

UNDISCLOSED, the State v. Adnan Syed

Episode 4 – 28 Days

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[00:45] Rabia Chaudry On January 13th, 1999, Hae Min Lee disappeared. Twenty-eight days later, on February 9th, her body was found in Leakin Park. In those four weeks, the police opened a missing persons investigation, which became, upon the discovery of her body, a homicide case. Now today, we'll go day by day through the 28 days it took to find Hae, mapping the investigation of the police and tracing the activities of Hae's friends, classmates, and teachers. We'll discuss the discovery of her body and of the crime scene.

Now, one note: as we go through the dates, we'll skip the ones that we don't have any documentation for. We start then with January 13th, 1999, the day Hae Min Lee went missing.

[clock ticking]

[1:32] Colin Miller So on Wednesday, January 13th, 1999, our best theory right now is that Hae Min Lee left school soon after 2:20 p.m. after telling Becky that she had somewhere else she had to be. Thereafter, she was supposed to pick up her cousin from Campfield at about 3:15 p.m., but she never showed up to pick her up. At that point her family contacted the police, and Officer Adcock was dispatched to their home at approximately 5:30 p.m. Thereafter, Adcock called both Adnan and Aisha, who was Hae's best friend. Now, there's a lot of questions about why the police response was so quick after Hae didn't pick up her cousin. Usually, for a missing person's case, we're talking about a significant period of time before officers are dispatched.

One reason that's been speculated is, about six months before Hae disappeared, there was another Woodlawn student by the name of Jada Lambert, who was found dead and was determined to be strangled by Roy Davis. And, interestingly enough, Roy Davis is one of the individuals the Innocence Project is claiming could be the source of DNA that might eventually be tested from the crime scene.

[2:43] Susan Simpson And we know--well, this is getting ahead a bit, but--we know that the missing person investigation did consider possible links with Lambert's disappearance and murder. We know that there's a map in their file where they'd marked Hae's expected path that

day, and they'd also marked Lambert's house. And in order for Hae to have gotten to Campfield Early Learning Center, she would've had to driven very close to where Lambert lived and, as we know now, the same place where Roy Davis was living at that time.

[3:11] Rabia Chaudry Okay, this makes sense to me because for all these years, I always wondered why--Hae, you know, she was 18 years old--the police would so quickly, within two hours, open a missing persons case, but given that there was a similar crime that happened not long before, that does make sense.

[3:25] Susan Simpson Yeah. And we know that the first indication that anyone else had that she was gone was the 3:30 p.m. phone call that Hae's brother got from the Campfield Learning Center. So they called the police at 5:12 p.m., which means not even two hours had passed when the missing person investigation was opened up.

Officer Scott Adcock went to Hae's house, where he spoke with her family and made phone calls to her friends to ask about her whereabouts. He also called the LensCrafters out in Owing Mills, and they told him that Hae had failed to show up to work that day. Interestingly, there's no mention anywhere of a wrestling match or of Hae supposed to be going to [a] wrestling match, so it seems like her family--and the police officers by extension--believed that her only plans for that day were to get her cousin and then to go to work. He also attempted to contact Don, but was not able to do so at that time.

Then on January 14th at about 1:30 a.m., Officer Scott Adcock does talk to Don. They have a brief conversation, and he says that he hadn't seen her that day.

So Don says that he was working at the Hunt Valley LensCrafters that day. That's not his usual store, but he'd been called in, and he says in *Serial* it was to cover for another worker there. He got off about 6 p.m. and got home about 7. He said that shortly thereafter, he got a call from the Owings Mills LensCrafter [sic] where he usually worked, asking about Hae and telling him that she'd failed to show up for work that day. For some reason, he doesn't connect with Adcock until 1:30 that night, at which point he tells him he hasn't seen her, hasn't contacted her, hasn't heard from her, and doesn't know anything about where she might be.

[5:03] Colin Miller The unfortunate thing from my perspective is, we know according to Don, he was supposed to get called by Hae after her shift ended at 10 o'clock, and they were supposed to hang out, right? And so the question is, what happens up until 1:30 a.m.? What is Don doing? Why is there not contact between Adcock and him during those several hours when he apparently knows he's supposed to meet with Hae or at least get a call from her? And yet, there's no contact when he's been told by LensCrafters she didn't show up for work.

[clock ticking] *Thursday, January 14th*

[5:35] Susan Simpson The following day there's an ice storm. It moves in about 3 or 4 a.m., and the roads become very icy, very dangerous. It makes travel conditions very hazardous, and schools are shut down. At some point during that day, the Baltimore County Police Department does contact Hae's family and they get an update that they've still not heard from Hae and don't know where she is.

We know that, according to Jenn and according to the story told at trial, this is also the day that Jenn goes to work, and after she gets off, she goes to pick up Jay and then helps him dispose of his clothes in a dumpster at the F&M drugstore. Jenn does mention in her statement that she remembers it was raining on this day, which has always seemed like an odd comment to me because it was not raining at all. It was a big winter storm. If you look at pictures there's ice and snow all over the place. It's hard to see how Jenn would remember this event taking place on a day when it was raining, when you had that kind of weather actually going on.

[6:35] Rabia Chaudry Now on the evening of the 14th, uh, of January--that's one of the last nights of Ramadan and according to three different witnesses--Adnan gives a talk, and he leads prayers at the mosque. Two of those witnesses are Mr. Maqbool Patel, who is the president of the mosque, and his son, whose name is Saad. Another witness is a community member named Bilal, who also testified to the grand jury that he recalls, on the 13th, having gone over notes with Adnan about this specific presentation.

[7:04] Colin Miller And that's important, right? We'll probably hear more later about Bilal, but he didn't testify at trial, and so the jury never heard his accounting of Adnan going over what he was going to do on the 14th, on the night of the 13th. But it's very significant that he has this recollection that, on the night of the 13th, when we have this very real question of whether Adnan went to the mosque, h--he recalls not only seeing him there but a specific recollection of preparing for this presentation.

[7:29] Rabia Chaudry Also Adnan's father remembers Adnan having given a talk and leading prayers because it was a very proud moment for him.

[clock ticking] *Friday, January 15th*

[7:41] Susan Simpson On Friday the 15th, school is canceled once again. Travel's still not safe, so no one's in school, and the power's actually out in a lot of places. The 15th is also Krista's 18th birthday. Krista, you'll remember, is one of Hae's and Adnan's friends. Her parents threw her a birthday party that evening, and a lot of students at Woodlawn attended.

Here's what Krista said about her birthday:

[8:04] Krista

Um, so my party was at Liberty Road Volunteer Fire Company, which is in Randallstown, so it was about a mile from my house, if that. I believe the party ran from 7 p.m. to 11

p.m. so that would give people time--if you were still on your provisionals or whatever--to get home by midnight 'cause that's when we had to technically be off the road.

Susan

I know that people have said that Jay and Adnan are both there.

