

# UNDISCLOSED, the State v. Adnan Syed

## Episode 2 - Hae's Day

April 27, 2015

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**[0:17] Interviewer**

How about any school activities while you're here?

**Hae Min Lee**

Um, I've played field hockey for two years. I've played lacrosse for three years. And I also manage boys wrestling.

**Interviewer**

Hmm, that's a lot to do. Do you have time to, um, have a job while you're doing this?

**Hae Min Lee**

Yeah, I try to manage my schoolwork and my after school work...

**[00:32] Rabia Chaudry** That was the voice of Hae Min Lee, filmed by Channel 36, a Baltimore County public school station, who was filming for Student Athlete of the Month. According to the State, this filming took place on January 13th, 1999, the very last day Hae Min Lee would be seen alive.

So what do we know about Hae Min Lee? Hae was 18 years old, a senior in high school, a scholar athlete with a 3.8 GPA. She played lacrosse, she co-managed the boys wrestling team, and she worked a part-time job. She was popular, she was definitely hard working, and she was a star of Woodlawn High School's magnet program.

In October of 1998, Hae, while she was still dating Adnan, would meet and fall for a young man named Don, who worked with her at a LensCrafters store at the Owings Mills Mall in Maryland. Don was older, he didn't come with some of the cultural baggage Adnan did, and their relationship had actually been on and off since the homecoming dance.

So by the end of December, Hae and Adnan had broken up. And while Adnan began seeing other young ladies, Hae and Don had their very first date on January 1st, 1999. That day together they drove to Aberdeen, Maryland. They had dinner at an Olive Garden, and they talked. Hae and Don had been dating for almost two weeks on January 12th, which was the last time they would ever see each other. Hae spent the evening at Don's home. He recalls her being in a good mood, despite having argued with her mother about breaking curfew.

She leaves Don's home around 10:30 p.m., and she gets back to her home around 11:30 p.m. Once home, Hae and Don stay up until about 3 o'clock talking on the phone. That same night, Adnan would call her at 12:35 a.m. for a minute and a half to give her his brand new cell phone number. Hae writes down Adnan's number in her diary, resumes talking to Don, and then makes a short diary entry about Don.

According to Don, Hae did try to convince him to call into school and say she was sick so she could get out and spend the day with him on January 13th. He talked her out of it, so she said okay, that she would give him a call after her own work shift ended on January 13th. She was scheduled to work from 6 to 10 p.m. that night. That would be the last time, according to Don, he ever speaks to her.

Today I'm joined by Colin Miller and Susan Simpson, both attorneys who've been investigating and blogging the case and my co-hosts, and this time we're going to focus on Hae's day. And we're specifically going to try to determine what her schedule was and who the last person to see her alive was.

Let's start, though, with the State version of her day.

According to the State, Hae Min Lee went to school on January 13th, 1999, like any other day. She was on time. She had classes all day. During the course of the day, she was filmed by Channel 36. At some point, she was asked by Adnan for a ride. Later in the day, Aisha saw her and Adnan talking. And... then at the very end of the day, Inez Butler, a teacher and instructor at the school, says she saw Hae leaving the school after--first pulling her car in front of her concession stand, running out, grabbing hot fries and apple juice, and telling her that she would be back for the wrestling match.

But during *Serial*, someone else came forward, someone we hadn't heard from before. Her name was Summer. According to Summer, Hae was seen at school much after Inez saw Hae already leave. Summer says she remembers January 13th, '99, because she was scoring a wrestling match with Hae later that evening, and Hae told her she would be there but she never showed up.

So, there seem to be different versions of who the last person at school to see her alive actually was.

**[4:15] Colin Miller** Now that might sound strange to our listeners to have all these possibilities about the last person to see Hae alive, but it's really not. In fact, if you're a film buff like me, you might recall a movie called *Rashomon*. It's about a body that's found in the woods, and we have four different witnesses with four very different stories about interacting with that victim before he died. And, in fact, that movie was so popular it spawned this term, the "Rashomon effect", and that effect basically says that you're going to have as many different stories about an event as you have witnesses because... problems in perception, memory, sometimes even honesty. And

so, Susan, as we both know as attorneys, that's why it's so important in a criminal case for both the prosecution and defense to really pin down the objective facts, so they can determine which witnesses are telling the truth and which witnesses are lying.

