

**UNDISCLOSED, The Case Against Adnan Syed**  
**Episode 4 - Time is the Killer**  
**April 1, 2019**

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**[00:23] Rabia Chaudry:** Hi, and welcome back to Undisclosed. This is our continuing coverage of the HBO series, *The Case Against Adnan Syed*, and today, we're going to be talking about the final episode, "Time is the Killer." My name is Rabia Chaudry. I'm an attorney and author, and I'm here with my colleagues, Susan Simpson, and Colin Miller. Hi, guys.

**Susan Simpson:** Hey.

**Colin Miller:** Hey.

**Rabia Chaudry:** So, this episode- this was a big, hefty, very emotional episode. It starts off fairly early on with news that, by the way, was news not just to many viewers, but to most people who actually know Auntie Shamim, Adnan's mother, and that is the fact that she was diagnosed with Leukemia about a year and a half ago. I'm not sure, I've lost track of time. But the day that I found out, which was captured in the episode, I had no idea what was going on. And, I'll be honest, I yelled at the documentary team.

**Susan Simpson:** You could tell. I think everyone knew what was happening.

***From The Case Against Adnan Syed:***

***Rabia Chaudry:***

*Aunty, there's so many of us- there's hundreds of us who are going to be watching and who are going to be there. So many are coming today.*

***Shamim Rahman:***

*Just three months ago--*

***Rabia Chaudry:***

*What's wrong... what happened?*

***Shamim Rahman:***

*I have... Leukemia (barely audible)*

**Rabia Chaudry:**

*What happened? Do you want to go to the other room?*

**Shamim Rahman:**

*I have Leukemia.*

**Rabia Chaudry:**

*What?! I'm- what are you saying? Can you just cut this for a bit, please?*

**Shamim Rahman:**

*It's alright.*

**Rabia:**

*No. Auntie, come to the other room.*

**Shamim Rahman:**

*It's alright.*

**Rabia Chaudry:** I was like stop filming. And they actually told me, okay, we did. We stopped filming. And then, I said--

**Susan Simpson:** And then they started again?

**Rabia Chaudry:** And then, afterwards, I was like, I don't want any of that in there. And nobody listened to me. But, anyway. And so, anyhow, since that time, Auntie Shamim was like, I knew, and her husband knew, and nobody else knew. And that was really hard, to sit on that for all this time. Not Yusuf, not Adnan, not her oldest son, Tanveer. Nobody. None of her good friends. So, you know, when Susan and I attended a viewing- an early viewing of the episode this past Thursday, that HBO organized, and there were a lot of people in the community who were there, and I say- I mean, Auntie Shamim's community from the Mosque, and everybody was shocked, because they had no idea, either. So, everybody found out for the first time, there.

**Susan Simpson:** I mean, it was kind of emotionally brutal, the way they- I mean, narratively- gut punching, the way they did it, with having Adnan talking about this comparison of being wrongfully convicted with having a terminal illness. And you know, at that point, that he does not know how close to home that is.

**Rabia Chaudry:** He doesn't know.

**Susan Simpson:** And how his mother was saying the same things he was talking about everyone says in those circumstances.

***From The Case Against Adnan Syed:***

***Adnan Syed:***

*I've met people who have terminal illnesses since I've been in prison, and that's the only thing I can ever equate it to. You talk to someone when they first have a terminal illness, it's like, man, I'm gonna beat it. You know? I'm gonna beat it. And then, eventually it comes to a point where it's like, you know what? I'm not gonna beat it. It's gonna beat me.*

**Rabia Chaudry:** Yeah. That was brilliant the way they juxtaposed- because that was not something, obviously, that they coaxed out of him. That was his own- and he loves making those kinds of analogies. That was his own analogy, but they way they transposed it with footage of Aunty and Yusuf going to visit him, that was pretty rough. I was starting to panic up until about a month ago, because Aunty still hadn't told him, and I was like, what are you doing? And I kept saying, he cannot find out from the documentary. First of all, he will break free just to deal with- he's going to be like, why didn't you tell me? And I told her, I said, I'm not going to allow that to happen. I can't do that to him. So, either you've got to tell him, or I'm going to tell him. And, she did. Thankfully, right before the first episode aired, so.

As for how she's doing, she seems to be doing okay. She's- to be honest- she's like this little fortress. She doesn't tell you a lot. She's very much like her son, Adnan. You ask her how she's doing, everything's fine. Everything's fine. And it's hard. Because I've said, get me the test results. I have amazing contacts. I know some of the best oncologists, and I just can't get any movement from her. I've said, I'll go with you for your follow-ups and whatever, but she's like, "No, I'm ok." So, but now that so many people know, she's going to have a lot of people on her about it, which is good. I'm glad, finally.

**Susan Simpson:** The secret's out.

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**[06:40] Rabia Chaudry:** So, now, we find out that the filmmakers have been trying to speak to Jay, naturally, for a few years now, and they finally got him to respond to them earlier this year, just in January, which is really cutting it close to this coming out, and it's interesting how they can't record what he's saying, and he won't go on the record, so they have to kind of just convey it with these captions as they compare it to what he said in the past, so Colin, I'll let you tell us about that.

**Colin Miller:** Well, one thing I found interesting is, according to the cairon, where they're summarizing what Jay told them, Jay repeats the story about Adnan loaning him the car so he can get the birthday gift for Stephanie, but then, apparently, Jay says that Adnan told him to get ten pounds of marijuana and then threatened to call the police if he didn't help Adnan bury Hae's body. Which, again, it's Jay, so he could be completely making this up, but we sort of compare this--

**Susan Simpson:** Yeah. I'll take, 'Things That Didn't Happen' for a hundred dollars, please.

**Colin Miller:** Yeah, certainly. But, you sort of match that up with the phone call with Nikisha where he says he got busted with a lot of marijuana and that's why he sort of informs, points the finger at Adnan, and again, as Susan just said, this very well could just be completely fantasy in Jay's mind, but he does seem to have this story about a bunch of marijuana that's playing out in a few of these stories that he's telling now. And it might be meaningful, or not.

**Susan Simpson:** Well, it's based in some truth. The ten pounds is not true. I will not believe that, short of having films of him from '99 actually having ten pounds of marijuana. But there was low-level dealing going on between- high school kids stuff. Not- calling it dealing is kind of a stretch. But selling to friends? That was something that Jay, and even Adnan to an extent, was doing on a very tiny scale.