Krista

Yes, they were. In fact... specifically, with the ice storm that occurred the two days prior, I remember that most people that lived in the Catonsville, the Woodbridge Valley area that they all lived in, were without power. So a lot of people were actually calling me to be like, "Hey, can we come early?" 'cause they didn't have any heat... They didn't have food... *[laughs]* Like, I remember Laura came early, specifically, um, to hang out and get something warm to eat. Um, but I remember Adnan called me r--either right before or right as the party started, and he's like, "Hey, I'm really sorry" or whatever, "I'm going to be a little bit late. I have something to take care of for work, but I should be there, you know, between 8 and 9." And he arrived about 8:30, and he came in with--like, him, Jay, and Stephanie all rode together.

Susan Simpson

In the same car?

Krista

Yes. To my knowledge, yes.

Susan Simpson

Do you know who drove? Do you know--

Krista

Nope, no idea.

[9:14] Susan Simpson What's interesting is that Krista has a clear memory of Adnan, Jay, and Stephanie showing up together at this party. There have been some statements indicating that Stephanie's car might have been broken down at the time, which is why Jay and Adnan showed up in the same car. But all of this contradicts what Jay said at trial because Jay claimed that he'd only seen Adnan twice since January 13th.

The first time occurred a couple days after the murder, which would be January 15th. The problem is that Jay says he saw Adnan because Adnan dropped Stephanie off from school. That couldn't have happened because Stephanie and Adnan weren't back in school again until the following Tuesday, for Stephanie, and Wednesday, for Adnan. Also Jay makes no mention they went to a party together.

[10:01] Rabia Chaudry You know, what's interesting about that party on the evening of the 15th, is that, while Jay may or may not remember that party, it seems like Adnan was actually probably coordinating with him to go to that party because, on the 14th, all day there's not a single call to Jay. And on the 15th, there's no call to Jay until the evening around 6 or 7 o'clock, um, when a couple of calls are made from Adnan's phone to Jay, and I can assume that that's them coordinating so they can go to the party together.

I kind of think it's significant. You know, if Jay's story is that this--I'm scared of this guy, and then they're going to a party together... We buried someone together two days ago, but he didn't call me for two days.

[10:37] Susan Simpson Yeah, and then when they, when Adnan does call, it's like 'Hey, dude... we're going to a party. Together.' I mean, it doesn't seem like a situation in which Jay is scared of Adnan or worried about Adnan threatening Stephanie if he's voluntarily showing up at a party with him.

[clock ticking] *Tuesday, January 19th*

[10:55] Susan Simpson Tuesday the 19th was the first day back at school after the snow days and MLK Day. Adnan's not there because it's a religious holiday, and he doesn't go back to school until the following day on the 20th. At this point, people are starting to realise that Hae is missing, but no one seems to think something could be wrong or that this could be a bigger deal than Hae having run off to see her boyfriend.

[clock ticking] *Wednesday, January 20th*

[11:24] Susan Simpson Wednesday, January 20th, is the first day Adnan has been back at school since the 13th. It's been one week since Hae has vanished. Still, no one seems overly worried about her absence. Additionally, because the students were moving into the exam

period, there were only half days at school. The 21st is also a half day at school and, once again, without the normal routine, Hae's absence is less likely to be noted.

[clock ticking] *Friday, January 22nd*

[11:52] Colin Miller This is a semester break, so there's no school held that day. So if you're keeping notes, the only regular school day during that entire week after Hae disappeared on the 13th was Tuesday the 19th. In addition to school being closed, we have Detective O'Shea who has now taken over the case, talking with Don. It's likely over the phone, but we're not a hundred percent sure because his notes are a bit ambiguous.

According to Don when he talks to O'Shea, he last saw Hae on January 12th, again, the day before she disappeared on the 13th. According to Don, Hae was both happy--she was in a good mood about the relationship. He did, however, mention that Hae said she was fighting with her mom over phone privileges, as well as about breaking curfew. But according to Don, he had no indication from her that she was planning on running away from home.

If you recall back to one of our prior addendums, this is also the day we have isolated as the day that the "School of Social Work" [workshop] at the University of Maryland at Baltimore, took place. And so this is--again, Not Her Real Name Cathy, now known by her real name of Kristi--this is the day we're speculating could be the day that Adnan and Jay went to Cathy/Kristi's apartment, and that's being recalled instead of January 13th.

[13:07] Susan Simpson So, it could be that, in addition to calling Don, O'Shea called or tried to call Adnan as well, and maybe something related to that is what Cathy heard if he was there that day.

[13:19] Colin Miller Right, it makes sense, if O'Shea has just come onto the case a few days earlier and he's calling Don, it's natural to assume that he might be calling Adnan in the case, as well. After all, we know Adcock had called both Don and Adnan on the same day.

[clock ticking] *Saturday, January 23rd*

[13:37] Rabia Chaudry On the 23rd, according to Yaser--and, um, let me just stop for a second and tell you who Yaser is. Yaser is actually a family friend of Adnan's. Um, he attended the same mosque. He didn't go to the same high school as Adnan but, you know, he was in the same kind of circle of friends, at least with the mosque friends Adnan had.

But he did also know Jay and Stephanie. They had a friend in common. In fact, the friend in common that Yaser had with Jay *and* Adnan was a young man by the name of Tayyib, who we will talk about another time. But Yaser remembers being at a party on January 23rd where Adnan, Jay, and Stephanie were all present and attended together. So this is apparently the

second party in very close proximity to Hae's disappearance where Jay and Adnan are hanging out.

[clock ticking] *Monday, January 25th*

[14:25] Colin Miller On this day, Detective O'Shea visits Adnan's house during the school day and talks with his mom, but Adnan is in school and not at home, and so O'Shea leaves his card behind so that Adnan can call him. According to O'Shea, Adnan, in fact, does call him later that afternoon. But if we look at the cell phone records from Adnan's cell phone, there's no record of a call that he made to O'Shea. So either that call back happened another day, or Adnan was using the house line because there's no record in the cell phone of him making such a call.

According to a report written by O'Shea, Adnan tells him that on January 13th, he was in class with Hae up until 2:15 p.m., that he didn't see Hae until after school, and that, thereafter, he went to track practice.

Now this is important because in Adnan's current appeal where he claims his trial counsel was ineffective based upon failing to contact Asia McClain as an alibi witness, the State has continually made the argument that Adnan, himself, said he remained in the school campus until track practice started. In fact, the State cites to O'Shea's testimony. But if you look at his report and his testimony, he never says Adnan makes that claim. All he says is he was at school, didn't see Hae after school, and later went to track practice. There's never a statement by Adnan that he remains in the school campus, and so, if you think the library where Asia said she saw Adnan is meaningfully different from the school campus, again, there's really no claim there by O'Shea that Adnan ever made this statement.