**[5:03] Susan Simpson** And that's exactly what we're going to do today. We're going to go hour by hour through Hae's day, what we know of it, what witnesses have said, and all the accounts of things that Hae supposedly did and where she was and what she was planning to do.

We'll soon realize, though, that all of these stories can't be right.

**[5:22] Rabia Chaudry** January 13th, 1999, was a warm winter day in the 50s. Hae got dressed in a black skirt, a nice blouse, stockings, black heels, and a white jacket. The last time her grandmother ever sees her, Hae is leaving the house around 7:30 a.m. and getting in her gray Nissan.

So school began at 7:45 a.m. and students started coming to school around 7:30.

**[5:45] Susan Simpson** Hae was on time that day. She'd been late the day before on the 12th, but Krista remembers seeing both her and Adnan there before class on the morning of the 13th. Out in the hallway, as they were heading to their first period classes, she saw Adnan ask Hae for a ride later that day, and Hae said sure and then went on to her first period while Adnan went with Krista towards Photography class.

**[bell rings]** *7:45 a.m. The bell rings for the first period of the day.*

**[6:10] Colin Miller** And Hae's first period was in Ms. Schab's French class. She wasn't a student in the class, which is probably why we don't have any of her good friends who remember her being in that class. She was a teacher's assistant. And she was probably a T.A. because she had a really close relationship with Ms. Schab, and, in fact, she had plans to go with her on a trip to France in June. And, Susan, also we know that Ms. Schab had an interesting role to play in the investigation of this case.

**[6:35] Susan Simpson** Ms. Schab was heavily involved in the investigation at all stages. She was either self-appointed or was asked by the police to act as a go-between between the cops and the teachers and students at Woodlawn during both the missing persons investigation and, later, the murder investigation. Ms. Schwab [sic] seems to have been suspicious of Adnan from very early on and believed he was not acting normally in response to questions from investigators and teachers about what he knew.

**[bell rings]** *At 9:15, the bell rings for the second period of the day.*

**[7:08] Colin Miller** Now, as we mentioned last episode, Woodlawn had "A" days and "B" days. And "A" days were Social Sciences; "B" days were English. And Debbie has a clear recollection

of seeing Hae in class, but as we said before, she recalls that being an “A” day with Social Sciences, and we know from the school record, in fact, it was a “B” day. So Debbie remembers seeing Hae, but she might very well have the wrong day.

**[7:32] Susan Simpson** Stephanie also remembers seeing Hae that day, and Stephanie is sure it was the 13th because that was her birthday and that was also the class where Adnan left a stuffed reindeer on her desk. There’s another person, too, who remembers seeing Hae during second period, and that’s Inez Butler, the school’s PSAT teacher and athletic trainer. Inez remembers Hae coming to her class and asking for the keys to the uniform locker so that she could change for the filming.

**[7:56] Colin Miller** And so, basically, we have it where they can’t all be right. Either Hae was in the class, according to Stephanie and Debbie, and nothing out of the ordinary happened, or Inez is right and she presumably left that class early to get her lacrosse uniform to start filming for the news clip.

**[8:10] Rabia Chaudry** Although there is a possibility that she was in class and she popped out and nobody really noticed.

**[8:15] Susan Simpson** You’d think someone would’ve seen that, though, if she’s getting up in the middle of class to leave. That would stand out more than her just being there the whole time.

**[8:22] Colin Miller** The other interesting thing is that Debbie, in her interview with detectives, says she has no recollection whatsoever of Hae filming anything on January 13th.

**[8:31] Susan Simpson** There’s kind of a question, though, as to what time this filming took place.

**[8:35] Colin Miller** Right. We have the video clip of Hae being interviewed, and there’s the clock in the gym and it’s an action shot. She’s doing a lacrosse move in the video. And we’ve actually blown up screenshots of the clock, and in two different clips the clock seems to be at 10:30 in the morning and then 10:35 in the morning.

**[8:54] Susan Simpson** Which would be right at the very end of second period.

We also have a statement from the athletic director, Graham. He said that filming took place that day from 9 a.m. to 1 p.m. and that a lot of students were filmed. So Hae could’ve been filmed around 10:30, 10:35, but that doesn’t really mesh with the students who recall seeing her in class that day.