**Colin Miller:** And then, also, according to the summary Jay repeats his story, partially, from the Intercept interview, where he says the trunk pop was outside my house, or my Grandmother's house, and not at the Best Buy. And then he says that Best Buy came from the detectives, which, in the Intercept interview, he initially says he met up with Adnan at Best Buy, but then the trunk pop was at his Grandmother's house, so that's a little bit different, and of course, historically, it's Jenn who mentions Best Buy to the detectives. Jay, in his first story, says, no the trunk pop is the strip off of Edmondson Avenue, and then later says it's Best Buy, and then *Jenn* later tells the Serial team, "I never believed it happened at Best Buy." So we still have this lingering confusion of,

how does Best Buy come into this story? Who's the person- is it Jay, is it Jenn, is it the police- who sort of initiate this Best Buy trunk--

**Rabia Chaudry:** Well, didn't the ju- By that time, the police already had Hope Schaab collecting answers to questions from other students, right? I thought it came up there first, that that's when the police first--

**Susan Simpson:** It did. It did. But, in terms of how Jay got that story. Jay's pretty clear now that Best Buy was not where anything happened.

**Rabia Chaudry:** He got it from the police.

**Susan Simpson:** Well, the part of Jay's current story- calling them 'stories' is almost a stretch. Because every time you talk to Jay, you get a new story. He's never said the same story twice, ever, in his life, as far as I can tell. And definitely not about this case. But the thing he says in his current- in terms of early 2019, his current story is that he did go to school at 3:00 to try and find Adnan to give him the car back, but couldn't find Adnan, which--

**Colin Miller:** Yes. That is--

**Rabia Chaudry:** That was interesting.

**Susan Simpson:** That's actually been- one theory that Adnan had, or suggested, is did Jay come back to school at 3:00 and run into Hae?

**Rabia Chaudry:** Yeah. That's what made me think about that and I thought that was weird that he would say- but we also don't know what time he's talking about, during the day.

**Susan Simpson:** No, 3:00, he says 3:00.

**Rabia Chaudry:** Oh, he does say 3:00? Okay. Okay. I missed that.

**Susan Simpson:** But, it's probably true, because that's probably what happened, because school is done. Adnan might want to run out and grab something before track, or get his car back and not have Jay have it for hours and hours. And also, what's the story- when- is it the first inter- or the second pre-interview, where Jay talks about his friend, Jeff Jemida? And how he takes him to school?

**Colin Miller:** Yes. the first pre-interview. He says he goes to school, Jeff takes him. He sees Stephanie, and so, yeah. That was, I guess, his very first initial story. The pre-interview, he does say he goes to Woodlawn High School.

**Susan Simpson:** And he's gone all the way back to that once again. And I will say, the conversations- obviously we can't record them- but the conversations that Jay is having with people in the documentary, the way he talks is kind of the same way he was talking to me, it's just... the way he phrases everything is like, he doesn't claim knowledge of the murder. He's like, "Well, in my eyes, Adnan's guilty." Or, "I believe Adnan did it." The way he talks, it's not a guy who knows.

**Rabia Chaudry:** Right. 'In my eyes...' It's like he's telling us this is an opinion he has. Not that 'I have witnessed this. I was there, that's how I have personal knowledge of it.' But one thing about the 3:00 pm thing, what is the- is he trying to say now- I guess maybe we don't know what he's trying to say, but... So he's saying the 2:36 stuff, that is all bullshit?

**Susan Simpson:** All out. All out.

**Rabia Chaudry:** Right. He can't be saying, 'I was called by him at 2:36. I went to go meet him at the time,' or whatever. Everything is gone, then, from that afternoon.

**Susan Simpson:** He is saying the Nisha call is a butt dial, essentially.

**Rabia Chaudry:** He is saying, right. Because he can't be like, 'I was looking for him at 3:00,' and also 'I was with him as we were disposing of the car at 3:00.' It can't be both. But he also, because basically, he's now said that - or, at least in 2014, that he saw the body later that night. That means the burial time is gone now, too. Okay. Alright. It's all gone.

**[12:07]** So let's talk a little bit about, they move into, and this was a little bit disappointing to me, but, Eric Irvin, the turfologist and the experiment that he was conducting.

**Susan Simpson:** Turf Physiologist.

**Rabia Chaudry:** Oh, is that what that is?

**Susan Simpson:** Turf Physiologist. My future career.

**Rabia Chaudry:** Well, God bless him, because he took the grass very seriously, and he eventually noticed something, Susan, that you noticed years ago, but let's talk about this. Go ahead.

**Susan Simpson:** Yeah. So, I wish they had a million hours for the documentary, because I would love to learn more about the testing, and go into details. Not even for the case.

**Rabia Chaudry:** I have a feeling you're going to be contacting Eric soon.

**Susan Simpson:** Well, from what I know, I believe his results are, the answer is inconclusive. It seems unlikely, but it's not something you can say is definitively, it's scientifically impossible for the grass to have still been green. But it's also, you can hear him saying in Episode 2, it's like, that doesn't seem normal for this type of grass that we've got here, given the weather conditions. But it was not something that you could say with forensic, scientific certainty. Still unlikely, just not iron clad proof. But, he also points out that, also, going back to the car, if you haven't seen the pictures, or you haven't seen them in a while, definitely go back and look. Look at the whole area. And what he also points out is look at Hae's car compared to the other cars around there. And how there's just fresh dirt and leaves, well, grass, I guess, in the tire treads of her car. Not the cars around it, it's fresh stuff there, in the tires.

**Rabia Chaudry:** Which seems to suggest, well, he suggests it, that if there had been any kind of rainfall or a freezing and thawing, that would have been washed off. And you're right. At least the car in the episode right next to it, the tires are completely clean. I haven't gone back and looked at the other pictures, but that also made me think, I haven't looked at the weather day by day, and I wonder, is that one way to kind of maybe get a little bit of a time frame of maybe within what period the car was moved there? Because--

**Susan Simpson:** It's hard to say with puddles... we don't know that. I mean, one thing we do know is that Hae's car is parked in a way that whoever that car next to her is parked, could not get out of his driver's side door. So that's a suggestion that--

**Rabia Chaudry:** It was maybe that night?

**Susan Simpson:** Well, that Hae's car was there less long- later in time than that car was. So yeah, the turf physiologist is like, so a day? Maybe a week, it could still be there? But not six weeks. Not six weeks. The car was not there six weeks.

**Colin Miller:** Susan, I'd really like to hear more detail on Irvin's conclusion. Is this implausible but possible? Is it, 'I just have no idea.' I've always subscribed to the main theory about the tire treads and that grass being there, and that's the thing for me that always was the most confusing and confounding. And it always seemed like it had to be a mistake, that this photo had to be taken after they had moved the car a little bit in that lot, because I just see no way that that's sitting there for 6 weeks when there's been rain and snow and ice, and that that green grass would still be there in the tire treads.

**Susan Simpson:** Or any grass, at all. The car was not there.

**Rabia Chaudry:** I have a whole theory. My whole theory is that it was found in the County and moved because of the kind of documentation that has emerged in the case file. I don't know if you guys have any other theories.