[15:53] Susan Simpson And O'Shea also never asks Adnan about whether or not he asked Hae for a ride. It's also worth noting that the 25th is the first day of the third semester at Woodlawn, so it's the first day that everyone's back in school and attending classes. Mr. Terry was supposed to have Hae in his class for the third semester. He noted that she wasn't there on the 25th, and on the 27th when she still wasn't there, he decided to write a note to the attendance officer and called her home. Apparently, even then he wasn't too worried about her disappearance because no one seemed to be treating it like a serious matter.

Some of the teachers do note that Hae isn't there, but as one of the teachers mentioned, she had a high GPA and could miss a couple days without having her grades seriously affected. But the students were in the words of Ms. Efron, the English teacher, all remarkably unconcerned about Hae's disappearance. Two other teachers echoed that and also noted to police in their own interviews that none of the students seemed very worried. In fact, it wouldn't be until three weeks after Hae's disappearance that there's even a facility meeting called to discuss it. Later on in February when Hae still had not returned, she was withdrawn from the school pending further news about her whereabouts.

[clock ticking] *Wednesday, January 27th*

[17:09] Colin Miller At this point, we have the first interview of anyone besides Adnan or Don being interviewed, and that's Hae's best friend Aisha. She's interviewed by Detective O'Shea. Despite the interview being on January 27th, the notes from that interview are dated February 14th. And the notes are exceeding short; they're very concise. They only say two things: first, that Hae had told Aisha she was having problems with her mom but none significant enough to make her leave; while Hae talked about California, she never talked about going there. The second thing in the notes is that Aisha was in class with Hae on January 13th and last saw Hae at the end of class at 2:15 p.m. According to Aisha, Hae was in good spirits, and she didn't mention any problems at the time.

We have one huge question about this interview, and that question comes from something we raised at the very start of this podcast: what exactly did Aisha tell O'Shea that might not have shown up in the notes? Specifically, we interviewed Krista for the first episode. Susan talked to her, and let's go ahead and re-listen to that clip about Krista describing what Aisha told her on the afternoon of January 13th.

[18:19] Krista

...when we were talking, she said that she had heard from Hae's brother and that they couldn't find Hae. So, when I explained to her, you know, "Well, in first period class I heard... um, Adnan asked Hae for a ride. Has anybody talked to him?" and she's like, "Well, no... but... in Psychology she said that something came up, and she wasn't able to give him a ride anymore, so she didn't take him anywhere after school."

[18:42] Susan Simpson Something that's always bothered me about the files from the Baltimore County Police and the missing person investigation, is how almost all of them are dated February 14th. That's after Hae was found and after Adnan was identified as a suspect, which means all this is written kind of in hindsight. It's written knowing who the police think the culprit is. You can see the notes kind of reflect that. They're so terse; they're so devoid of any detail. They basically just say, 'Yep, Hae was happy. Yep, she wasn't running away. Nothing of note to see here.'

[19:14] Colin Miller And what are the odds that Aisha doesn't mention to O'Shea about Hae turning Adnan down for a ride at the end of school?

[19:22] Susan Simpson ...or doesn't even mention something more than 'she seemed happy and wouldn't run away to California'. I mean...

[19:26] Colin Miller Right.

[19:27] Susan Simpson ...there, there had to have been more that was relevant and important to the investigation, but it's never included in the report.

[clock ticking] *Thursday, January 28th*

[19:38] Susan Simpson O'Shea's investigation continues. He talks to Debbie, who basically becomes the first major witness in the case. She tells O'Shea that she last saw Hae at 3 p.m. on January 13th. And from there on, all the news articles will report the time given by Debbie as fact, which is important because it could explain in large part why Adnan would've overlooked the significance of Asia's alibi. Because if he saw Asia before 3 p.m. in the library, and if Hae was not seen leaving school until 3 p.m., then Asia's kind of irrelevant.

[20:11] Collin Miller And we know that Adnan interacted with Debbie after Hae disappeared because we know from the notes of the clerk when he visited Adnan in jail. The very top note there is about Debbie and him putting together the memorial for Hae, and so, certainly, we know that Adnan would have been aware of Debbie recalling seeing Hae at 3 o'clock p.m.

[20:31] Susan Simpson We know that Hae's friends all kind of thought that maybe Hae was with Don. There was also this California thing going around, which, according to Becky, was a rumor started by Inez Butler. But it seems like Hae did talk about California because Don mentions the same thing in his statement. He says that maybe that's where she went, and if she'd gone there, maybe she would have driven or left her car at a park and ride near the airport.

But we know at least Debbie seemed to think that Don knew where she was because Debbie decides to set up a secret email account that she used to contact Don anonymously and ask about Hae, ask if he knew where she was. I'm not clear why she used a secret email account or what the purpose of that was, but eventually they move from email contact to actually having a phone conversation. And, according to Debbie, her phone call with Don lasted seven hours. And they basically discussed Hae and where she might be for this entire conversation. By the end of the seven-hour phone call, Debbie is convinced that Don doesn't know where Hae is. He's not involved in wherever she's gone to and doesn't know where she is. She also mentions, though, that during this phone call Don seems to think that maybe Adnan has been responsible for Hae's disappearance.

[21:44] Colin Miller Uh, Susan, am I right that Debbie, when she initially reaches out to Don, thinks that Don has Hae or...

[21:52] Susan Simpson That's kind of what they were thinking, um, like at Krista's party. Maybe she ran off with him somewhere. She'd mentioned to her French teacher that she and Don had plans to move in together. I don't know if, if that's what the students thought was going on, if maybe she'd gone ahead with those plans and just wasn't coming to school. But, yeah, after that phone call apparently he convinced Debbie, and after that the students seemed to realise that Hae's not with him.

[clock ticking] *Monday, February 1st*

[22:16] Susan Simpson On February 1st, O'Shea conducts a series of additional interviews about Hae and where she might be. He talks to Hope Schab, the French teacher. According to O'Shea's report of this interview, there is nothing much said, nothing much of significance that he learns. But according to Schab, during this interview O'Shea gives her a list of questions to ask the students and sort of asks her to be the go-between for the police and the Woodlawn community. She testified that the questions she was asking the students on behalf of O'Shea included things like, "Do you know where Hae and Adnan used to hook up?" I mean, I've always thought Ms. Schab's role in this case was very odd and a little bit concerning because having a teacher act as sort of a... unofficial police officer in a missing person investigation--I've always found it odd that this happened, especially the fact that Ms. Schab was asking questions to students on behalf of the police about fairly invasive things.

[23:11] Colin Miller Yeah, and I'll note something else here, too: this is not the same witness I mentioned before in connection with Debbie, but there is yet another witness who is on the interview list for the police, and yet there's no record of her ever being interviewed. She is mentioned in a statement given by Ms. Schab, and from what Ms. Schab has to say, she's a person who you'd expect to be a favorable witness for Adnan. And yet, again, it's another dead end in the sense that we have nothing in the way of what this student told to either Ms. Schab or the police.