**[bell rings]** *So the bell rings now, and it’s the third period. And for Hae and Adnan, it was lunch period.*

**[9:22] Colin Miller** And so lunch starts at 10:40, which again--if Hae is filming at 10:35 in the gym--it's tough to see her having changed and being in the lunch room by 10:40, but nonetheless, we have these witness statements. We have Becky--again Becky is a friend of both Hae and Adnan--and she clearly recalls on the 13th sitting right next to Hae, Hae being pretty quiet, saying she's thinking about Don. She recalls a discussion of Stephanie's birthday, birthday present. She recalls a discussion of the ride that Hae was supposed to give to Adnan after school, and so Becky has a pretty clear memory of Hae being there in the lunch room on January 13th--again, nothing strange about her arriving any time after 10:40 in the morning.

And then, Susan, what about Stephanie?

**[10:05] Susan Simpson** Stephanie remembers about the same thing. She thinks that Hae was there at lunch that day. So we have two witnesses who place Hae at lunch, about five minutes after she's supposedly in the gym filming for th--Channel 36.

**[10:18] Colin Miller** Yes, the question here is, we have Stephanie and Becky both thinking that Hae is there at 10:40 for lunch, and yet the video seems to show Hae still in her lacrosse uniform, filming this video clip at 10:35. And so again, the question is, is the clock in the gym right? Are Stephanie and Becky remembering the right day? Are they forgetting the fact that she was filming this clip because it seems that both of these can't be true.

**[10:41] Rabia Chaudry** There is the possibility that Hae was filming at 10:35, changed, washed up, came to lunch, and maybe was there a little bit later. I mean there's... you know, we don't have any statements to say that she was definitely there on time, and you know, l--the way lunch is at high school, people just kind of filter in and out. There's isn't really, you don't have to be there. It's not like a school per--you know, like a class period.

**[11:02] Susan Simpson** She would've had to have left class early, halfway through or sooner...

**[11:05] Rabia Chaudry** Yeah.

**[11:05] Susan Simpson** ...and then would've shown up late again to lunch. And not one person who recalls seeing her remembers something like that.

**[11:11] Rabia Chaudry** Yeah, I think the most significant thing for me is that, um, it's not even her--I think a student can dip in and out and sometimes people won't notice, but I think is that no--like she would've said probably, "Oh, I was filming" or "I..." like somebody, one of her friends would've known she was filming that day, and none of her friends mentioned it.

**[11:28] Susan Simpson** She never mentioned it to anyone as far as we can tell.

**[11:29] Rabia Chaudry** Yeah. I mean, it's, it's significant because if she's being featured as Student Athlete of the Month, I mean, you'd think *one* of her friends would know about that...

right? I mean, like, *nobody* at all, none of those students mentioned that, uh, Hae was filmed that day or picked for this, uh, you know... project or anything. That, that seems odd to me.

**[11:47] Susan Simpson** And it also seems odd that

**[11:48] Colin Miller** Yeah.

**[11:49] Susan Simpson** ...Don told *Serial* that on the night before, Hae was asking if he would call her in sick that day. If she had an interview that she's going to be filmed and put on cable TV, why would she want to fake sick?

**[12:02] Rabia Chaudry** True...

**[12:03] Colin Miller** You know, if she just filmed this clip right before lunch, you know, even if she came in late, both Stephanie and Becky specifically remembered her being pretty quiet. And it seems strange--um, I don't know about what Hae's personality was exactly, but if I just came from filming a clip for a news piece about me being the Athlete of the Week or the Athlete of the Month, you know, I'd probably want to talk about it and discuss it. Whereas both of them are saying she's really quiet. The only thing she's talking about is thinking about is Don, so...

Isn't it right that Hae was pretty talkative? I think that Krista said that she was pretty social. Sh--and wasn't she even like the social butterfly of the lacrosse team? She would sort of set people up on dates, the-the boys lacrosse and the girls lacrosse teams. She was generally pretty talkative. It was strange for her to be quiet. That was, I think, why Stephanie and Becky mention it in their statements.

**[bell rings]** *Fourth period begins at 11:10 p.m. [sic]*

**[12:51]** We know that Hae had Computer Information class during this time period. We don't know who the teacher was, we don't know who her classmates were, we don't know if she was even there that day. Uh, the police never talked to that teacher, never tried to find out what she'd been doing during this time period. So, while we assume she was in class, we don't actually know that.