**Susan Simpson:** I mean, we just can't know based on what we have. Other cases, you can see where cars- well, the cases I've looked at- cars connected to murders have been found in Edmondson Village, and when they were finally located not too long after they got there by neighbors who reported it, the cops actually sat on the cars for a little bit, watched them to see if anyone came back, for a day and a half, two days. So the idea they'd find a car and not immediately seize it makes total sense, because we know they've done that in the same time period, in the same location, for other victims' cars. So, it's possible that they had seen it a few days before this, but we don't know where it was before then. I kind of wonder if it legit was stolen by someone totally unconnected to anything involved in the murder, and that's how it ended up there, from wherever it was before.

**Colin Miller:** I would say, for me, this is something where, for Irvin's report, but also, what happened with the helicopter pilot and everything they have, for me this is sort of the biggest remaining thing. Everything else about Jay's story is just gone now. It's not only been lacking corroboration based upon, say Kristi's class at night, but also it's now dispelled. The one thing remaining that the State has is their story that Jay found this car, and so we sort of have an incomplete at this moment. That's really what I'd like to delve back into at this point and see if we can get some conclusions on this.

**[16:47] Rabia Chaudry:** Alright, so let's talk about- they talk a little bit about Krista and Adnan staying in contact over the years and her album was remar- I was looking at that and I felt ashamed at the way I have his letters stuffed into a red- well, that's falling to pieces. I've always been bad. I don't even have my first wedding pictures in an album. But, anyway, that was 25 years ago. Her and Adnan- I think Krista might have been the only person from school who remained in touch with Adnan all over the years and it was pretty amazing because at the end of the day, much like me, she didn't know a lot about the details of the actual case, but I think she just believed he was innocent.

***From The Case Against Adnan Syed:***

***Krista Meyers:***

*You wonder how many people out there have been convicted of, or are sitting in jail awaiting trial that the evidence might not be there. And they are away from their families and missing the real world for something that they didn't even do. And I think that's the saddest part. And then, obviously, the other saddest part is that Hae is gone. And we still don't know what happened to her.*

**[17:53] Rabia Chaudry:** And then we meet, for the first time ... I kinda loved the way they introduced Thiru in this and made the connections between his political aspirations and him prosecuting this case. And we're introduced to his former campaign manager, Sara Dill.

***From The Case Against Adnan Syed:***

***Interviewer:***

*How unusual is that? He's a private attorney, as a prosecutor pro bono?*

***Sara Dill:***

*I've never heard of it. I think, what it comes down to, is he did it for the publicity. When he agreed to take the case, he had already made the decision that he was going to be running for office. I think he has his eyes on greater political ambitions. It's not about the law, it's not about justice, it's about making a name for himself.*

So Sara had actually reached out to me, a bit ago, and I then connected her to them and I said if there's anything you want to talk about you could - it's totally on you. Nobody forced her, nobody even knew she existed. And she had left his campaign for a

lot of other reasons, too. There have been ethics violation complaints filed against his campaign, and I know she knows something about that too. But she didn't really talk about that. She really was there just for one reason, and that was to point to the fact that it sounded like he had already made up his mind to run for District Attorney, to run for State's Attorney of Baltimore against Marilyn Mosby, and that he took the case because he thought it would help.

**Susan Simpson:** Make a name for him. It did! I mean, he wasn't wrong.

**Rabia Chaudry:** I'm surprised that he thought a case that got so much attention because it raised questions of a person's innocence would actually be good for him to prosecute. It seems like a stupid move.

**Susan Simpson:** I guess in his mind, I mean he believes it can show how good a prosecutor he is.

**Rabia Chaudry:** Yeah, but ... I mean, I feel like the public has shifted a little bit in terms of what they think a good prosecutor is (laughs).

**Susan Simpson:** Well, I wish it shifted more, but I think that's not necessarily an unsound strategy to think that showing that you can prove an ambiguous case was not ambiguous, or something, would be appealing to voters? I do think he probably misjudged this one a little bit, but I don't think the underlying theory back in 2015, or whatever, was necessarily unsound.

**Colin Miller:** Yeah, well I mean it certainly ... you know, there's the old line about "No publicity is bad publicity."

**Susan Simpson:** Even O'Keefe?

**Colin Miller:** Yeah, you know ... it's something where it's one of two things, and possibly both, one is that he's just a true believer in Adnan's guilt and he wanted to stay on this case as a matter of civic duty and wanting to uphold this conviction -- that's what he claims, right? A progressive prosecutor for him is not only overturning bad convictions but upholding good ones. The other side of it is, he was certainly running for DA, and thought this would raise his profile. As is noted in the episode, this is kind of unprecedented, what he was doing in the case, and I have a lot of issues, looking through his record, about prior cases where he's been the prosecutor and made misstatements and led to convictions being overturned, and so I don't have too

favorable of an opinion of him. I can't say, definitively, what he was doing in this case, but I haven't been too happy with many of the choices he's made during this appellate process.

**Rabia Chaudry:** See, those are harsh words coming from Colin Miller. The harshest I've ever heard (laughs).

**Susan Simpson:** My favorite Thiru case is the one where he claimed that the DNA evidence was not pointing towards the defendant because the defendant carefully cleaned off just his own DNA.

**Rabia Chaudry:** That's amazing. See, here's the thing, whether or not he's a true believer, arguments like that, and arguments he's made in this case, show bad faith. That's the thing.

**Susan Simpson:** Oh, come on. If he was a true believer, he wouldn't have to lie about his own high school experiences.

**Rabia Chaudry:** Exactly (laughs), he wouldn't have to lie. But I also thought ... and I thought it was brilliant of Amy to pop in, that little clip of him in that interview where he's challenged on his ... saying, "I'm a progressive. I don't believe juveniles .... and life sentences have to be looked at ....", and yet, he continues to -- for free -- prosecute a case in which he's trying to keep a juvenile defendant locked up for life. I mean, I don't know how he reconciles those two things. And that's a question that I don't think was ... well, he probably just didn't answer it because I know Amy tried very, very hard to get him on the record and he just wouldn't talk to her.

**Susan Simpson:** So, I'd like to put a call out now: if you're an attorney or in the legal system anywhere in the U.S., and you've ever encountered a pro bono prosecutor, sort of like what's happening here, let us know. Because I'd love to ... I just have not encountered that ever before and I've not talked to anyone who has. I can imagine maybe it's happened somewhere in the U.S., but if it has I haven't heard of it yet, so I'd love to know.

**Colin Miller:** And this is a case with a pro bono prosecutor, and we also had a ...

**Susan Simpson:** Pro bono defense attorney (laughs)!

**Colin Miller:** A pro bono defense attorney, which I think the trial back in 2000 would have gone very differently if Urick hadn't arranged for Benaroya to represent him and get sort of this sweetheart plea deal. And so, both the trial and the appellate stage, Adnan was facing very unique circumstances in how these cases were being litigated.

**Rabia Chaudry:** I'm curious, and I know as we continue to further litigate Adnan's case, whether or not Thiru will also continue to represent the State. I just ... I mean, there's Thiru, but there's also, like Frosh, what are you doing (laughs)? I mean, there's an entire office of people above him who are continuing to stick with this decision, and I wonder if it's only because nobody else wants to touch it. I don't know what's happening.

**Susan Simpson:** Yeah, I think the safe bet is that many people don't want -- for political reasons, or just for professional, or just for ease of life, don't want to touch the case (laughs).

**Rabia Chaudry:** Yeah, yeah, yeah.

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**Rabia Chaudry:** So then we meet Jan Gorniak, a forensic pathologist who used to be the D.C. Chief Medical Examiner.

**Susan Simpson:** From Fulton County.

**Rabia Chaudry:** From where?

**Susan Simpson:** Fulton County. My home town.

**Rabia Chaudry:** Oh, yeah. Now she's in Atlanta, currently.

**Susan Simpson:** Yeah.

**Rabia Chaudry:** Yeah, she was in D.C. before, and so they talked about some things that were interesting. Obviously she confirmed the manner of death and the cause of death as strangulation and the manner of death murder, or homicide. So Tyler and Luke asked her some specific questions about the kinds of injuries we could expect if the State's narrative of the case, which is that she was killed in the car and she had been struggling, and she had her head pressed up against the car as she was struggling to

save herself, what kind of injuries would we expect to see? And she says that we really don't see any of it. And we've seen pictures of the inside of the car. There really isn't any evidence inside the car, either, of such a struggle.

**[26:14] Susan Simpson:** And also, if you [inaudible], that they did quote extensively from the transcripts, which usually they didn't do. They used trial footage if they had it, but, for the most part, the documentary did not read off transcripts, 'cause that's boring as heck. They did here because what Murphy, the other prosecutor, argued at trial was a very specific set of events about what happened. Like, "We know that the fight went down this way. We know the fight did this, and this, and this ..." It was a very, very vivid and clear picture that was allegedly supported by evidence, and it's just not. Like, that's a fantasy she came up with.

**Colin Miller:** And that story is specific, which is to say that the assailant is in the driver's seat and Hae was in the passenger's seat, which would line up with Adnan possibly driving the car, as opposed to some other scenario. Yeah, and Dr. Gorniak here is clearly saying, "Well, no. These hemorrhages don't seem to line up at all with the theory that her head was banged up against the window and that's what would have led to these hemorrhages."

**Rabia Chaudry:** She said something about, and I have to go back and watch it again even though I've seen it twice now, but I need to ... I haven't quite understood what she was saying in terms of she thought they were postmortem hemorrhaging? Which means what? That maybe she was hit and then later ... it hemorrhaged in that area?

**Susan Simpson:** It could mean that. I mean, she doesn't have ... all she has is the outer autopsy photos, so she does not have the actual injuries to the head. But she was suggesting that because the injury didn't have all the parts of the injury that you'd expect if it was actually a physical injury, it could be that some of the discoloration or other changes that were noted were not from an injury that was during life, or even after death, it was just decomposition. 'Cause what she was seeing was not consistent with the injury type that was being proposed.

**Rabia Chaudry:** And then she talked about lividity. She explained how lividity works, and comparing it to these diamond marks. They focus in on these double diamond marks, which is something that the three of us have been talking about for awhile now, and how -- and this is really, really important for people: the question of when she was buried, when she was left there, those marks could not have been fixed unless she had been laying on whatever created that mark for at least 10 hours. And there's nothing,

not on her clothing, nothing in the park, that matched those marks. So, then there's that, and the rest of the lividity pattern makes it definitive that she could not have been left in Leakin Park at 7:30 that evening.

**Susan Simpson:** I wish we had more time ... well for everything in the show, but I wish we had more screen time for Gorniak because she was great. But, if I had one narrative criticism of the documentary it's that it doesn't do a lot of handholding, which I'm okay with, usually. But I would not have minded a little bit more in certain places, because it often seems like they made a choice to leave viewers to make their own conclusions. They're not force feeding anything. They are not going to spoon feed exactly what this means -- they give you the interviews and kind of leave it to the viewers to understand the importance.

Not that they don't explain it at all, they do. But for Gorniak, what she confirmed is that the autopsy photos, and the burial photos, and from Dr. Korell's testimony ... so she is buried, to give a recap of lividity for those who did not listen to the episode in awhile, she was not buried on her front surface. She was on her side, hip to the ground, other hip in the air. She was not positioned in a way that could cause this kind of lividity, wherever she was in Leakin Park. But also, we know that even if she had been laid out the right way in Leakin Park, it wouldn't have mattered. It still couldn't have been done there; she couldn't have been left there because the lividity does not match where she was found in terms of the pressure marks, which are clearly noted in the autopsy report, and I find it impossible to believe that Dr. Korrell, who's passed away since then, didn't understand the significance of this and why it made it impossible for Hae to have been buried when Jay says she was.

**Colin Miller:** Yeah, and connecting that up, of course, with other evidence, the Leakin Park pings are the 7:09 and 7:16 pings, and then of course the main corroboration for Jay, which of course has been called into question after the Kristi class schedule, is that they try to say the 8:04 and 8:05 calls to Jen's pager is Jay paging Jen ...

**Susan Simpson:** Come and get me.

**Colin Miller:** Yeah, meet in Westview Mall, and that's when he supposedly says, "We just buried Hae and I need to wipe down these shovels or throw them in the dumpster." Which of course, if the burial isn't until 10:30 at the earliest, well this means that the story is a complete lie, and of course that makes sense because with Kristi having the wrong day, this whole sequence of events is set off by a phone call that Jen says she makes to Kristi's place. But yeah, the key to the lividity is it knocks out the Leakin Park

pings, it knocks out Jay telling Jen about this murder and burial in the 8 o'clock hour on January 13th.

**Susan Simpson:** What kills me, probably more than anything in this case, is Jay's *Intercept* interview when he tells the interviewer, "I found out later she was probably not buried until closer to midnight."

**Rabia Chaudry:** Oh my god.

**Susan Simpson:** So on one hand, why did the interviewer not freaking follow up on that? Whatever. Two, how does Jay know this? Like this, to me, is clear indication that the obvious was obvious back then. Dr. Korell and the investigators and probably the prosecutor, they all knew the story didn't make sense, and somehow that was conveyed to Jay, who was also aware of the fact that the buried had to have happened, scientifically, closer to midnight.