[23:42] Susan Simpson Yeah, she shows up in some handwritten notes here and there, but she's been kind of scrubbed from the official reports.

Another witness that O'Shea talks to is Inez Butler. This is the interview where Inez tells him that Hae was not going to a wrestling match that day and that when she talked to Hae on the 13th, Hae said she was having problems at home and wanted to contact her father in California.

O'Shea also speaks to the manager at the Owings Mills LensCrafter [sic] store. Now, to back up a bit, on January 13th, 1999, Don says he was working at LensCrafters but not the normal one that he usually worked at with Hae. That store was the Owings Mills LensCrafters. On the 13th, however, he went to a different store, the Hunt Valley store, to fill in for another employee. The cops never talked to anyone at the Hunt Valley store. There is no record, no statement, or any thing from anyone who might have seen Don on the 13th. O'Shea does have contact with the manager at the Owings Mills store. Although that manager tells O'Shea that Don was working at the Hunt Valley store on the 13th, it's not clear what the source of her information is. We know that Don was actually working at the time that O'Shea spoke to the manager, so it's possible that Don himself was the source of that information.

Other than this one conversation with the Owings Mills Mall LensCrafters manager, there's no attempt made during the investigation to obtain Don's work records or to verify with documentation his story that he was working at the Hunt Valley store that day. Eight months later during the trial, those records are obtained, but we'll discuss that at a later date.

The most significant thing that happens on February 1st is O'Shea's second interview with Adnan. He gives Adnan a call and they talk, and this time O'Shea asks him about Officer Adcock's report. Officer Adcock was the police officer that made the initial missing person report and who called Aisha and Adnan on the evening of the 13th.

And in that report Adcock wrote: "Mr. Syed advised that victim Lee was supposed to give him a ride home, after school, but he was running late and he felt that victim Lee probably left after waiting a short while." Adnan corrects O'Shea and says, 'Nope, I didn't say that, I had my own car that day,' and later at trial this is used as evidence to show that Adnan was lying about what happened on the 13th.

What I've always found interesting, though, is that O'Shea waited until February 1st to ask about this.

[26:10] Rabia Chaudry Were the notes taken contemporaneously for February 1st? They were also written much later, right?

[26:15] Susan Simpson O'Shea's report of his interviews with Adnan were, like the rest of his reports, written on February 14th. So, again, they're written with hindsight. They're written after the body has been found and after Adnan has been identified as a suspect in her murder.

[26:30] Rabia Chaudry Is this the first time the ride is mentioned ever since Adcock's report?

[26:35] Susan Simpson It is the first time it's been mentioned. It, it does raise the question: why didn't he ask on the 25th about it but does ask about it on the 1st?

[26:44] Rabia Chaudry And why didn't he ask other students about it?

[26:45] Susan Simpson Well, we do know that in between those two interviews he talked to Aisha. And according to Krista, Aisha knew about the ride request, which raises the possibility that that's where O'Shea learned about it. I will note that in the missing persons report--it is a bit odd how it's laid out. And it's a three paragraph report. In the first paragraph, [it just] says Hae failed to get her "cousins", and Officer Adcock spoke to the family and they all didn't know where she might be. There are two more paragraphs, but they're written in a, a slightly different style of handwriting. It's still Adcock, but it seems like it's less hurried writing. I don't think it's beyond the realm of possibility that the second half of that report was written at a later date from the first.

[clock ticking] *Tuesday, February 2nd*

[27:32] Colin Miller On that date, we have Hyun Sin, who was Hae's mother's ex-boyfriend living in California. He is contacted by Detective O'Shea, and according to Hyun, Hae's mother and he were never married, but they did for a time in 1996 live together in California along with

Hae and her brother. And according to Mr. Sin, he hasn't seen or heard from Hae since January 13th.

You might be wondering why he was contacted. Well, according to Debbie, either Aisha or she told the police--she wasn't sure--that she had family in California whom she might have gone to see as opposed to returning to school. And so that's probably the reason why O'Shea is calling out to California, is that either Aisha or Debbie in their statements mention something about Hae possibly going out to California to see this ex-boyfriend of her mother.

[28:23] Susan Simpson Well, actually, Don mentioned it, too. He told the police the same thing.

[28:26] Colin Miller So, probably from one of those three comes the idea that maybe she's out in California with the ex-boyfriend.

[clock ticking] *Wednesday, February 3rd*

[28:37] Susan Simpson It's been three weeks since Hae disappeared. There's one record in the police file from February 3rd, and it's a little bit of an odd one. We have a, a printout from the MILES system, which is an online database that police use to pull criminal and other records on individuals. On February 3rd, they pull Adnan's records. They don't explain why; there's just the printout in there and no explanation for it. But he's the only person for whom such records are pulled throughout the investigation. It's not clear why they're checking into Adnan's background February 3rd, but it does suggest that he's already been identified as a suspect by this point.

[29:14] Rabia Chaudry To me, what is kind of startling about the fact that on the 3rd they're pulling only Adnan's records is that this is before there's any anonymous call made--um, which folks who, who listen to *Serial* might remember, but we're going to revisit that--before his cell phone records are pulled, especially considering that they have a potential witness saying that the last time she saw Hae, Hae said, 'I'm going to go see Don.'

Uh, it would make sense that at least Don's records would also be pulled. So, um, it's, it's really odd that only Adnan's records would be pulled at this time.

[clock ticking] *Thursday, February 4th*

[29:48] Colin Miller The next day, on Thursday, February 4th, the Baltimore Sun issues a request for information on a missing woman, that woman being Hae Min Lee. And let me read from that clipping from the Baltimore Sun:

"Hae Min Lee, who lived with family members [...] was last seen about 3 p.m. January 13[th] at Woodlawn Senior High School, where she was a student. After school she was supposed to pick up her 6-year-old niece and go to work, police said, but she did not do either."

And that's significant for two reasons: one, again it recounts Debbie being the last innocent person to see Hae alive at 3 o'clock p.m. Second, there's no mention of the wrestling match, and that dovetails with our theory that there, in fact, was no Woodlawn wrestling match on January 13th and that Hae's only other responsibility besides picking up her cousin--identified as the niece in the piece--was to go to work, and there's no indication of a wrestling match.

On the 4th, we also have the first video clip about Hae being missing, and so let's listen to the audio from that video clip where her disappearance is being discussed:

[30:51] Vickie Warehime, PIO

There's no reason at all, not a family fight, not having a hard time at school. I mean, you're talking to a person that's involved in a honor's program. There's no reason for this disappearance, and it's very troubling to the family, and we as investigators want to find her as soon as we can.

[31:07] Susan Simpson Another witness recalls seeing this news segment or one much like it on February 4th, and that's Jenn. Jenn says that on that day, they're at Champs, a bar not too far from Jay's house.

[31:18] Jenn Pusateri

So, um, we were at Champs, and I was up talking to somebody [there], maybe dancing or something. I don't know. And, um, Jay came up to me, and he's like, "Yo, they just said that Hae's body is missing." Um, "I just saw it on the TV." And he told me that he saw it, and I said, "Oh... um, now what?"

Detective Lehmann

Hae's body is missing?

Jenn Pusateri

Yeah, 'cause he had saw it on the television, that her body had been missing. On the news--

Detective Lehmann

That *she* was missing?

Jenn Pusateri

Yes, yeah. That she was missing. Um, not her body, that *Hae* is missing...

[Jenn's police interview, p.26]

[31:53] Susan Simpson I have had a number of theories about what's going on here, about what exactly Jenn means and how to interpret her explanation of what's going on.

[32:03] **Rabia Chaudry** I have to hear those theories, Susan.

[32:05] **Susan Simpson** Okay, so there's speculation that's, you know, pretty easy to credit that it just shows how confused Jenn was, and she didn't really understand what she was referring to or was talking about events she hadn't actually lived through because there's confusion over whether Hae was dead or whether Hae was missing.

[32:22] **Colin Miller** I've always wondered this; maybe one of you two knows this better than me: how exactly does Jenn know Hae?

[32:29] **Susan Simpson** Jenn has said that she's not entirely certain she knows who Hae is, but she thinks she knows who Hae is.

[32:35] **Rabia Chaudry** How can she dislike Hae if she's not even sure--

[32:36] **Susan Simpson** Yeah, I don't know.

[32:36] **Rabia Chaudry** ...who she is. What, what?

[32:38] **Colin Miller** So did Jenn graduate from Woodlawn in 1998?

[32:40] **Susan Simpson** Yeah.

[32:40] **Rabia Chaudry** A year earlier. Yeah, a year earlier.

[32:42] **Colin Miller** Okay.

[32:43] **Rabia Chaudry** The reason I want to hear your theory, Susan, is because when I read this or when I hear this, I don't know what to--it, it's like the Jay police statements. I cannot make head or tails. I don't know what the hell is happening here.

[32:54] **Susan Simpson** The only thing that really comes close to making sense for me, and it doesn't really make sense, so, you know... *[laughs]* But the one that, that kind of seems coherent is that it goes back to Jenn explaining when she found out that Hae was dead and how initially she didn't really believe Jay. Her reaction was, 'How would you know that? You don't know that.' And Hae--

[33:15] **Rabia Chaudry** She didn't believe Jay, but she helped him dispose of shovel or shovels.

[33:19] **Susan Simpson** Yeah, so, you know, I kind of wondered if, if Jenn heard this from Jay, had been thinking about it, but the whole time, she's like, "Oh, he's just making something up"

and kind of forgets about it, and then on the 4th this report runs, and she's like, "*That's* the girl Jay was talking about and she *really is* missing. Maybe there's something to this story."

[33:39] Rabia Chaudry Yeah she could have just misspoke when she said the, the body is missing. "Hae's body is missing."

[33:44] Susan Simpson Yeah, it doesn't sound like that, though. It's a, it's a weird clip. I mean, you could speculate about it all day but the police are pretty confused too, you can tell.

[33:52] Jenn Pusateri

...and that was when I found out that she had been missing.

Detective Ritz

Well, you knew back on the 13th--

Jenn Pusateri

Well, yeah, obviously that she was dead.

Detective Ritz

...she was dead. Why would you be so shocked that now the news is reporting her, that she's missing, she hasn't been heard or seen from?

Jenn Pusateri

Um, I don't know. I guess I was just surprised. I don't know. I don't know, I was-- maybe I wasn't surprised. Maybe I was just like, "Oh no, what do we do now?" Maybe it was more like, "Oh no, what do we do now?" rather than surprise, I guess.

[Jenn's police interview, p.26]

[34:21] Colin Miller What's weird, too, is we know Stephanie learned that Hae had disappeared, I believe this was, the Wedn--ah, one week exactly after, that Hae disappeared on the 13th, and obviously, Jay and Stephanie are dating and so... Right, I mean, you would imagine that this had come up at some point in time before this date but maybe not.

[34:40] Susan Simpson Yeah, but apparently Jenn and Jay are, for some reason, either surprised or taken off guard. They feel it necessary to tell someone else about the murder, and that's Nicole, who is Jenn's friend and a coworker at Garlands.

So, on the 4th, this news segment plays. They're at the bar, and Jenn's like, 'Hey, Nicole, that girl on the TV, I know who killed her.'

I don't know what's going on with that. The police never talked to Nicole, so, I mean, maybe this never even happened, but at the same time Nicole's the one who Jenn says informed her that

Hae had been strangled. In Jenn's very first interview on the 26th of February, she apparently already knows that Hae had died by strangulation, and the police had not publicly released that yet. And in the police notes you can see where they've written down that Jenn tells them Nicole, Jenn's friend, said that Hae had been killed by strangulation. And the detectives thought this was significant because it's not public knowledge at this point, so if someone knows it, they have a tie to the killer presumably. But even aside from being the alleged source of that information, Jenn clearly states that Nicole knew about the murder at least four days before the body was found, and yet the police never think to talk to her.

[35:53] Colin Miller Do we know of the relationship between Jay and Nicole?

[35:56] Susan Simpson It's, uh... we don't. It seems possible that Jay and Nicole's boyfriend might have been friends, but again the record's so unclear. They, at least, all knew of each other and hung out at the bar together, but I don't know anything beyond that.

[clock ticking] *Saturday, February 6th*

[36:18] Colin Miller Two days later, on Saturday, February 6th, the police use dogs to search the woods and the fields surrounding Woodlawn High School. And we have this map showing how the police were considering a possible link between the disappearance of Jada Lambert six months ago and the disappearance of Hae Min Lee.

[36:37] Susan Simpson And just to clarify, at this time Lambert's death is still a [sic] open case. They do not figure out until, I think, three years after this point that Roy Davis killed her, and they found that out through DNA testing. But at this time, it's just another girl from Woodlawn who's last seen leaving her house and disappears to be found later, strangled in a park.

[clock ticking] *Monday, February 8th*

[37:02] Colin Miller On Monday, February 8th, we have what I consider one of the most frustrating parts of this investigation. You can tell that the people at *Serial* feel the same way.

So, on that Monday the 8th, Detective O'Shea seizes Hae's computer to search it for evidence. And on that same day we have Detective John Rau of the Computer Crimes Unit. He serves a subpoena--in other words, he's requesting documentation for computer records from America Online in reference to Hae's email accounts. He's basically trying to figure out what emails she might have sent and received in the days leading up to January 13th.

About a week later, Detective Rau communicates with Detective MacGillivray and Carew that he was told to cease his investigation relating to the computer because the case had been turned from a missing persons case into a Homicide investigation and transferred from Baltimore County to Baltimore City.

Thereafter, in the files we have no mention of the computer, the email account, anything being searched. And when *Serial* covered this last fall, we have Baltimore City saying, 'We never got the computer from Baltimore County,' and then we had the following quote:

"At this time, we have not found any additional items including the computer, records, or reports."

So, we mentioned before the floppy disk diary, that never being discovered, the information, the goldmine that could have been lost. Here we have Hae's entire computer, her email account. We know it was requested, we know they wanted the documents, and yet we have no idea what happened to the computer. The investigation was ceased. We have no meaningful information about anything Hae did electronically that could give us a clue about what happened in this case.

[38:43] Susan Simpson And we know roughly why they wanted that information and why they wanted the AOL records and why they wanted the computer, and that was because Hae, apparently, spent a fair amount of time online and hanging out in what the report calls "Asian chat rooms".

I'm not certain what that means, but it seems like she did have people she was friendly with online and communicating with on a regular basis.

[39:06] Colin Miller Yeah, and I mean, we've speculated before, right? Um, we've, we've had several people say that Hae at the end of the school day said something came up. She had something else to do and somewhere else to be. My personal theory is that someone paged her between lunch and the AP psychology class and--right, if we had these chat rooms, emails, the computer, that could point us in the direction of someone who could be the person who contacted her. And yet this entire life of Hae outside of school and online, it's just gone. It's--there, there's no record whatsoever. Baltimore County doesn't have it, Baltimore City doesn't have, and there's just really no good explanation of how this entire computer of her's just goes missing, and it's up in smoke.

[39:44] Susan Simpson We know that the missing person consultant that they brought in wrote in a report that they would be monitoring chat rooms that Hae had been known to use. So, it was something they were looking into pretty heavily, and yet we have no records of it beyond these few scattered mentions.

They did pull her AOL profile which listed her interests as "Movies, Phone, Partying, TV, Music and most importantly Don."

And her likes were listed as "Looking in his blue gray eyes, fast cars like his Camaro, driving to BelAir, Selling glasses and her beauty, spending as much time as possible in the lab. Occupation: Part-time sales, Full-time Girlfriend."

And the last line of it was "I love you and I miss you Donnie".

[40:32] Rabia Chaudry So this is interesting. To me, this kind of almost dates that profile, right? Like, we know that this profile must have been created, or it could have been updated, I suppose--

[40:40] Susan Simpson Yeah, in the past couple of weeks.

[40:40] Rabia Chaudry ...after January 1st.

[40:41] Susan Simpson Yeah.

[40:42] Colin Miller Right, January 1st being the first date that she had with Don.

[40:45] Susan Simpson And, yeah, it's worth noting that although Hae seems to have been very enthusiastic about Don, it doesn't seem as if Don was quite as enthusiastic as she was about the relationship. A couple of reports mention it, and one of them does state flat out he "did not appear as enthused about their relationship as Hae Lee's diary indicates that she was."

[41:06] Colin Miller It's interesting. I wonder exactly what was said. I can't tell from those notes. Is this something explicit that Don's saying, or is this the sense that the officers get from Don? It's interesting. I wish we had more information to see exactly why the police thought this was important and what their base of information was.

[41:22] Susan Simpson Yeah, they thought it was worth noting in their reports, but they don't go beyond that so, you know, more questions.

[41:38] Colin Miller And sticking with February 8th, we also have a big gap in the record that's, again, extremely frustrating, and that's at 3:55 p.m. We know that Adnan made a cell phone call to O'Shea. However, if we look at O'Shea's records, he doesn't include any details of the February 8th conversation with Adnan although he does note at trial he had additional conversations with Adnan during this time period. So, what exactly happened during this conversation? We have no idea. We know the conversation took place; we have no idea of the content of that conversation.

[42:10] Susan Simpson And we do know from Peter, one of Adnan's friends, that at least one time, Adnan was at Peter's house when the detective called. And Peter said that Adnan acted totally normal, he was totally appropriate in how he handed it, and that it didn't seem like a big deal at all.

[42:36] Rabia Chaudry It's been 28 days since Hae disappeared. Today on February 9th, 1999, the Baltimore City Police get a call from a man who's made a terrible discovery inside Leakin Park. He's come across the partially buried body of a young Asian female, who is later going to be identified as Hae. The case has now gone from a missing persons investigation to a Homicide case. This man, who we are going to refer to as "Mr. S" just like in *Serial*, has a story

that the police don't initially buy. And so, having reported his find, he unwittingly becomes a suspect.

[clock ticking] *Tuesday, February 9th*

[43:19] Susan Simpson They go to the college where Mr. S worked, and together they drive down to Leakin Park where he shows them the body he found in the woods. Homicide detectives are called in, the scene is secured, and a few hours later Mr. S is taken down to the station for questioning.

Mr. S lived on the west side of Leakin Park, and the college he worked at was over on the east side. So to get back and forth, he drove through Leakin Park. At around lunchtime that day, he went home and on his way back, he stopped his truck because he had to go to the bathroom to take a leak "real bad", according to the police notes. He got out of his truck and walked into a wooded area, where he noticed the earth had been disturbed, he said, and then he saw some hair partially covered in dirt. He walked around and then noticed that there was a foot. At that point he left, went straight to the school where he told campus police about what he'd seen.

[44:12] Rabia Chaudry So, Susan, you know, the first time I ever, uh, visited the burial site in Leakin Park was actually when I went with you and Yusef and my own brother Saad, uh, a number of months back. Um, and I have my own particularities. I just am not comfortable visiting places of pain. For example, I've been to San Francisco many times; I refuse to go to Alcatraz, but anyway, um, for the sake of the investigation I went with you, and we looked for the, the burial site. And it was interesting because the log we initially thought was the log that she was buried behind, it turns out it was the wrong log. And you correctly identified the right log later, and I returned there with Ramiro, who, you know, has created our theme music and has done the photography for us. And that log, the correct log, is not straight back from the road. It's actually hidden from the road, uh, which made a lot of sense to me, uh, 'cause initially I thought, God, that's a really busy road. You know, how is anybody carrying a body back there or hanging out back there, digging back there. I mean, if it's daytime, there's a bunch of cars; if it's nighttime, you could easily see flashlights from the road. There's a lot police presence in the area.

[45:22] Susan Simpson Yeah, that was my impression when we went there. It just--it, it's not a place to bury a body. It, it's, it's a really bad choice. I did not expect that. I thought it would be kind of more discrete or maybe make a little more sense, but...

[45:35] Rabia Chaudry But that's because we were looking at the wrong log.

[45:37] Susan Simpson Oh, I meant the place in general, just the whole site.

[45:39] Rabia Chaudry The place in general, yeah... But, but, here's the thing, though: if you go to the correct log, which is at an angle to the road, it's actually behind a huge, uh, mess of brambles, and you pretty much cannot be seen from the road from there. We tested it. Um,

and... there's a natural depression under the log. Um, there's a little bank right there that goes down to the stream that has a lot of rocks.

And I know all of this is kind of irrelevant to what the crime scene looked like, but I will say this, that it is really, really, really ridiculously unlikely that anybody's going to go there to take a leak. You kind of have to fight through the brush to get to that point. Uh, it's not a straight shot back to the road.

[46:15] Susan Simpson Yeah, it's, it's overgrown, too, like there's vines in the way. It's not a place you would stroll casually. Ever.

[46:21] Rabia Chaudry Although, I don't know what the habits of streakers entail.

[46:24] Susan Simpson Yeah, that...

[46:25] Rabia Chaudry There's that.

[46:26] Susan Simpson There is that, too. And part of the problem here is that there were not good records kept. There are two different maps that show how and where the body was, and one of them is, frankly, inaccurate. It's the one that says "127 feet". It's not true. It has the log positioned the wrong way, it has the body positioned the wrong way, and that's the map I was looking at the first time. There's a second map that's more accurate, and using that one I was able, actually, on the phone, to direct Rabia how many steps to take. She found that log, which matches pictures I've since found. So, yeah, it's the right one, and it matches all the details that have ever been testified to. So, yeah, maybe Mr. S was streaking back there. That's a possible explanation.

One thing that I've wondered about is whether Mr. S might have seen something while driving through the park to or from work one day and if something caught his eye, something was back there, and that alerted him to the possibility that there was something of interest to be seen there.

[47:25] Rabia Chaudry I have a different theory.

[47:26] Susan Simpson What's that?

[47:27] Rabia Chaudry My theory is not that he saw something because, again, I'm telling you *that* particular log, like, you can't see it from the road. So my theory is that he heard something, uh, and he went specifically looking for her body.

[47:38] Susan Simpson There's another reason, though, why we're questioning how Mr. S found the body--

[47:44] Rabia Chaudry Yup.

[47:44] Susan Simpson ...and whether the pausing to pee in the woods or the streaking story can actually explain how he found her. That's because of the polygraph examination that Mr. S was given. Actually, there were two of them, but we'll discuss that at a later date.

[48:06] Susan Simpson There is another story about how the body was found in the woods, and that comes from Jenn. I'll let her explain it.

[48:15] Jenn Pusateri

Um, the day that they found her body--what I had heard was that they found a foot in Leakin Park. Somebody had found a foot sticking up out of the ground in Leakin Park, um, and... I... you know, I didn't, I didn't even think, I didn't even think that it was Hae's body at all. I mean, dead bodies always get dumped in Leakin Park, but you hear about it all the time.

So I happened to mention something to Nicole. We were in the car, we were in her car, and Josh was in the car--Josh is Nicole's boyfriend--and I said to Nicole, I said, "Yo, did you hear anything about that body?"

She was like, she's like, "Yeah, my mom found a body at the gate this morning when she unlocked it."

[...]

And I said to Nicole, I was like, I was like, "Dude, you know, what else?" I said. And I don't know whether Nicole or whether Josh had mentioned that the body was strangled, and I was like, "If it was strangled," I was like, "I bet you it was her body. I bet you they found Hae."

And that's all I said. And so, I guess at that point, then Josh and his friend Mark, who was in the car as well... [inaudible]

[Jenn's police interview, p.29]

[49:22] Susan Simpson Yeah, so, I have no idea what Jenn is talking about. There was no other body found in Leakin Park in January, so it's not that she's confusing Hae's body being found with the body of some other victim being found. The location where she's talking about is north of Franklinton Road, which is the road Hae was buried along. Y--so, yeah, I got nothing. I have no idea why Jenn is convinced that Hae was found by her friend Nicole's mom in a different place entirely from where the body was actually located. I don't know if y'all have any thoughts about that [*laughs*] or what's going on?

[49:53] Rabia Chaudry I, I got nothing. I got nothing.

[49:55] Colin Miller Yes.

[49:56] Rabia Chaudry I don't know what's happening here.

[49:57] Colin Miller Absolutely nothing. I have no idea--I mean, it's just one of those things, again, with Jenn where you have no idea whether she knows nothing, she knows something and is making something up, or, or she's just horribly confused.

[50:09] Susan Simpson But, again, we have Nicole and Josh being mentioned once more. These are people that Jenn has mentioned previously as being involved in conversations about Hae's death. They seem very relevant to the investigation, and they do appear on a list of people to be interviewed. So the cops did think about it, and either they decided not to or who knows what? I mean, yeah, you could spend all day trying to make heads or tails of Jenn's statements and you'll end up at the same place.

[50:33] Rabia Chaudry So let's get back to Leakin Park, uh, the site where the body was found.

[50:42] Colin Miller Hae Min Lee's body was disinterred by William C. Rodriguez. He was the Chief Deputy Medical Examiner for the Office of the Armed Forces Medical Examiner[s] and also by Grant D. Graham, Sr., who was part of that same Office of the Armed Forces Medical Examiner[s]. Unfortunately, we lack a lot of information about what exactly they did because, per the request of the State, they didn't take written notes at the crime scene.

Why is that the case? Well, we have discovery rules. Discovery rules are the rules by which the defense is entitled to certain evidence from the prosecution, and the prosecution's entitled to certain evidence from the defense. One bedrock principle of the discovery rules is, if you're going to call an expert witness at trial, in advance of trial you have to provide any written reports created by that expert.

The end-around by the State in this case is to say, well, if they don't create reports, they don't have to turn them over. And so in this case, not only with Rodriguez but for a lot of people, there's simply not a lot of written documentation so that that information did not have to be disclosed to the defense before trial.

[51:48] Susan Simpson All we have from Dr. Rodriguez is a one-page summary made by Prosecutor Kathleen Murphy. Again, this is the entirety of his report of the crime scene and the disinterment:

"Body partially buried. Very little of body exposed. Could not see from street."

They found "...trace evidence. Two pieces. Bright orange fiber toward[s] shoulder area" and another fiber that was fluorescent blue. The orange fiber was synthetic and on top of body. The other was underneath.

“Fiber does not belong to victim’s clothing.

“Rocks piled on her. Area had been dug out. Dirt over it. Large rocks on body, one on hand. Keep animals from dragging body off. Way body is exposed--animal activity.

“Soil samples: typical of wooded area, highly organic. Collected plants, green plant material. Couldn’t tell if tool used.”

So, again, she’s placed in a depression and covered over, and it looks like it might have been dug out, but there’s no indication one way or another if tools were used. And this could go back to explaining the whole shovel or shovels dichotomy or pick--the fact that Jay and Jenn can’t seem to agree on how many or what tools were used to bury Hae be--because it’s possible that no tools were used at all.

[53:07] Susan Simpson They found a lot of debris scattered along the roadside. They found a Blockbuster video case, two of ’em. They found the rolled condom and condom wrapper. And they found an assortment of cartridge casings. But, again, all of that is within a few feet of the roadside. The Blockbuster videos and the gun shells mostly were all on the south side of the street, whereas the condom wrapper and a few of the casings were over on the north side towards where Hae’s body was. Beyond those items, though, there were only three items taken into evidence, and all of those were found in the immediate proximity of Hae’s body.

What’s interesting is that at trial, it seems like there’s a bit of... you know, an attempt to... hide this fact because Urick questions witnesses and asks them about how messy the crime scene was and how much trash was littered around. But aside from the items on the roadside, there is no evidence that there was trash actually back in the woods. And it seems to be an attempt to downplay the significance of the evidence that was found back in the woods, all of which was right next to Hae.

The first thing we had were the feathers... or feather. They use both the singular and the plural. It’s not clear how many there were. But they were found two feet away from Hae’s body on a log.

[54:26] Rabia Chaudry I’ve always found this kind of odd because, I mean, it is the woods, um--

[54:30] Susan Simpson Yeah, you find a feather there. It’s not--

[54:31] Rabia Chaudry You would... Right.

[54:33] Susan Simpson Yeah, so either they’re collecting literally everything, or it’s because they weren’t wild bird feathers. They were, perhaps, down from a jacket or a blanket. But we don’t know what kind of feathers they were. We don’t have pictures. We don’t have descriptions.

So we don't know why they thought these feathers mattered. And if they were from a blanket or a jacket, I think that's a significant deal because there's nothing about that that would match Jay's stories.

The other two items of evidence that were found outside of the roadside area were a rope and a brandy bottle. Let's start with the rope. This one is maddening because the reports are so unclear and so contradictory about what's going on with it. We know it was found only five inches from Hae's body. It's described as a rope in most reports, but in one of the initial reports we have it described as a section of clothesline, and in another early report it's described as a section of insulated wire. After that, it's always just called "the rope" and, in fact, it seems to have gone missing because when Gutierrez conducted an evidence review, she couldn't locate it.

[55:35] Rabia Chaudry There's testimony that the strangulation could've been done by a rope.

[55:39] Colin Miller I was about to say the same thing as the Dr. Korrel thinks it's possibly manual strangulation, meaning by the hands with no instrumentality, but she says it certainly could've been through the use of a rope because there's marks on the back of Hae's neck, which are either consistent with the killer wearing gloves or it possibly being something like a rope. And so this would've been something very important for them to test because it could've been the murder weapon literally.

[56:03] Susan Simpson But we don't even know if it was a rope, a clothesline, or wire and how long it was, how it was positioned near the body... We know nothing. We just know that there was a section of some kind of long flexible material found five inches from where Hae's body was located in the woods.

[56:21] Susan Simpson The last item we have is the brandy bottle. The brandy bottle was only eight inches from where Hae was buried. This one they did test. They were able to retrieve human skin cells from the neck of the bottle, which means there was DNA there that could be tested, and it was in their possession. They never requested testing of it, however, and I think we know why.

The cops asked all of Adnan's friends if he drank. They all said mostly no, and then one or two said he'd had a drink one time at New Year's recently but that's it. So the cops knew that Adnan was not a drinker and given that he's had a little bit of alcohol at a New Year's Eve party, he's not going to go from that to chugging down a bottle of brandy in the woods, so I, I, to me it looks like they felt confident this brandy bottle did not come from Adnan and, therefore, it did not want testing to be done.

And we know from articles that were published not long after Hae's death, this was kind of a policy that the Baltimore police had. They would not test DNA evidence where there were concerns that it would come back with a result that would complicate the investigation.

[57:25] Colin Miller Yeah, and I think this is a pretty major discovery. I mean, certainly, when I listened to *Serial* last fall I was under the impression that, yeah, there was a lot of junk and trash in the general area where Hae's body was found and, you know, this could've been random stuff, but I mean, from what we've found here, there's really only three items that are somewhat close to Hae's body, and they're very close. One is five inches, one is eight inches, and so, I mean, it seems to me there's a very good chance that at least one of these items has a connection to Hae's killer, and yet, as you say, they almost consciously avoid testing this evidence to determine what results might come back.

[58:00] Susan Simpson Yeah, the only DNA testing that's ever done in this case is never done on anything found at the Leakin Park crime scene. It's a shirt that was found in Hae's car that had some blood stains on it, and they did eventually in September, October test the blood stains and determine that they were probably a match for Hae. So they were doing DNA testing, and here's a detail that set off alarm bells in my head--and I have no idea what's going on here, and I have no idea if this is normal--but when they did the DNA testing of that shirt in September, October of '99, Melissa Stangroom, the analyst, noted that although the seal on the evidence container that had Jay's DNA was still sealed, the seals on the DNA containers for Adnan and Hae had been broken.

Since no DNA testing had been done before, I don't know--why were the seals broken when Stangroom got it? There's no reason for that. To me, it makes it a legitimate question of whether or not there was testing performed that was never disclosed.

[58:59] Colin Miller Yeah, what I'll add at this point is to say there's an evidentiary principle known as chain of custody, and that says, if you are trying to admit evidence or the results taken from evidence, you have to prove that it's the same item in substantially the same condition. You have to prove every set of hands that evidence went through. And so in this case, if Gutierrez had this report, and she should've had the report, she would've had a serious objection to either to exclude the evidence or have the jury discount the testing because, right, we have no accounting for how this seal was broken on the blood samples for Hae and Adnan, and that means something happened with those samples before they're ultimately tested to compare against the shirt, and so, there--evidentiary-wise, that's a significant error by the State.

[59:42] Susan Simpson So even though they did do DNA testing in September of the shirt, they still felt no need to test the DNA on a brandy bottle found inches from Hae's body under circumstances that to me clearly create an inference that that bottle was placed there in connection with her burial. Seems like too much of a coincidence to think that the burial site chosen by whoever buried Hae just happened to be the same place where someone else randomly scattered a brandy bottle.

[1:00:18] Rabia Chaudry The Baltimore City Police now have an open Homicide investigation on their hands. Evidence has been collected from the crime scene, and Hae's body is immediately taken to the medical examiner to have an autopsy performed.

Now, the police are still searching for her car, which will eventually become a second crime scene and also become part of the State's narrative that Hae was killed in her car by 2:36 p.m., that her body was hidden in the trunk of her own car, and she was buried around 7 p.m. that evening.

Now, remember, the State corroborates this narrative using the infamous Leakin Park pings. But the autopsy reports are going to tell us an entirely different story: it's highly unlikely that Hae was killed in her car, and she definitely wasn't buried at 7 p.m. Next time on *Undisclosed*.

[1:01:13] Rabia Chaudry A special thanks to Amar Nagi, our sound editor; Ramiro Marquez, who created our theme music; and Ballookey, who designed our logo. Dennis Robinson is our executive producer. You can follow us online on Facebook and Twitter. Our Twitter handle is [@Undisclosedpod](#). Remember to tweet us your comments and questions using the hashtag #Undisclosed. Thanks for listening to *Undisclosed: the State v. Adnan Syed*.

Transcribed by [@hachi08](#) and [@tempestfavre](#) with help from TheMagnetProgram Group