**[bell rings]** *The fifth period begins at 12:15 p.m. and this is the last period of the day.*

**[13:15] Colin Miller** The last period is AP Psychology. This is a class we know is taken by Adnan, Hae, Becky--again, the mutual friend of Adnan and Hae--and Aisha, who was Hae's best friend. That class starts at 12:55, and as you mentioned before, Athletic Director Graham says that Hae, after she finished filming, he saw her at 1:30. And yet in their statements and testimony, neither Aisha nor Becky say anything about Hae arriving late to class. She's not marked late for psychology class despite us having other records of people being marked late to class, and so it, it's strange here. It's tough to reconcile the fact that the athletic director is

saying he saw her at 1:30 after filming, and yet we have these two friends who make no mention of her being late or even anything about the interview.

**[14:03] Susan Simpson** And the teacher of that class apparently took close note of who showed up late and who didn't. On his notes for that day, he has marked all the names of students who weren't there at the first bell, uh, when it started. And we know Adnan was late because of that. 'Cause he marked Adnan walking in at around 1:27, and another student, Adnan's friend Mac, got noted as walking in at 2 p.m. So it's not clear why the athletic director thought he saw Hae at 1:30 p.m., particularly as the clock on the gym wall shows the interview took place at 10:30 a.m.

And we've tried to find this clip, the original, and find out if there's a time or a date stamp on it, but so far no one seems to have the original copy, including Channel 36.

**[bell rings]** *So school ends at 2:15 p.m. with the final bell. At this point, there are multiple contenders for the last witness to see Hae alive.*

**[14:54] Colin Miller** So, pretty soon after school at about 2:20, we have Aisha and Becky both seeing Adnan and Hae, and Aisha testifies at trial she sees the two talking. Becky has two versions: one, in her police statement, she says she sees Adnan and Hae walking in opposite directions and Hae says to Adnan, "Oh, I can't give you a ride. I have something else to do." And Adnan says, "Oh, that's okay. I'll just ask someone else."

At trial, we have defense counsel calling Becky as a defense witness, and she asks for her recollection. Again, she recalls seeing Hae at about 2:20. She's walking to the door that leads to her car, and according to Becky, Hae says to her, "I have to leave right away. There's somewhere I need to be." Doesn't say what the somewhere else is. Now, at trial, again, we don't have Adnan mentioned in the conversation. It's tough to say whether this was an oversight or some type of decision that was made by defense counsel. It's also tough to say whether Becky herself decided to leave Adnan out of the conversation.

**[15:53] Susan Simpson** So after Becky sees Hae walk down the hallway towards her car, Hae apparently gets in her car and then drives around to the front parking lot. The next person who says they saw Hae is Inez Butler. After school, Inez sets up a concession stand outside the gym area where students can buy snacks and drinks. And in all of Inez's statements, she says that she saw Hae at this time. However, the details of what happened change during each version that she gives. In Inez's very first statement to the police, she said that Hae had been upset that day because her mother and her were fighting. She wanted to call her dad in California. Inez was also clear that Hae was not going to a wrestling match that day.

In Inez's second statement to the police, given about a month later, she says that she saw Hae that day at about 2:30 p.m., and that was when Hae pulled up in the circle, left her car running, ran up to the concession stand, grabbed a snack, threw some money into the box, and then left

again. So in this version, it seems like Hae was intending on going to work that day at LensCrafters. And, in fact, we know that she was scheduled to work from about 6 p.m. to 10 p.m. that evening. She didn't show up; she didn't call in. And, and that's the first time that Hae had ever been a no-show at work.

At the first trial, Inez's story changes. She says again she saw Hae pull up to the concession stand, but this time she says it happened about 2:15, 2:20. In her second police statement, she said 2:30. So already her story's changing, and she's now saying that Hae was there much earlier and left Woodlawn much earlier. Also in the first trial, Inez says that Hae did not pay for snacks. Uh, but that was okay because Inez knew Hae would be back by 3:45 p.m. to catch a bus to the wrestling match. That day, according to Inez, the Woodlawn wrestling team had a match at Chesapeake, and Hae would be going with the team to score it.

At the second trial, Inez's story changes again. This time she says like the first trial that Hae came up to the concession stand 2:15, 2:20. And once again, Hae didn't pay for snacks, and Inez reminded Hae to be back at school by 5 p.m. for a match, which now starts around 6:30 or 7:30. Um, it's not clear why Inez's story about when the match was changed between the first trial and the second or why Inez now thinks that Hae was going to a wrestling match when she didn't in her first and second police statements.

So, it's interesting that Inez's story changed, but by saying that Hae pulled up about 2:15, 2:20, the jury never heard what we got to hear in *Serial* about the 21-minute test that Sarah did.

**[18:37] Colin Miller** Yeah, this is interesting. If you recall, we have the "Route Talk" episode of *Serial*, where we have Sarah and Dana, and they're retracing Hae's route to try to determine whether the State's theory of the case makes sense, whether Hae could've been killed by 2:36 with Adnan then calling Jay at 2:36. Now, I get--the first thing I want to note is, Rabia and Susan, did you notice that in the episode, actually, they don't finish the route by 2:36? They're actually 2:37 or 2:38...?

**[19:04] Susan Simpson** And they just claim that it's a minute or two, so therefore the test passed?

**[19:07] Rabia Chaudry** Yeah.

**[19:08] Colin Miller** Right, yeah, they, they think that maybe they could've been a little bit more efficient but, yeah, when they run the test, it doesn't work. But you're, but you're right in that when they run the test, they are stuck behind the bus loop, and that clears about 2:26. That's when they go to the concession stand, and that's when--still with that--they don't make it within the State's timeframe. Um, but Susan, you're exactly right. In her statement, Inez clearly says to the officers, "I saw Hae jump out of her car at 2:30. It couldn't have been closer to 2:15 because the bus loop had to clear first. That bus loop clears at 2:25." And yet here she is testifying at trial that Hae came up to the concession stand between 2:15 and 2:20, so that makes no sense



compared to her police statement, and it makes no sense given when the bus loop clears both in 1999 when this happened and then 2014 when we had Sarah and Dana conducting their experiment.

**[19:58] Susan Simpson** And it's an odd change because Inez sounded so sure in her statement to the police. She says--the cops ask her, like "Could it have been closer to 2:15?" And she says, "No, it couldn't have been because the buses don't clear until later." And yet at trial, she goes back on that and says 2:15, 2:20.

**[20:15] Rabia Chaudry** So that was the State's theory of the case. All of that got a bit blown up when we heard from Summer. Now, Summer was also a student at Woodlawn High School, and as she was listening to *Serial* this past fall, she realized that she had some information that nobody knew about, so she contacted Sarah, and she told her that she distinctly remembered seeing Hae at school around 3 p.m. on January 13th, 1999.

Now, she says she remembers this day because she was going to be scoring a wrestling match that evening with Hae. She was new to it, so she needed Hae to be there. And... Hae didn't show up. So she was a little bit upset that Hae did not show up. So for that reason, the memory's pretty distinct for Summer.

**[20:54] Colin Miller** Yeah, I don't know about you two, but I, *[laughs]* I find it so strange on the podcast that Summer had never been contacted. I mean, according to her, she basically gets Hae to change her plans, that Hae is probably not going to the wrestling match and she convinces her to go. And so I found it so odd that S--that, you know, somehow she didn't talk to the cops... no one was made aware of her... that for some reason, this person, who's the co-manager on the team, isn't being interviewed by anyone back in 1999.

**[21:21] Susan Simpson** And apparently never mentioned it to any of her friends or any of Hae's friends.

**[21:25] Colin Miller** You know, assume you're a high school student, and you have a friend. She's the co-manager on a sports team with you. And, and you talk to her and, you know, basically get her to change her plans, and then she disappears and turns up dead. I... wha-what do you think you're doing when you find this out?

**[21:40] Susan Simpson** Told someone, it seems like. You--she wouldn't have never mentioned that fact. It's hard to see how this story didn't come out before... back at the time of the investigation or the trial.

**[21:49] Rabia Chaudry** Let me play devil's advocate here, though. I personally find it strange that in a s--high school, in a pretty large high school, um, we have very limited statements actually, to be honest. I mean, we have police statements from just a, a handful of people, right? It's the same people we hear from: Becky, Debbie, Aisha, Stephanie. I mean, there were many

more students in the magnet program. Uh, even with the wrestling match, you think the wrestling team must have had a coach, right? An adult coach. That coach would have known, uh, I assume, whether or not Hae was going to be you know, scoring that day or not coming to... I always found, uh, the, the real dearth of police statements and different witnesses, uh, to just be odd.

**[22:30] Susan Simpson** Here's the problem, though: the police never talked to anyone really who wasn't related to Adnan. They didn't talk to Hae's teachers other than Ms. Schab. They didn't talk to the wrestling coach. They didn't talk to the wrestlers. Everyone they spoke to was either a teacher of Adnan's--and also sometimes a teacher of Hae's--or one of Adnan's friends, which means that we can't even show if Hae was in her third period class that day.

**[22:56] Colin Miller** It goes back to the Rashomon effect, right? It's like, we have Inez claiming there's a wrestling match. She has it at a different school, Chesapeake as opposed to Randallstown. And yet we have really have no attempt by the police to sort of corroborate that this wrestling match even took place on January 13th. So, Susan, this wrestling match has come up a lot of times, right?

**[23:16] Susan Simpson** Yeah, but the weird thing is, the witnesses always seem to give slightly different stories. We've heard lots of versions about when it started. And two different schools for where it was supposed to take place. So there's kind of an odd mismatch there, that everyone's assuming that Hae had plans to go to a wrestling match. Yet at the same time, she's scheduled to work that evening, and none of the witnesses talking about the wrestling match can seem to agree on what exactly the match was going to be. So I started looking into it, and after reviewing some old newspaper clippings at the Baltimore Public Library, it turned out that there actually wasn't a wrestling match that evening.

**[23:59] Rabia Chaudry** So you're saying that, basically, the wrestling match, which has been part of the State's narrative for 16 years--and it was even accepted as gospel in *Serial*--actually never happened. There was no wrestling match.

**[24:12] Susan Simpson** Yeah. I started off just trying to figure out if the match was against Chesapeake like Inez says or against Randallstown like Summer said. But after looking into it, it was neither. There was no match for Woodlawn. We ha--also know that Woodlawn had actually played Randallstown the week before on January 5th, and on January 13th, Randallstown played a different team entirely. So whatever else might've happened on January 13th, Woodlawn did not play Randallstown.

**[24:38] Colin Miller** Okay, so let me break that down then. So January 13th, we have a reported match for Randallstown against a school that's not Woodlawn. January 12th, the day before, we do have a Woodlawn match at another school. And where's that?

**[24:53] Susan Simpson** Yeah. On the 12th, Woodlawn played, um, Loch Raven, which is up in northern Baltimore County--actually, kind of on the way to Don's house.

**[25:00] Colin Miller** So if we go back to January 5th, now, this is the big one. This is the huge one. We have a match...

**[25:05] Susan Simpson** Against Randallstown. So we know Randallstown and Woodlawn had already played the week before, and there's... I mean, we know, Woodlawn did not play Randallstown on January 13th, which means the Don note... wasn't written on that day.

**[25:19] Colin Miller** Right, and the Don note is hugely important because this is going to tie everything that we've been discussing together, right? So we have this note from Hae to Don. It's found in her car. The police, the prosecution believe this is a note she planned to drop off on January 13th. And so, Rabia, what does this note say?

**[25:36] Rabia Chaudry** So this note, which I think really brings together how the State claimed, you know, that both the, the, the... filming happened on the 13th and this match happened on the 13th. Um, this is what it says, and it's in Hae's handwriting and, um, it's addressed to Don:

"Hey cutie,

Sorry I couldn't stay. I have to go to a wrestling match at Randallstown High. But I promise to page you as soon as I get home, okay? [sic] 'till then, take care and drive safely!

Always,  
Hae

P.S. The interview went well, [and] I promise to tape it so you can see me as many and as often as you want."

**[26:10] Susan Simpson** We know that Randallstown played Woodlawn on January 5th. What seems to have happened is that Hae wrote this note... planned to leave it with Don, who was working at Owings Mills Mall that day. But it seems like from her credit card records, which show purchases at Owings Mills Mall during the same time that the wrestling match was going on, that she never made it to the match. She went to leave a note and instead perhaps saw Don, ended up staying there with him, and never gave the note at all, which is why it was still in her car when the police found it.

**[26:40] Rabia Chaudry** ...which explains why Summer was a little bit upset. She probably got stood up on January 5th and not the 13th.

**[26:46] Susan Simpson** And the reason none of the the students recalled seeing Hae leave class to go film was because that didn't happen on the 13th.

**[26:52] Colin Miller** We have this P.S. in the note, which says the interview went well, and that tells us that the athletic director is wrong and that Inez, of course, is wrong, that they-they're remembering her filming this Channel 36 news clip on January 5th and not on January 13th. They had the wrong day. It completely undermines the State's timeline. Inez was not the last person to see Hae alive. She's thinking of the wrong day. It also means Summer is not the last person to see Hae alive. And why is that important?

It's important because, like a lot of people, when I listened to Serial, I believed Summer. And I thought she saw Hae, you know, around 2:45, 2:55 or so at school. And that takes us back to Asia McClain. And, Rabia, you're the one who tracked Asia down after trial. She says she saw Adnan at the library until when?

**[27:37] Rabia Chaudry** Asia says she saw him up until about 2:40. That's her approximation.

**[27:41] Colin Miller** Right. So after Serial I was sitting there thinking, wow, Asia is a great alibi witness from a legal perspective because she destroys the State's timeline at trial, but really she's pretty meaningless from a factual perspective because, you know Summer. She saw Hae well after 2:40. Well now, the significance here is, if we remove Inez and Summer from the timeline, we're back to Becky at around 2:20 seeing Hae as she's about to leave school because she has something else to do and somewhere else to be. And that means that if Asia saw Adnan at the library up until 2:40, she's not just a legal alibi witness, she's a factual alibi witness. If she's remembering the right day, Adnan couldn't have gotten that ride from Hae.

**[28:19] Susan Simpson** And there are other reasons, too, to think that the whole interview story didn't actually happen on the 13th. For one, back at the time of Hae's disappearance, no one ever mentioned that she'd been filmed on the very day she died. None of the reports mention it. It's never talked about by any witnesses. And it seems like if she really had been filmed and interviewed on the day she disappeared, that would have come up at the time. Someone would have mentioned it.

So if Summer and Inez are thinking of the wrong day, a day when Woodlawn had a wrestling match, that means Becky and Aisha are the last ones to see Hae alive, right?

**[28:51] Colin Miller** Well, that takes us back to Debbie. Uh, Debbie--I discussed last episode she was the friend to both Adnan and Hae--and she gave a couple of statements to police. In her first statement at the end of January, she says she saw Hae at about 3 p.m. and that she was on the way to see Don at the mall. And if you look at all the news reports at the time of Hae's disappearance even at the time that Adnan was arrested, she is presented as the last person to see Hae alive at 3 o'clock as she's leaving Woodlawn.

Then later, we have Debbie giving a second statement. This is the statement where she said she saw Adnan about 2:45 on his way to track practice. She also in that statement, though, said

she then saw Hae between 2:45 p.m. and 3:15 p.m. and they weren't alone. Instead, according to Debbie, there was a third person in that conversation. This was a person, "not her real name" Taker. Her name is written as "Taker" in the transcript, but that's not her name. And according to Debbie, Taker asked Hae for a ride. And according to Debbie, Hae turned her down, said, "I can't give you ride because I have no time. I have to pick up my cousin at school." And so, also according to Debbie, this is the only person that she recalls asking Hae for a ride on January 13th.

**[30:11] Rabia Chaudry** And it's important to note that her name doesn't just come up once, right, Colin?

**[30:15] Colin Miller** Yeah, because Debbie in her police statement, she mentions the whole situation with Taker asking for a ride. She also mentions a second situation involving Taker. This is after Hae's body has been found. There's a crisis intervention team that's sent to the school, and Debbie recalls Debbie herself, Becky, Aisha--we've mentioned before--and then Taker and her sister going together to talk to the crisis intervention team. And in fact, there's a second teacher who's interviewed at the school, and she also remembers this same group of students going together to the crisis intervention team. So we have Debbie, Aisha, Becky... all key people in this case. They're interviewed, they testify at trial, and then we have Taker. This person who literally, according to Debbie, asks Hae for a ride just before she disappears, and as far as we can tell, she's never contacted. Not by the prosecution, not by the defense, not by anyone. And, so Rabia, can you read it to us, that, uh, Q and A between the detective and Debbie regarding that request?

**[31:14] Rabia Chaudry** It was Detective MacGillivray who was questioning Debbie. And MacGillivray asked: "Did she indicate that she was going to give anybody a ride?", referring to Hae.

Debbie responds: "No, um, somebody, I think Taker had asked, and like she said she couldn't because she had to pick up her cousin [sic] after school and she had to meet them around [sic] 3 o'clock, so she didn't have time. But no one else that I remember."

**[31:36] Colin Miller** Taker first appears on page 31 of the transcription of Debbie's police interview. You got the documents including the trans-that interview from the defense files, and where do those documents end?

**[31:48] Rabia Chaudry** They end on page 30. From the defense files themselves, which, you know, we've had for fifteen years, um, the rest of Debbie's interview never appears. Not in the transcripts, and also we've never had the audio for it.

**[31:58] Colin Miller** Yeah. I mean, if she just repeated what Debbie said about what happened on the 13th, I think, I mean, that's an exoneration. It-it's hard to see a jury hearing that type of testimony a-and thinking that Adnan got a ride from Hae and killed her.

**[32:11] Susan Simpson** If something came up that day that caused Hae to change her mind and say that she had somewhere else to be, something else to do, or [sic] the most likely way that would've happened is if someone contacted her, which means someone would have paged her.

**[32:22] Rabia Chaudry** That's right. Hae didn't have a cell phone, but she did have a pager. At trial, we didn't ever get Hae's pager records, by the way. I don't know if the police ever pulled them or...

**[32:31] Susan Simpson** They didn't...

**[32:32] Rabia Chaudry** ...they didn't provide them. Okay, well there you go. But the other thing is, her pager itself was, in fact, never recovered with the evidence. So, if we ever found that pager we might know who actually had paged her that day.

**[32:43] Colin Miller** Right, now that leads to the question of what happened to her pager. I mean, clearly the implication seems to be that whoever killed her disposed of her pager. And... Susan, why do we think that in this case the killer would have disposed of the pager?

**[33:54] Susan Simpson** If that something else to do involves someone contacting Hae, their number's on the pager. And it's not in her car; it's never been found. So where'd it go? What's also interesting, though, is that Jay never mentions it either.

**[33:12] Krista**

One of the biggest things I remember about Hae was her contagious personality. She loved being silly and goofy to put a smile on someone else's face, whether it be making fun of herself or making fun of you just to get a smile on your face. That was always what was important to her. She loved sports... she loved field hockey... she loved lacrosse. And if you shared any interest in any sport that she was part of, she would do everything she could to get you to join the team.

**[33:55] Rabia Chaudry** So what we know now is that Hae's day looked a lot different than we thought it did. Though she had school as everyone says, she certainly wasn't doing her filming for Channel 36 on January 13th. That filming took place the same day she wrote that note to Don, which also happened to be the same day she had a match against Randallstown. None of that happened on January 13th. It all happened on January 5th. A couple of other things we know that we're pretty certain about is that at some point during the day, Adnan asked Hae for a ride after school. She initially said yes, and then later, in front of a couple different people, she said, "No, I have somewhere to go. I can't give you that ride."

So that takes us to Debbie and Taker. Well, we've heard a lot from Debbie, police statements, her testimony at two different trials... We've never heard from Taker. No one ever contacted her--not the police, not the prosecution, not defense counsel. But she may have been one of the last people to see Hae Min Lee alive.

So where do we go next? Next time on Undisclosed: "Jay's Day".

**[35:03] Rabia Chaudry** Special thanks to Amar Nagi, our sound editor; Ramiro Marquez, who created our theme music; and Ballookey, who provided our logo. Dennis Robinson is our executive producer. You can find us on Facebook and Twitter. Our Twitter handle is @Undisclosedpod. Tweet us your questions and comments using the hashtag #Undisclosed. Thanks for listening to *Undisclosed, the State v. Adnan Syed*. We'll see you again in two weeks.

**[35:33]** The *Undisclosed* podcast is brought to you in part by the Adnan Syed Trust, a legal defense fund that helps to pay Adnan's legal fees and associated investigative efforts. All proceeds raised through advertising on today's episode of *Undisclosed* were given to the trust. To learn more about the trust and to donate to our efforts to free Adnan, please visit [www.launchgood.com/freednan](http://www.launchgood.com/freednan)

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