**Colin Miller:** And then, Susan, tying back to what we discussed earlier, with Jay saying that, "The police told me this happened at Best Buy", well that's also in the *Intercept* interview when Jay says, "Based upon information that I heard later, the killing didn't take place in Best Buy." And so the follow up question on that, of course, is: well where did you learn and who did you learn it from, about it not being at Best Buy?

**Rabia Chaudry:** Yeah, I thought when he made those comments in 2014, right, and so, at that point, somebody who is following either your guys blogging or like what's happening ...

**Susan Simpson:** Nope. Nope.

**Rabia Chaudry:** No?

**Susan Simpson:** It wasn't out. Nope.

**Rabia Chaudry:** It was out. It was out.

**Susan Simpson:** No, no it wasn't. Nope, that was 2014. The photos hadn't been reviewed, they were not out.

**Rabia Chaudry:** But one of you had ... I remember this, the reason I remember this is because I had to go chronologically and document how all of this happened for the book

and I remember when I made the connection. And I'll go back and look, but it had already been discussed on social media or one of your blogs and then it popped up in the interview. I distinctly remember this. We'll narrow this down and figure it out.

**Susan Simpson:** Okay. It had to be close in time, though. 'Cause I don't recall that coming up until early January 2015.

**Rabia Chaudry:** It was. It was close in time, and it was also on the Reddit's. It was, I absolutely remember. But anyhow, I'll go back and confirm, because I remember having to piece that together for the book. And I thought it was Urick. I'm like, Urick is probably still in contact with Jay, still telling him, "Now you gotta make your adjustments", but yeah, I mean, like you said, Colin, this throws out anything that Jen has to say about that evening out the window completely. The autopsy report refutes all of it.

Alright, so they also discover ... well, they did not discover, they identified a potential source. What do you guys think about this -- these concrete shoe marks, or shoes, or whatever they're called?

**Susan Simpson:** I am hesitant to ... I think it's possible that if we ever, that if we could work backwards, if we found evidence of where she was killed and kept, we could then find something possibly at that scene that we could link back to that. I do not think we have enough information, necessarily, to go the other way. To go from the markings to finding an object. I think as a theory, it could fit. It's possible. I don't know how helpful it is to try and work the other way around. I mean, it's an idea to look at and to consider, for sure, but it's not confirmatory of anything.

**Rabia Chaudry:** You know, I put this call out, I think a couple of years ago when I put it on social media. I was like, look, we're just looking ... you know, any suggestions ... and I've gotten hundreds and hundreds of tweets and pictures and DM's. People showing me like the insides of Camaro car seat covers and the trunks, and I mean, there's just so many things, and it's like nope, nope, nope. And something's are clearly ... you know, it's like things that are the negative impression, nope.

**Susan Simpson:** For the record, everyone out there, you can stop suggesting any kind of item that's not a solid, flat, surface (laughs).

**Rabia Chaudry:** Yeah, it's gotta be a solid, flat, surface. That's true. And also, so it has to be ... it can't have any marks in it, right? No ridges or anything like that?

**Susan Simpson:** It's a solid, flat, raised surface. I mean, I will say, of everything I've ... of all the suggestions I've seen, this is probably the closest. Which is interesting, but I don't think it rises to the level of more than interesting.

**Colin Miller:** Yeah, I mean, it's something for me, I don't think you can you can reverse engineer it. It does seem like it's plausible that that could be the cause, but yeah, I think it's really tough to narrow it down and say it has to be this and it can't be anything else.

**Susan Simpson:** On the other hand, I am as sure as anything in this case that I am sure that Alonzo Sellers is lying. I know it. I mean obviously not to the point that I can ... like there's no proof of it, but everyone knows he's lying. I mean, Massey knows he's lying. Everyone knows Sellers is lying. The question is why? So, yeah, there's definitely more to be learned there.

**Rabia Chaudry:** Yeah, and I didn't realize that ... I mean, they kinda just showed it, they just walked right in and the school was right there, and that was, yeah I don't know. I don't know how he could have intercepted her, and I don't know what he was doing on the 13th, and I don't think at this point anyone's ever tried to figure out what he was doing on January 13th.

**Susan Simpson:** We have his work records, there's no clear alibi there. It's not conclusive.

**Rabia Chaudry:** And he also I guess kind of had the work thing where he could leave work too, right so there's that.

**Susan Simpson:** I mean obviously, right, if he's going home in the middle of the day to have a 22.

**Colin Miller:** Yeah, he was just doing jobs at Coppin State, it's not as if he would be constantly supervised during the day.

**Rabia Chaudry:** I think the one thing I've always thought, from what we do know about her autopsy report is that wherever she was killed, and she was left, and she was lying on top of these objects for at least ten hours, it has to be a place that a person could comfortably leave a body for that long and know that they're not going to be discovered, I assume. Which seems to suggest like a private, kind of a private space. I don't know. What do you guys think?

**Susan Simpson:** They would have hoped to have one of those, I mean obviously you would have tried to find somewhere that was private. I mean, we have zero evidence whatsoever that Hae was ever in the trunk of her car, and there's reason to doubt that that part of the story is true. Because, look at the trunk of the car. There's nothing about it that makes it seem like there was ever a large object in there. And they never tested it.

**Rabia Chaudry:** Right, I don't think the police believed it, because they would have tested it if they did.

**[37:37] Rabia Chaudry:** All right, so let's get into one of the big reveals, what was gonna be a big reveal until the Baltimore Sun decided to publish this, and then Justin went ahead and tweeted it, and that's the DNA evidence. So, there was DNA evidence that was collected, and we've known this for a while, in fact since *Serial*, that was never tested. And in fact when folks asked us over the years, me, Adnan, Justin, you know, "Why aren't you doing the DNA testing", there's a couple of different considerations here. Number one the fact that the PCR proceedings were going well, they were going in our favor. And Justin, it was Justin's strategy to say "We're going to hold this, until and unless we need it", because we might lose the PCR and we might have to play this card. But the other thing also was this: knowing that in the past, when defendants have tried to get DNA tested in order to exonerate themselves it's taken years, the state can fight...

**Susan Simpson:** Better part of a decade.

**Rabia Chaudry:** It took like six years for...what was the name, oh goodness...

**Susan Simpson:** Mark O'Brien.

**Rabia Chaudry:** It took six years for him to finally win, in court, the permission to test the evidence in his case, because that's how hard the state can fight. But anyhow, in this case both the state and the defense came to an agreement around the time these plea negotiations were happening also in this episode, and we'll talk about that in a bit, to test some evidence, *some* of the evidence.

**Susan Simpson:** I will say Justin's strategy has been 100% validated though. The point earlier, like why - Adnan has a strong PCR petition going on. Why divert energy, resources, and attention from that to devote attention to something that would take long, just as long, or longer to actually accomplish, and would divert your attention and force

you to fight for it, when if you do well at the PCR, the state is going to have to give in and do it anyway, which is what happened here. Because this is not a question of Adnan could just choose to test the DNA. He could not, flat out.

**Rabia Chaudry:** No. No. Only the state can do that. Only the state can say “Oh, we’re going to test it today” and just do it. They can do it whenever they want. But it also is validated because the state’s response, which they told us on... basically, “So what?”, I don’t have the exact quote on me but it doesn’t prove his innocence, and so imagine if we had gone through that six year, eight year battle, and then the state says “So what?”

**Susan Simpson:** And that’s the other thing, there’s always this: I mean it’s been a long time, and it’s not clear the Baltimore police have a great method of preserving DNA evidence, or at least did not back then. So yeah, I hoped it was otherwise, but back in my head I kind of always probably would have bet this would be the outcome. To the extent we even know the outcome, we’ll get to that in a second. The records aren’t totally clear themselves. It’s a complicated question, and Justin does kind of allude to this on the documentary, but one of the issues here is that the DNA testing could theoretically harm Adnan, so you don’t want to just rush into this. The big concern in this case from the defense perspective is the car, Hae’s car. Because we know from the forensics that *were* done is that guess what, some of Adnan’s stuff was still in the car. His fingerprints are still on his stuff in the car. His DNA was absolutely 1000% in her car, like unquestionably. In any universe we know of, his DNA was in that car. So, if they did DNA testing of the car, and it came back to Adnan, well that’s going to be used by the state to do a victory lap, like oh my god, he’s so guilty, when evidentially it’s meaningless. So that was one concern.

**Rabia Chaudry:** It’s like finding Don’s DNA in the car, I mean that’s her boyfriend. Or her brother’s DNA in the car. Anybody else that would come in contact with her.

**Susan Simpson:** So it wouldn’t matter legally but it would be a huge victory for the PR campaign from the state, so that was one of the concerns that they had. In the end, the DNA from her car was not tested, so that was how they kind of mitigated that issue.

**Rabia Chaudry:** Yeah, so he helped coordinate with them what would be tested, things that would have more evidentiary value if they had a hit. So twelve samples were tested. Let’s start with the fingernails.

**Susan Simpson:** Yeah, the big one. The fingernails were always just the biggest hope for a solid conclusive answer in this case. It wasn’t necessarily a very likely one, but

there was a real legit hope there that there could be an answer that could tell us everything. But there is not, we now know that. The fingernail clippings that were taken at the time of autopsy were tested, and for one of the set of fingernails there was nothing found, the fingernails just all belonged to Hae. And the other, we know that there was a contributor that was not Hae, but it was so small, just one section of DNA, one allele, that it's meaningless. In terms of forensic value, it has none. The fingernails themselves are also a question for a few reasons, because the records about them are not always consistent and the question of why they weren't tested before has never been answered. Even the way they're described is so different from report to report. For instance, we know that in the original inventory sheets from the BPD they describe this evidence as left fingernails, plural, and right fingernail, singular. Which kind of raised the question, so you only have one fingernail from the right hand, and multiple from the left? But then we have, in 2018, we have the forensic reports where they're going through the evidence and documenting it before they test it, and they describe how there were, from the left fingernail clippings, there were three specimens that were generally dirty, and from the right fingernail clippings it said there were six specimens that were generally dirty. And specimen doesn't mean like a whole nail, it means just a clipping. But that does sound very much like that was not just a single fingernail. So why can't they describe their evidence consistently? For me the much bigger take-home is this: we know from the 1999 testing, that when they looked at the fingernail clippings, Salvador Bianca, the trace analysis unit guy, concluded that quote "nothing of evidentiary value was detected." But then we get to the report from the 2018 DNA analyst, who, as she's going through and doing her initial observation of the evidence, taking swabs, she writes, talking about how they were in 1999, "The possible presence of epithelial cells was noted and no testing was performed." OK, where is she getting that, like what data source does this DNA analyst have that told her this, when the stuff given to the defense never said that?

**Colin Miller:** Yeah, this is something that's very much inconsistent with what Bianca said, and of course if you recall back to our earlier episodes of *Undisclosed*, it was something where Bianca gave very inconsistent testimony about the hairs that were found on Hae's body, and it wasn't really revealed in a clear way until between the first trial and the second trial that there were these two hairs found on Hae's body that were not a match for either Hae or Adnan, and yeah Susan, I had the same question as you is, what is the basis for this conclusion because it very much contradicts what Bianca had said at the time of trial.

**Susan Simpson:** What it tells me is that there is some sort of report out there that people at BPD have access to that have never been handed over to the defense,

because that information is not included in the stuff that should exist. And we should mention Malcolm Bryant who spent maybe more than six years trying to get DNA tested. In that case there were fingernail clippings that were allegedly recorded, well they were recorded as being destroyed, officially, in terms of the evidence that was being disclosed in the inventory records and whatnot, there was nothing there to test. That was a lie. They lied about it. It did exist. They did find them, they tested them, and they did not match Malcolm Bryant, they matched the apparent killer. So yeah, the fact that BPD would lie about something like that? Totally believable because they were lying about it back then in this exact same time period. And by the way that was also a Ritz case, same detective in this case. So yeah, that's upsetting to me is that we now know there was some kind of testing done on the fingernail clippings to determine that there was skin cells there, which you know does not surprise me that there were fingernails there, but to do that and not record it anywhere and not to test it, why wouldn't they test it?

And that goes to another item they tested now and that goes to the Crown Royal bottle that was found very close to Hae's body. This is another part of the DNA testing that's maddening to me. Sorry, it's not..when I call it Crown Royal, it's like Coronet something, some kind of brandy. Anyway, they did test the mouth of the bottle, and the cap. They took a swab of those things, and they determined scientifically from analysis that there were skin cells on them. There were skin cells recovered from these items. And we know that those cells were recovered and retained for future possible analysis. OK, where are they now, and why weren't they tested in 2018? Because in 2018 what they test, again, was the actual bottle cap and the bottle rim, but not the skin cells that were recovered and presumably were preserved better, you know 20 years ago. And what we know now is that from the bottle cap and from the mouth of the bottle, there was DNA recovered. It was just not DNA that a conclusion was reached about.

**Colin Miller:** Yeah and that bolte was found in very close proximity to Hae's body, unlike the condom wrapper. They did testing on the condom wrapper and that had inconclusive results, but that was not found close to the body. But then Susan, we have this other piece of evidence, which like the bottle was was one of the two pieces of evidence found very close to the body, 100 plus feet into Leakin Park with no obvious path, and so yeah, what's the result on this rope or wire that they find by the body?

**[46:34] Susan Simpson:** So the rope has always been intriguing because... it's not been like a focus necessarily because it's a bit ambiguous. And we don't know much about it. So what we do know is that, I forget the exact distance, it was very close, like within reach of where Hae's body was, there was this white ropelike material found on

a rock laid out. They call it a rope when they log it into evidence, but you can tell that description is not very accurate from the photos, and also the fact that the 2018 DNA analyst, she actually writes in her report, there's a section for like description inaccuracies in the original inventory, and she writes: "This item is described on 1a as a rope, but is found to be two pieces of tan wire". So yeah, it is two lengths of tan wire. One is longer and one is shorter, and we don't know the distances or lengths of them. You know, it's strange, but there's trash in Linkin Park, that area floods sometimes, stuff gets washed in there. What's shocking to me is that as far as we can tell from this report, which is very opaque in how it's written and very hard to understand some of the findings that were made, what appears to be the case is that this rope, this wire, the smaller one anyway, is the only section where they found a full complete profile that they could not identify. It was a woman, so apparently they obviously tested the X chromosome, and found out it was a female contributor. What I can't understand is that this object out of all of them would have a full profile. And that makes me think that it might have more significance than I previously would have thought. Because, again, if this was an item that was washed in as trash years before Hae was put there, you'd think it was the least likely place to find DNA. It would have been my least likely spot that I'd expect to find it, so...

**Rabia Chaudry:** Just so I can understand as someone who does not understand how a lot of this stuff works, a full DNA profile can come back from what - skin cells from...

**Susan Simpson:** Probably skin cells...

**Rabia Chaudry:** ...from spit, from... so skin cells are probably what we're looking at here, somebody holding it.

**Susan Simpson:** I mean it could be spit, but like I guess...we can't rule it out, but that would be hard to understand.

**Rabia Chaudry:** And we know this is not Hae's.

**Susan Simpson:** Well, we think we know it's not Hae's. I mean the report is not written in a way to make it comprehensible.

**Rabia Chaudry:** If it's unidentified, doesn't that mean it's not Hae's?

**Susan Simpson:** Well, they didn't have a full profile for Hae either.

**Rabia Chaudry:** How? How do they not have a full profile for the victim? I don't understand.

**Susan Simpson:** Well presumably because the DNA was degraded. They had a blood card for her, but either because of the condition it was in when she was found, or because of how they stored it, they did not get a full profile from it. So at least theoretically, I don't think it's necessarily statistically likely from what we know, at least theoretically, if this is not a full profile perhaps for this rope or wire they found DNA that was not the sections recovered from the blood card, so it could be Hae's, but you wouldn't necessarily know from the testing. We don't know. The way the report is written just doesn't tell us everything, and that seems intentional, because why else would you write a report like this? And now the other option, a case to consider is the possibility of contamination. And we do know that from the chain of custody logs there was at least one woman who handled the evidence briefly in the fall of 1999. Presumably all normal precautions were used, presumably she didn't handle a different thing from any other person involved in like moving the evidence, lots of men were involved as well. But we can't I guess ironclad rule out the possibility that a woman who was handling it as evidence managed to contribute to it.

**Colin Miller:** Breaking that down, we can't rule out that it's a woman who handled the evidence, but that seems unlikely. We can't rule out that it is Hae's DNA profile, but on other items they found the DNA profile was consistent with Hae Min Lee, and obviously on this one is saying unknown female so that's unlikely. We can't rule out that this rope or cord or wire was just sort of washed there, but that makes it seem odd given the full DNA profile, and that leaves you with a pretty solid belief that this at least has some connection to either Hae's murder or burial because all the other items besides the brandy bottle and this rope or cord are by the street. Those two items are within inches of Hae's body. And so this seems like a possibly solid lead, but we just need more information to see what was found exactly and what can be done with it.

**Susan Simpson:** To me though it dramatically increases the chances that it's connected to the murder because the odds that it was deposited close in time to when Hae was placed there just are much higher. The DNA to still be there suggests there is a connection. But then again we just know so little about what this wire was...

**Rabia Chaudry:** That's what I was thinking - what is it? It sounds so weird. Is it a little piece of rope, is it a thick rope, is it enough to strangle someone, I mean what are we talking about here? To transport?

**Susan Simpson:** It's a tannish stretch, we don't even know the lengths. One's longer, one's shorter, and one's tied in a nice little...what, like...

**Rabia Chaudry:** But shorter is a weird way to describe it, don't you think we'd have some kind of dimensions in the report?

**Susan Simpson:** Oh no, they called it a rope for twenty years, and it wasn't even a rope at all, so yeah, that's...and here's what I want to know. You look at the photos from the crime scene, and you can see the couple of photos they did take of this stretch of wire, wires, we can't tell if it's one or two in the photo, and there's like a clear little white rectangular plastic doohickey that may or may not be attached to the wires. As some kind of cord harness, or some kind of like connector, maybe? But why did no one pick up this plastic rectangular doohickey that was possibly or seemingly attached to the wires, that was again like just a couple feet from the victim. That was never even logged into evidence, never described, and the way they handled the rope over the years, by calling it a rope, by not putting in evidence for review by Gutierrez when she came in to look at the evidence, they made sure that no one could actually know what the hell this thing really was.

**[52:16] Rabia Chaudry:** But we can know it now, because it exists. I mean, they still have it, so maybe we could ask Justin to give us an actual description of it, like does "shorter wire" mean like a 3 foot rope? What are we talking about here?

**Susan Simpson:** Yeah. The bigger one is definitely, I'd say, from the scale, at least a couple feet, maybe more. But again, you can't tell if that's like, actually 2 pieces of wire or if there's a smaller one out of sight... I mean I assume from the report-

**Rabia Chaudry:** Is it really wire? Or is it rope? I mean...

**Susan Simpson:** It's not rope. The rope is a lie. It's a wire.

**Rabia Chaudry:** Oh, interesting.

**Susan Simpson:** It's definitely not rope. It is absolutely wire of some sort. And again, from the DNA analyst report in 2018, that plastic cup thingy was not picked up as well. I've always wondered, did it also get attached into evidence and it's just not been described? But it does not seem like anyone has ever picked up a plastic rectangular thingy. Which, again, if it's part of the wires, like attached to it, that gives us a clue to what kind of wires these are. I would love to know what kind of wires they are. Did they

come from her car, could they come from like- I don't know. But that seem like an important question that no one has ever addressed. Because the report was designed to make the question not come up.

**Rabia Chaudry:** Well, yeah. It has raised a lot more questions and so, I mean hopefully we'll get some answers going forward from Justin, and maybe there's a possibility for more testing, which is something I definitely want to talk to him about.

**Susan Simpson:** So one reason why this report is so inconclusive and we can't really draw many conclusions about it is because of the way it handles the DNA that was found that was more than like, negligible, but was not identified as any particular person's DNA. We know that several items had DNA that was not identified to Jay, Adnan, or Hae. And that's kind of it. But the way the report's written, it allows for a very wide range of possibilities as to what was actually found here. Everything from the DNA was like, more than nothing, more than just a tiny tiny bit, but not enough to really be forensically valuable. Or, it could mean, we've got close to a full profile here that could statistically be extremely valuable, could extremely be positive evidence linking that DNA to who contributed it, but they just didn't have a contributor to match it to. So there's like, valid info there, they just don't have a link, or everything in between. And that's a very wide range of possibilities, I mean if we knew that for instance, why for the female DNA they found on the wire, why were they able to determine that there, but not for, say, the bottle cap, or the mouth of the bottle. Why not for the condom wrapper? Did they know? Was there in fact a conclusion this was a male contributor and they just didn't include that in the report? And the bizarre thing to me is the way they kind of classify this evidence. They do this weird thing in the report where there's two different footnotes used to distinguish between like, evidence where they don't reach a conclusion. They have two footnotes, footnotes 1 and 2, and a third, but the third is about Hae Min Lee and the partial profile there. But footnotes 1 and 2... I cannot imagine a reason for why you'd need two footnotes to say, we did not draw conclusions. It's unnecessary and it seems to suggest a distinction that shouldn't have been drawn in the first place. And also the way the second footnote is worded is extremely unusual to me, I've never encountered that. As far as I'm aware it's not a standard, sort of, language used in any DNA report in Baltimore or elsewhere. The first one is a sort of common, standard language they use on tests. But yeah, to me, this suggests that there is something more going on, the testing found more than we currently know about.

**Rabia Chaudry:** Colin, what do you think about how the state is now talking about like, these results. Because I was kind of shocked to read this quote in the Baltimore Sun

where the state basically says, so what, it doesn't prove his innocence. Which, I mean, if somebody's DNA doesn't show up, isn't that evidence? In some way?

**Susan Simpson:** It is evidence. It is evidence. It doesn't prove his innocence, but it's evidence.

**Colin Miller:** Yeah, I mean it's definitely exculpatory, given the state's theory of how this strangulation took place in close quarters, given that they thought it was important to test this evidence, including evidence that was found on her or right by her, certainly. The absence of anything connecting Adnan to the crime is exculpatory. I mean, in the literal, technical sense, they're correct. It doesn't absolutely prove his innocence. But it's certainly evidence that a) undercuts their case, and b) does reduce the likelihood, significantly, that he's guilty of this crime.

**Rabia Chaudry:** So this could be legally useful how?

**Colin Miller:** It could be useful, so there's a few things down the road. If Adnan is trying to file in federal court a petition for writ of habeas corpus, he might have to use what's known as a Schlup Actual Innocence Gateway, and without getting into the actual details, that focuses upon all evidence, including not only trial evidence but evidence gathered after the fact. He could also file what's known as a petition for writ of actual innocence in Maryland courts, and so by itself this evidence wouldn't prove that actual innocence standard, but along with other evidence like lividity, Kristi's class, everything else we've learned since the fact, Jay's changing stories, it could be used as part of a package of evidence to show his actual innocence.

**Rabia Chaudry:** Alright. So we've got one more big section to talk about before we wrap up this episode, and that is more information about LensCrafters. And the QRI folks tracked down Thomas Precht, who worked for decades at LensCrafters as a lab manager, and it's interesting what he had to say about Don. So let's talk about that.

**Susan Simpson:** Yeah. Well to back up for a bit, I mean, this whole documentary series is called *The Case Against Adnan Syed*. The focus is on Adnan and the case against him. But, like Justin says in Episode 4, this is the first time really where, in terms of his case and his legal strategy, he's ever been in a position to turn on the offensive. And that's what they're, well, they were starting to do. So it's not the focus of the documentary and it shouldn't be, but they did at least have a little bit of coverage of possible future routes. Again, it's not part of the case against Adnan Syed, it's part of his case that would come out at trial theoretically, if and when it never happened.

And the LensCrafters stuff is important because of course that's where Don worked and Don's alibi. And it was his mother who was the general manager of the store he was at that day, so that alone raises the question. And one thing the QRI folks, the investigators wanted to look at, was how much weight should we put on that timecard? Like how much do we know about Don being at work? Was he really there? And so to address that they went out and talked to a lot of LensCrafters employees, and a lot of people who were at the Hunt Valley store, which is where Don was, not his main store, not the one Hae was at, but the store he was at on the day of the 13th.

**Rabia Chaudry:** But, so this guy, they also spoke to a lot of folks in corporate right? And Susan, you got a chance to look at some of the report? Or all of the report? I don't know...

**Susan Simpson:** Yeah, so this is, you know, a complicated issue, and it's complicated by the fact that QRI decided to publish in the Wall Street Journal, an article [crosstalk Rabia: yes] on the findings that did not reach conclusive results. Because there's tons of things in any investigation you find like, that could be interesting, but like, we ran down every lead here, we haven't figured anything out, like the helicopter guy, or the Sis, the woman who worked at the porn store. But they also included the section on Don's timecard, and the conclusion that it was valid, or could not have been forged or fabricated. I do not believe that their research actually supports that conclusion. One thing they did look at, so there's a lot of issues with timecards and why they've been suspected as not possibly genuine over the years. And one of them was explored by Bob Ruff on his podcast, Truth and Justice. And it has to do with an issue involving associate IDs. So basically, on Don's timecards, we've got a bunch of timecards from the store he usually worked at, the one over at Owings Mills. And then we have one timecard from Hunt Valley, where he worked two different days that week, the 13th, the Wednesday, the day that Hae went missing, and then that Saturday. And the associate number listed on those two cards is different. One theory was that the timecards could not be accurate because the associate numbers were not the same, each employee only has one associate number. I think that the QRI folks actually did a very thorough job conclusively showing that's not likely to be the case, and in fact there's nothing odd about the associate numbers here. Every employee would only have one associate number, but the number shown on those cards is not *the* associate number that is the concern. The one that you could only have one of. So...

**Rabia Chaudry:** Oh, okay. This is a different kind of number, numbering system.

**Susan Simpson:** Yeah, it's just the store number. So it's not the ultimate store's identification system, of which you really could only have one. So yeah, I don't think that's actually significant evidence of anything that's unusual about the cards, and I think QRI's research very thoroughly showed that, well. The other issues with the timecards were not addressed by the investigation. The big one for me has to do with the fact that Don's Hunt Valley time card, on that Saturday that he worked... The system doesn't add up. Basically the number of hours Don supposedly clocked in for, is added up wrong in total hours worked. The number of actual hours should have been 3.8, and the total is shown as 4. