away from myself. WHY???. Did I mention that gparents bought cord phone to replace the cordless in the kitchen? To stop my excessive use of phone?... ~~back up the away from~~

Did I push them so far that they did that???. It's not even anger I feel toward them... call it a sympathy... for having a trouble some 13-child. Wow... What a day! A day when all my lies, denials, and burdensome truth is revealed. Now, I end my suffering... No one ever understands me... well, Jake always did. He NEVER told me what I should do. He just listened & told me he'll be here for me... but... he is gone now...

Sigh~ what do I do?

8-27 (almost 2)

I just talked to Adnan. I tried to explain all this to him... but it didn't come out the way I wanted it to... it never does. I told him about Sarah's warning.

did I change so much that even my best friend gives
 me advice on how to be myself? Aisha said the same thing.
 Both agreed on one issue... "My life's been nothing but about
 him." Is it true? But isn't that the way it should be
 when you are in love? Adnan was the only one I
 truly loved since Michael's death. Maybe I have put too
 much into it. Should I end it? Adnan, after hearing
 me out, said I'm putting him on one side + rest on the
 other. It is SO true... My life was between love + lies.
 He is so important to me, he measures against all. Why?
 Why can't he be on the other side with the rest? All the
 love I have for him... all the lies I have told, all the
 changes I went through... I'm so confused, I wanna get
 away from all this... Find me... do what I want.
 ~Sigh~ Love hurts... Or maybe I'm not cut out for
 secrecy and all, I love my mother, always have + always
 will. But... ~~why~~ why have I been deceiving her for months?
 Talk about hypocrisy.

8-28-98

Why do I do the unnecessary things. It's so questionable why I'm going through this. Other again, I'm usually never on the wits w/ me + ~~my~~ my feelings. After talking to Adrian for awhile, I realized that I'm putting him through a lot of shit. But I seriously don't mean to... I'll never put him through stuff like that. I guess I'll have to be in his shoes. I guess I would be like him if he told me he needs some time to himself. Or then again, maybe not. At least, he's saying he'll wait for me. But I hope he knows that there is NO way I'll ever let him go. But it's so retarded that his friends are giving me looks, and saying that they'll hate me if I ever break up w/ him. Is that how much I'm weighted to his friends? I know Asha, Deb, or Tori would never do that shit to him. I don't know... all I wanted was some time to myself, and all this shit happens. I guess now I would probably be afraid of bringing up anything, since it'll affect him and all. Why did this have to become such a huge deal? ~sigh~ life is stuff when you wake up from dream

8-30-98

Well, it's been second day of driving. Mr. Steve says that I'm driving pretty well. And, just thought you would like to know, I LOVE Adrian. For now, and for ever!!! I imagined my life without him... and I didn't like it. I'm gonna go and ask him for forgiveness... for putting him through shit. I hope he forgives me... especially when he holds the key to my heart. I love him SO SO SO SO much!!!! I can't believe the things I thought about the past few days. Now I realize that now, I should listen to myself, my heart... instead of others. You know what my heart is saying? It's screaming out for his hugs, his kisses, and his love. Would he forgive me? I truly hope so, cause I don't think I can go on, knowing that he's not with me. Oh boy... I finally find the best thing in my life, someone that makes me happy + feel loved, someone so special, someone so fragile + gentle, but yet, strong, someone who loves me as much as I love him, and someone I have always dreamt about, and what do I do? I hurt him + push him into dangerous situations. Would he ever forgive me? Or better yet, would I forgive myself?

How can I hurt him? I love him so much ~sigh~ I wish I ~~could~~
 could have his arms around me now. Oh boy, I'm going on
 the busway tomorrow after school. I hope I do well lol I WY U!

All the roses in the world wouldn't match his beauty. All the
 chocolate in the world wouldn't match his sweetness. All the
 sweaters in the world wouldn't match his warmth. And NOTHING

NOTHING in the world would ever replace him in my heart.

How could I ever pass on a chance at a happiness ppl

rarely have chance to relance? Baby, forgive me...

How could I EVER!!! I love you... ~sigh~ For now, forever + more,
 always....

8-31-98

The feeling of love... not all can ~~experience~~ ^{experience} it, but those who
 can, has given a chance of a lifetime. I... being one of the
 lucky ones, have ~~been~~ ^{given a chance at} love, and have felt it. I love
 you. Adnan. For now, forever + more, no matter what.... Always.
 Tomorrow is my first shot at my driver's license. I hope
 I pass it. ↓ 'Night ↓ (about 11:30am now)

9-1-98

Yes, yes, yes, yes, yes, YES! I got my ~~license~~ license!!! At my
 first try! I can tell that Aisha is green w/ envy +

jealousy! She is so sarcastic whenever we start to talk about driving ~ lol ~ that's how. I always know! And, why the hell do you get insurance for drivers? You get the damn car insured, not ppl! You dumb ass! I don't know who's 6 right, but I am pretty sick of her. "I am always right" attitude. Just because I got better stuff than her, don't mean she have^{to} get all bitchy on me. Shit! Is it my fault that no one wants her? Dumb bitch! Anyways, I LOVE Adnan, and 6'night!!!!

9-2-98

I love my life! Nothing can get better than this! Let's see...

- 1) I have my baby, who loves me very much!
- 2) I got my license, ~~took~~ and ppl are talking about getting me a car!
- 3) I'm so excited about starting to search for a job.
- 4) Nothing can go wrong & nothing will.

I LOVE driving, my baby, school, my baby, lacrosse, my baby... you get the idea! I'm tired... night!

9/9

I had a pretty busy day today. I had the car today. I went to gp's ~~for~~ shop to get the Camry w/ my baby. He is the sweetest person I have ever met. I love him so much, I spent half the day cuddling to him. I've never been so happy in my life! Well, anyways, we got back to school, me + my baby spent the day together. Then we got 20pc Chicken McNuggets + went to see the boys' varsity soccer game. Nina + Mac are getting back together. It's all good, as long as I have my share of love. You don't know how much I love him.. so much!!! Night

Have you ever been so happy that a pin would burst you open??? I have. Oh my goodness... how can I love him more??? But the MOST amazing thing is that I keep on loving him more and more w/ each passing moment. No words will ever be enough to describe his love, his beauty, his sweetness, his gentleness, his touch, his warmth, his soft and yet edge ways. I love him so much! My heart is filled with him, and that's the way I want it. If this is the way it feels to love someone, I want to be in love with him forever.

How could I spend a night, knowing he wouldn't be there in the morning?
 He is every + anything I could ever want, any + everything I never knew,
 any + everything I have always dreamt about, any + everything I have
 only heard about; any + everything that would fill my life with smile +
 love ♡. I LUV YOU!!!! How can I say those three words so
 that it would express How much I love him? Should I scream it out
 loud? lol. I'm near tears now because I have never been this happy
 in my life. I don't know what to do ~G~ Adnan, I love you so much!!!!
 All the happiness you've given me... with it's priceless. How can one be this happy?
 So totally speechless?? I want to look into his eyes now, and I wish I can
 feel his lips on mine. ~G~ Oh dear... I've fallen so deep in love ~G~ but you
 know what? Love makes life brighter, better, happier + all that good stuff. ~G~
 Baby, I love you so much! How would I ever repay you for this
 permanent smile you gave my face? Just the thought of ^{you} keeps
 me going for the rest of the day ☺ I love you so much!!! Ahhhhhhhhhhh.
 what? Can't I let out some scream of joy? lol Oh boy...
 I'm now full, sleepy, and swimming in love ~G~ ok... 'night!

10/7 Tues

Well, I AM a lazy writer. But I just read over every single entries + I decided to take my time away from college app., scholarship app., etc. Well, for few days up to last Friday, he was going to move out of his house. And for the longest time, I felt guilty as hell for being a part of that severed tie between him + his mother. But he didn't move out of his house, as I just found out, because his father is pretty sick.

Very late night ~~11-3-98~~ yawning 11-3-98

Who would have thought we would end like this? Who would have imagined the amount of pain that comes with a broken heart? I know I'm doing the right thing. Call me selfish, but this pain is way less than what it would be if we stayed together, more hostility at his house. I ~~love~~ loved you. Oh screw it. I still love you. I would give any + everything to be in your arms. But my heart's not that strong.....

Forgive me, love. All the pain, I promise you, would end soon, and you'll move on.

I Need sleep...

1/2/3 (12am)

exactly a month later... Work is going smoothly as I wanted. School is pretty ok and all, and most importantly, I love Adnan. To me, it's so much of a surprise. I am just like my beloved mummy. I can't settle. But this is different. This feels so real, so loving, and ever so amazing. It's so amazing... I feel like I can't love him anymore than I already do. But everytime I see his smile, my heart melt like the day of the Prom, when I knew I was falling in love with him. When I close my eyes, I swear I see his smiling face and see him mouth those three words that sends my heart spinning. This is a true & a genuine love filled with caring, warmth, & occasional desires. But nothing can turn my heart away from him, cause he has my heart. I can't be any happier, but yet I keep on being happier. I can't help smiling, and yet I can't stop myself

Let me count Top 8 reasons

The ways I love you

From the bottom of my heart

Where all my words are true.

8

Like this very poem I write

You ^{write me} ~~say me~~ beautiful words

That makes this feel so right

7.

Your warm + deep kisses

As intense as your quickening pulse

Something I wouldn't miss.

6

Your sweet thoughts + actions

Everything from the bottom of your heart

^{a proof of your}
~~shows me your~~ affection

5.

The caring of your heart

Always looking out for me

Right from the start.

1. ^{beats} Love

2. smile

3. ^{sex} ~~directness~~

4. caring

5. sweetness

6. kisses

7. poems

8

4. ~~The sex~~

A certain point of pleasure
so special + overwhelming
~~Nothing can measure~~
It cannot be measured

3. The smile on your lips
The special one for me

I know you are for keeps

2. The love I feel

The love you give me

~~I know it's~~
feels like a dream, but it's!

1. No explanation can be given
How much I love you
But it's definitely worth living.

from the tears of joy that I can't control.
 I love you Adnan... and every moment we
 spend together, closer we all to that day, when I'll
 wake up in your arms to find myself complete
 and my life fulfilled. To us... always....

12/6

What's the matter with me? everytime I close my eyes,
 I see my baby. But I keep on thinking about someone
 else... Don. Clinedinst. Why? I don't know. Why? I ~~am~~
 do like him, as a co-worker + also maybe as a friend. But
 I keep want to get closer to him. I don't know what is the
 matter with me. A part of me keeps me from Don because
 of Adnan. A part of me keep on thinking about Don. I'm
 going to have to get my thoughts straight. I do love Adnan.
 But today, I kept on imagining Don over my baby instead
 of Adnan. Don, Don, Don, Don, Don. Why do I keep on thinking
 about your baby blues + your smiles? Don is what I would
 go for in my past... blonde blue eyes, white, built, sexy, and nice
 Camaro. But me! I'm taken. I love Adnan. Oh dear...

pleasin
 king
 wed
 e lips
 me
 keeps

e
 , but real
 gives
 a
 divin

SSD -

Don
Don

Don's #

(410) 638-2626



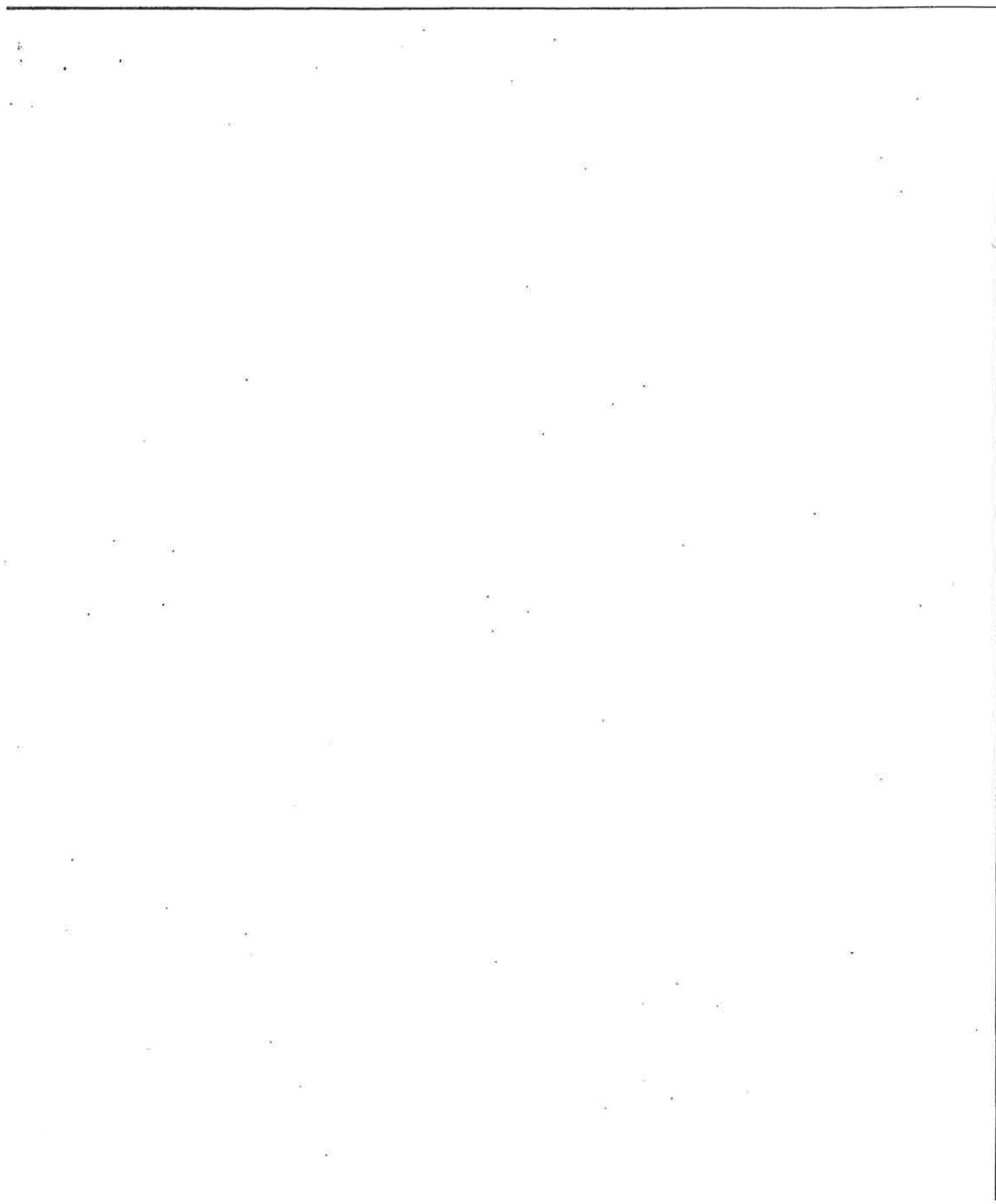
Dial 1 first, cause he lives in
Bel-Aire

Would I get over this spell? I love Adnan. I love him. He is everything I could want. In realistic way. Not to sound bad or anything. Tall, Dark, + handsome. But not mature. though. Don is mature, old enough. Adnan wants someone older like me, I want someone older like Don. What the hell am I saying? I love Adnan. I found myself and happiness with him. I can't do this!

12 = 7

Donald Clinedinst. Oh why? Why are you on my mind? I love Adnan. But Don... he + Adnan are complete different people, and I can't compare them. Compare what??? I LOVE ADNAN! But all I could think of when Adnan was kissing me, was Don's baby blues... his crooked smile... his blonde/brown hair. What the hell am I doing? DON...

Oh dear... why me? I love you, Adnan. But... I don't know why I'm having these thoughts. I love you, Adnan. You have given me something to smile about every morning. You gave me love... so much love I would have ~~never~~ ~~thought~~ never imagined to come to me. He loves me + would love me 'till the end of the world. He would give me love until his heart stops beating. I love him. That's why it's so confusing for me, to keep on thinking about Don. Me + Don don't have any chance. But... I don't know... well I know is that I love Adnan... but can I be faithful to him? I want to... What Me + Adnan have

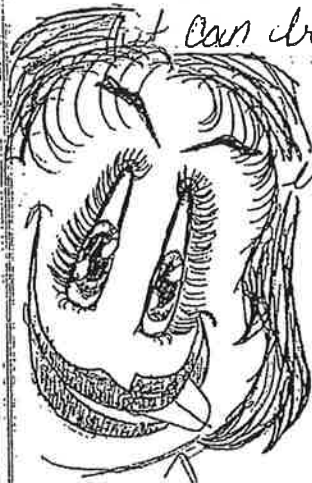


I look at you,
looking at me;
Now I know why they say
The best things are free.

I
Angel of mine.

Angel of mine - These words that will
always stay on my mind
and in my heart.

* NEVER write w/ erasable pen, cause
it can be erased with a little rub



And that's going to be
erased ↑

that will be erased too
↑

That too
↑

that too
↑

That too
↑

Me in
2000 centuries
later!!!

That too that too

is something genuine, real, + rare. I would have to die twice before I find someone who would love me as much as he does. I love you, Adnan... so much... but why Don?

12/8
 Today, Adnan asked me what is it about him that keeps me loving him. No more sweet, but things about him + him only. Then, I realized that there is no one but him for me. I knew then, that I was utterly in love... Crazy in love. I want to tell him about Don. But I can't.

12/9
 I found myself sighing of disappointment when I couldn't see Don at LC. I swear his Camaro was out there. I miss his baby-blues. What the hell am I saying? I love you, Adnan. You have me so happy + loved. Nothing + no one would ever replace you. But then why Don?

I couldn't imagine my life without Adnan's warm brown eyes, his itchy mustache, his soft hair, his perfect body, the look of love in his eyes, the warm voice that says "I love you," I'm too tired. I want to go to sleep now. I've been thinking about Don for hours now. It's already 12:35am.

12/00

Sorry, I fell asleep on you ~!~ anyways, I finally got myself back together. Today, I went to my baby's track meet at 5th. Old memories!! Anyways, I love Adrian so much, so much that to say that I love him brings tears to my eyes. I love you to death? I wrote him an e-mail. I saw Jim at peak, when he ran that 4x2. He is so dedicated to running, it made him seem very sexy!! I tingled as usual when he kissed me + laughed when I drove away from him. No more Don. I know, as I always show, that Adrian's warm smile is the one I can't live without. You love the one you can't live without. I can't imagine my life without his smile, his touch + most importantly, his love. I feel so guilty though... about Don. I don't know why until I had such thoughts. It's all because of Ho + her ideas, I really... kinda want to tell Adrian about the whole Don thing. But I am so afraid. What if it pushes him away? Would he forgive me? Would he still love me? I would die without his love. I'll just keep secret. But what if he finds out + hates me? Noo... I can't tell him.

he wouldn't forgive me, cause I don't forgive myself. I can't believe myself at ALL. Maybe I should commit suicide. Should I get on my knees + beg for forgiveness? Would he forgive me? Or would he build up his walls again? I love you so much, Adnan. What have I done? Why do I keep on hurting you? I swear I don't mean to. Would you find it in your heart to forgive me? You are my one + only... forever ♡

(Pretty late) 12/13
 ♡ Picked up smoking again. Me + Don were talking outside + he offered me a cigarette. ♡ hate the way they taste) but ♡ get to stay out side with him.

12/15

♡ am going to finish this paper no matter what. ♡'s already 1:30am, and ♡ have been all over this paper for hours and hours! ♡ hate doing papers. ♡ think ♡'m going to fall asleep. Who cares what Thomas Hardy thought of women? I can't think straight with my sleepiness so late. ♡ NEED COFFEE! Shoot. ♡ hate teachers who give papers before the break. That reminds me, ♡ have to work on Mr. Mendin's paper. What was my topic again?!?

12/22/98

Oh my goodness. Today, it snowed. I guess I'm getting my wish of a white Christmas. But, I really didn't ask for call this. Today, I got into a minor accident.

You know how when I go from 695 to 795 - take the ramp to get to the Mall. Well, the ramp goes downhill. Well, it splits into right for right turn + left lanes for left turn. ~~But~~ I took the right as usual, but my car slipped and skidded into the curb on the left. It was so horrible.

12/24/98

* 9:am in the morning

I know I fall asleep at the weirdest times. I guess I was worn out + tired. Anyways, the car is in the parking lot of Orange Mills mall. Don + Adrian took a look at my car + told me not to drive it... unanimously. Arrgh! Mommy is going to be mad. But I swear, it's not my fault. I hope my grandfather says otherwise... I REALLY, REALLY, HOPE.

* Tired + sleepy - 2:00 am.

12/29

El just got home. Work ended at 10, but Alvaro asked me if I wanted dinner. I said sure, + we went to Ruby Tuesday's at Owings Mills. He had a shot of Cognac, although I tried to stop him. I would NEVER drink when I have to drive me home.

1/2/99

HAPPY 99!! Ready to party + graduate!!!!

Anyway, I gotta tell you about yesterday. Guess who had a date with Donald R. Cline, MD III?? ME!! On Thursday, 12/31, I picked up Adnan from his work + dropped him off at Sears so he could pick up his car. I thought of waiting for him, but for some reason, I HAD to go up to OMM. When I got there, I saw his Camaro, which was surprising since it ~~was~~ he wasn't working that day. Well, when I was going to pull up next to his car, he was walking toward his car. I stopped + talked to him, flirting around with him AS USUAL. Well, he actually let me drive his car around OMM. What a car. Well, we flirted around a little more + ~~we~~ finally decided

Handwritten scribbles and signatures, including several stylized 'A's and 'D's.

What
is
you
most
my
island

Donald R. Clinehurst, III

Don
Don
Don
Don
Don

Donald R. Clinehurst, III

Handwritten signatures and scribbles, including the name 'Ukraine'.

Don
Don
Don

Ukraine

Richard

go for dinner on the first. I mean, what a day to
 start a new year. Well, I got to work on the first.. wait?
 I spent the new year's eve @ Asha's with Krista + the
 crew, amber, Beaky + D, Shawn + Ryan. But the guys
 had to leave at 2. But I fell asleep around 1 cause
 I had to wake up @ 9 to get to work. When I got there,
 Don was there, of course. He is so cute + funny. Cool? I found
 my fave red pen. Anyway, he changed into green sweater
 and jeans. His sweater made his green eyes look so incredible,
 since his eyes turn green to blue to gray. He has real beautiful
 eyes. Great beautiful... Well, after work, we went to all the way up to
 Aberdeen. We got to Olive Tree, where we sat + ate. I had crab
 cake, which was really good. I loved it! Me + Don had a
 fun conversation. We were talking about a lot of things,
 from LewisCrafter to class to his name.. Donald ^{Robert} ~~Donald~~ Amidst
 , II. Wow... I don't think I've ever felt this weird before. But
 I really do think I like him. We came back to
 the OMM, + we just sat + talked. I really wanted him to
 kiss me, but not... he's too much of a gentleman for that.
 Now... what a guy. He is so kind, caring, intelligent,

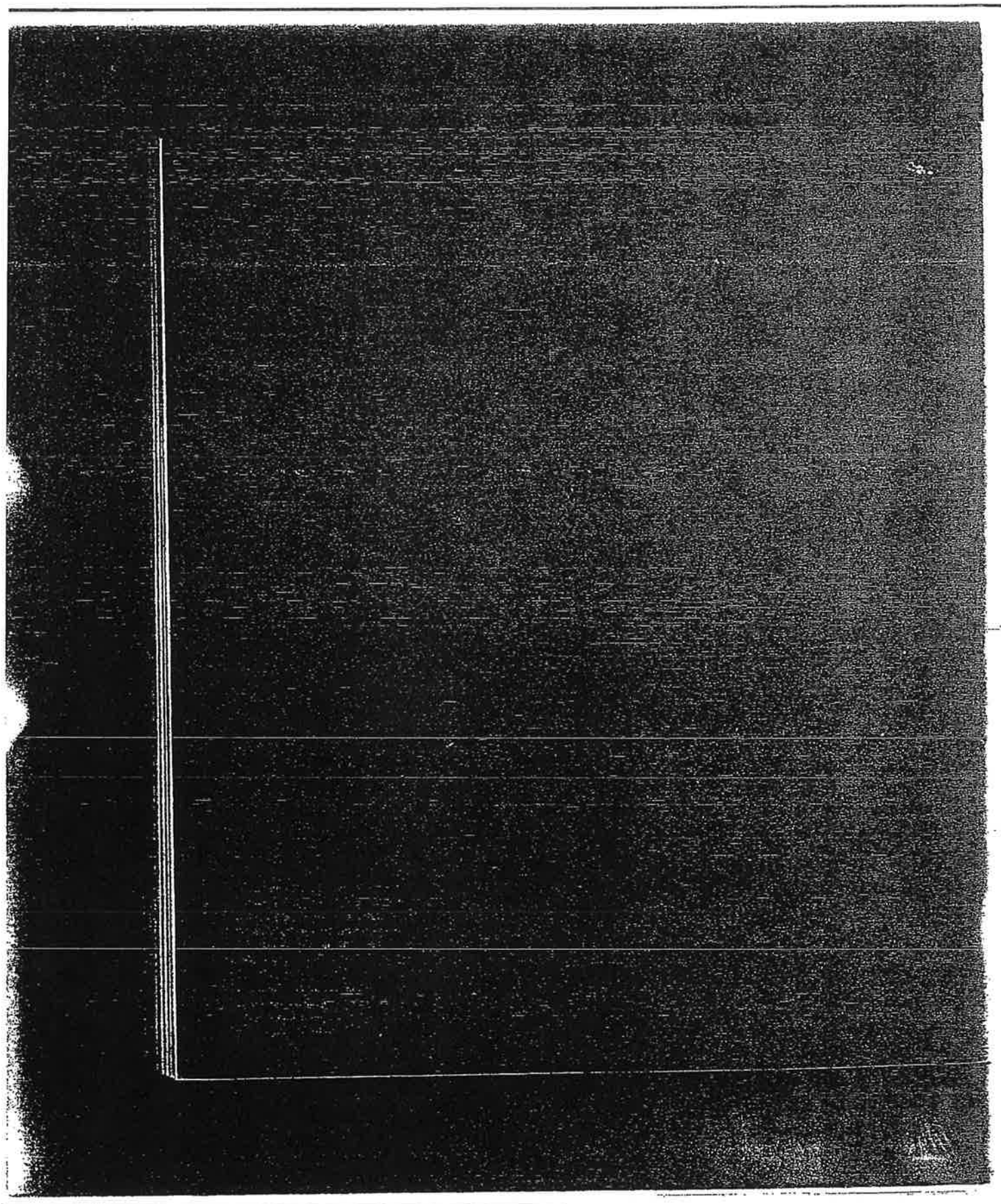
Incredibly cute, funny, amusing, & very down to earth.

1/6/99

I just got back from the movies with Don. I really do like him so much.

1/12/99

I love you, Don. I think I have found my soul mate. I love you so much. I fell in love with you the moment I opened my eyes to see you in the break room for the first time.



AT&T Fax Cover Sheet



Security Department

AT&T Wireless Services
801 Northpoint Parkway
West Palm Beach, FL 33407

FAX COVER SHEET

TO: Bill Ritz 410 396 2257

FAX NUMBER: _____

FROM: Rose Ricciardi

PHONE NUMBER: 800-635-6840

FAX NUMBER: (888) 938-4715

TOTAL PAGES (INCLUDING COVER): 24

MESSAGE: _____

How to read "Subscriber Activity" Reports

Please note: All call times are recorded in Eastern Standard time.

Type codes are defined as the following:

- Int = Outgoing long distance call
- CFO = Call forwarding
- Inc = Incoming Call
- Lcl = Outgoing local call
- Sp = Special Feature

When "Sp" is noted in the "Type" column and then the "Dialed # " column shows "*" and the target phone number" for instance "#7182225555", this is an incoming call that was not answered and then forwarded to voicemail. The preceding row (which is an incoming call) will also indicate "CFO" in the "feature" column.

Outgoing calls only are reliable for location status. Any incoming calls will NOT be considered reliable information for location.

Blacked out areas on this report (if any) are cell site locations which need a court order signed by a judge in order for us to provide.

CONFIDENTIALITY NOTICE

... of the ... of ... to which is addressed and may

Verification of Authenticity of Wireless Invoice

VERIFICATION OF AUTHENTICITY OF WIRELESS INVOICE

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, personally appeared Teresa Kaye, who being duly sworn, deposes and says:

My name is Teresa Kaye. I am over the age of 18 and qualified to make this affidavit. I am employed by AT&T Wireless Services ("AT&T") as a Subpoena Compliance Specialist and also serve as the Custodian of Records for AT&T Wireless Service. I have been employed by AT&T since September, 1993. Attached to this Affidavit are true and correct copies of call detail records, and subscriber information issued by AT&T for the following accounts on the following dates:

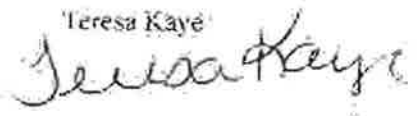
Cellular Number: 443-253-9023
Date Of Call Detail Records: 1/9/99 - 1/14/99

The attached copies of billing records are maintained by AT&T in the ordinary course of business.

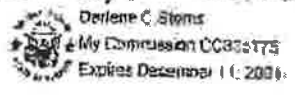
I maintain and routinely rely on these documents in the course of my duties as Custodian of Records and Security Analyst.

Teresa Kaye

Date: 10/12/99



The foregoing affidavit was sworn to and subscribed before me by Teresa Kaye, who is personally known to me or produced as identification, this 12th day of OCTOBER, 1999.


Notary Public, State of Florida

(Notary Seal)

DARLENE C. STANS
Printed Name

Serial Number (if any)

AT&T Wireless Services
Security Department
Southeast Region

MESSAGE THIS IS THE LAST PAGE

REMOVAL TERMINAL	SERVICE DESCRIPTION	CRIS	01/11/99 15:02A
END -0-		END	

ACCOUNT: 682245498 NAME: BILAL AHMED CTD: 18YW

IN TELEPHONE: 443 253 2023 LAST CHANGE 011199 BY QLE

STATUS: ACTIVE 01199 NC EQUIPMENT:

PREVIOUS STATUS:

LAST SERVICE ORDER: 011199	ORDER DATE: 011199
ELEC SERIAL NO: F8D32C4 BOX 3	BILLING START DATE: 011199
MESH SERIAL NUM: 8160	BILL THRU DATE: 021899
PPF PIN:	
DEALER CODE: 8804 25304	OP:
RATE PLAN: 011199	
TAX ID: 802 011199	TEC: 0288 011199
SERVICE USER: Adnan N Syed	PAPERWORK ST:
DEPOSIT REQUIRED:	RECD:

PROMOS: P27-A P29-A

CRIS CONTRACT DATE: CONTRACT START DATE: 011199 CONTRACT LENGTH: 12

MODEL: YE:

MESSAGE: NORTH-EAST PDS

Line	Number	Time	Rate	Product
11	4108846400	09:16:17	00:00:36	L651C
12	3016030657	09:14:47	00:01:01	L651B
13	4109229704	09:14:13	00:00:02	L651C
14	4107808519	09:07:59	00:01:09	L651C
15	4109229704	09:01:12	00:01:43	L651C
16	4107808519	00:00:48	00:00:03	L651C
17	4107808519	07:57:09	00:01:50	L651C
18	4107808519	07:49:22	00:02:17	L651C
19	4107229704	07:40:40	00:00:03	L651C
20	3016030657	07:33:50	00:01:50	L651C

TOTAL USAGE: 00:20:53

Call Date: 01/11/1999

Called No.	Call Time	Call Duration	Call Rate
4107808519	00:00:00	00:00:00	

TOTAL USAGE: 00:00:00

Call Date: 01/07/1998

Called No.	Call Time	Call Duration	Call Rate
4107808519	00:00:00	00:00:00	

TOTAL USAGE: 00:00:00

Call Date: 01/02/1999

Called No.	Call Time	Call Duration	Call Rate
4107808519	00:00:00	00:00:00	

TOTAL USAGE: 00:00:00

GRAND TOTAL USAGE: 29:16:11

32	4102655928	01:17:23 PM	00:00:09	1651C
33	4109222704	01:13:27 PM	00:00:11	1651C
34	4107010582	12:10:19 PM	00:00:09	1651C

TOTAL USAGE: 00:40:154

Call Date: 01/13/1990

Label No.	Call Time	Call Duration	Call Site
1	4109448232	10:30:37 PM	00:00:14
2	4108695498	10:29:10 PM	00:00:18
3	4103407171	10:02:14 PM	00:00:06
4	3016030857	09:18:14 PM	00:00:21
5	4109222704	09:10:42 PM	00:00:41
6	4109222704	09:03:47 PM	00:00:10
7	3016030857	09:01:46 PM	00:00:24
8	4109222704	00:05:43 PM	00:00:11
9	4103009384	00:04:44 PM	00:00:32
10	Intercom	02:14:22 PM	00:00:32
11	Intercom	07:08:49 PM	00:00:23
12	4103800384	07:00:21 PM	00:00:23
13	4109407374	06:19:13 PM	00:00:17
14	Intercom	06:24:37 PM	00:04:15
15	Intercom	06:09:49 PM	00:00:13
16	4109222704	06:07:09 PM	00:00:15
17	4109222704	05:30:24 PM	00:00:02
18	4109222704	05:14:07 PM	00:01:07
19	Intercom	04:58:54 PM	00:00:13
20	Intercom	04:32:09 PM	00:02:56
21	4109448232	04:12:01 PM	00:00:20
22	4109222704	02:59:40 PM	00:00:25
23	4109222704	02:40:11 PM	00:01:25
24	3016030857	02:39:45 PM	00:02:12
25	4107442609	01:21:04 PM	00:00:42
26	Intercom	01:25:04 PM	00:00:20
27	Intercom	02:36:12 PM	00:00:05
28	Intercom	01:43:30 PM	00:00:24
29	4107442609	12:43:04 PM	00:01:29
30	4107442609	12:07:50 PM	00:00:21
31	4109222704	10:45:29 AM	00:00:28
32	4109222704	12:35:18 AM	00:01:22
33	4109222704	12:01:22 AM	00:00:10
34	4109222704	12:01:22 AM	00:00:10

TOTAL USAGE: 00:42:115

Call Date: 01/12/1989

Label No.	Call Time	Call Duration	Call Site
1	4106028241	11:27:11 PM	00:00:02
2	4109222704	11:07:36 PM	00:19:46
3	3016030857	11:05:57 PM	00:00:38
4	4109222704	09:41:35 PM	00:03:18
5	44432619023	09:17:15 PM	00:00:28
6	Intercom	09:13:35 PM	00:00:28
7	4102030522	09:26:40 PM	00:03:51
8	Intercom	08:14:31 PM	00:00:09
9	Intercom	09:21:24 PM	00:00:15
10	4109222704	09:10:11 PM	00:00:10

LINE	CALLER	CALL TIME	CALL DURATION	CALL SITE
12	10000000	07:17:22 PM	00:00:05	LE51C
13	41000000	07:10:12 PM	00:00:20	LE51C
14	41000000	06:51:27 PM	00:01:26	LE51C
15	41000000	06:13:10 PM	00:01:28	LE51C
16	41000000	06:11:47 PM	00:01:05	LE51C
17	41000000	02:10:50 PM	00:02:01	LE51C
18	41000000	11:29:34 AM	00:00:07	LE51C
19	41000000	10:52:58 AM	00:00:02	LE51C
20	41000000	10:07:40 AM	00:00:02	LE51C
21	41000000	10:04:02 AM	00:00:24	LE51C
22	41000000	09:59:47 AM	00:00:17	LE51C
23	41000000	09:44:53 AM	00:00:00	LE51C
24	41000000	09:43:09 AM	00:01:02	LE51C
25	41000000	09:43:28 AM	00:01:02	LE51C
26	41000000	09:11:01 AM	00:03:03	LE51C
27	41000000	09:20:03 AM	00:00:02	LE51C
28	41000000	09:19:03 AM	00:00:39	LE51C
29	41000000	09:11:17 AM	00:00:19	LE51C
30	41000000	09:11:17 AM	00:00:19	LE51C
31	41000000	09:11:17 AM	00:00:19	LE51C
32	41000000	09:11:17 AM	00:00:19	LE51C
33	41000000	09:11:17 AM	00:00:19	LE51C
34	41000000	09:11:17 AM	00:00:19	LE51C
35	41000000	09:11:17 AM	00:00:19	LE51C
36	41000000	09:11:17 AM	00:00:19	LE51C
37	41000000	09:11:17 AM	00:00:19	LE51C
38	41000000	09:11:17 AM	00:00:19	LE51C
39	41000000	09:11:17 AM	00:00:19	LE51C
40	41000000	09:11:17 AM	00:00:19	LE51C
41	41000000	09:11:17 AM	00:00:19	LE51C
42	41000000	09:11:17 AM	00:00:19	LE51C
43	41000000	09:11:17 AM	00:00:19	LE51C
44	41000000	09:11:17 AM	00:00:19	LE51C
45	41000000	09:11:17 AM	00:00:19	LE51C
46	41000000	09:11:17 AM	00:00:19	LE51C
47	41000000	09:11:17 AM	00:00:19	LE51C

CALL DATES: 01/24/1979
 DATES: NOV
 CALL TIME: 00:00:00
 CALL DURATION: 00:00:00
 CALL SITE: LE51C

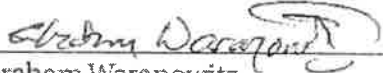
LINE	CALLER	CALL TIME	CALL DURATION	CALL SITE
1	41000000	11:51:10 PM	00:00:08	LE51C
2	41000000	11:47:38 PM	00:01:29	LE51C
3	41000000	11:46:52 PM	00:00:15	LE51C
4	41000000	11:43:52 PM	00:00:12	LE51C
5	41000000	11:33:52 PM	00:00:20	LE51C
6	41000000	11:43:51 PM	00:00:26	LE51C
7	41000000	11:42:44 PM	00:00:26	LE51C
8	41000000	11:42:44 PM	00:00:26	LE51C
9	41000000	10:35:00 PM	00:00:25	LE51C
10	41000000	10:35:09 PM	00:00:15	LE51C
11	41000000	09:49:33 PM	00:00:28	LE51C
12	41000000	09:49:33 PM	00:00:28	LE51C
13	41000000	09:49:33 PM	00:00:28	LE51C
14	41000000	09:49:33 PM	00:00:28	LE51C
15	41000000	09:49:33 PM	00:00:28	LE51C
16	41000000	09:49:33 PM	00:00:28	LE51C
17	41000000	09:49:33 PM	00:00:28	LE51C
18	41000000	09:49:33 PM	00:00:28	LE51C
19	41000000	09:49:33 PM	00:00:28	LE51C
20	41000000	09:49:33 PM	00:00:28	LE51C
21	41000000	09:49:33 PM	00:00:28	LE51C
22	41000000	09:49:33 PM	00:00:28	LE51C
23	41000000	09:49:33 PM	00:00:28	LE51C
24	41000000	09:49:33 PM	00:00:28	LE51C
25	41000000	09:49:33 PM	00:00:28	LE51C
26	41000000	09:49:33 PM	00:00:28	LE51C
27	41000000	09:49:33 PM	00:00:28	LE51C
28	41000000	09:49:33 PM	00:00:28	LE51C
29	41000000	09:49:33 PM	00:00:28	LE51C
30	41000000	09:49:33 PM	00:00:28	LE51C
31	41000000	09:49:33 PM	00:00:28	LE51C
32	41000000	09:49:33 PM	00:00:28	LE51C

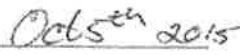
**Affidavit of Abraham Waranowitz
(10/5/2015)**

ABE WARANOWITZ AFFIDAVIT

I, Abraham Waranowitz, hereby affirm that the following is true and accurate to the best of my recollection:

1. I was a Radio Frequency (RF) Engineer, and I formerly worked for AT&T Wireless in the Baltimore-Washington area. I began working as an RF Engineer at AT&T Wireless in 1995 in Paramus NJ.
2. I was the State's expert witness with regard to cell tower technology in *State v. Adnan Syed*, Case Nos. 199103042-46. I was called as a State's witness and I testified on 2/8/00 and 2/9/00.
3. Just prior to my testimony, in the courthouse, Urick presented me with a document – which I was viewing for the first time – referred to as State's Exhibit 31. I remember reviewing one page of the document. Since this appeared to have ordinary AT&T cell site data on it, I accepted it as it was presented.
4. As an RF Engineer, I did not work with billing records (or subscriber activity reports) and had never seen AT&T Wireless billing or legal documents before I was presented with this document. RF Engineers worked with raw data from the switch. Billing records were separated from engineering activity for security and privacy.
5. What Urick did not tell me, or call my attention to, in relation to Exhibit 31, was that AT&T had previously issued the disclaimer that “Outgoing calls only are reliable for location status. Any incoming calls will NOT be considered reliable information for location.”
6. If I had known that it was AT&T Wireless' legal policy for incoming calls to not be considered reliable information in determining cell phone location, I would have inquired further within my organization and attempted to learn why this disclaimer was issued.
7. If I had been made aware of this disclaimer, it would have affected my testimony. I would not have affirmed the interpretation of a phone's possible geographical location until I could ascertain the reasons and details for the disclaimer.
8. I consider the existence of the disclaimer about incoming calls to have been critical information for me to address. I do not know why this information was not pointed out to me.
9. I first conveyed the information above to Justin Brown and his cell tower expert, Jerry Grant, in a telephone call on September 29, 2015.


Abraham Waranowitz


Date

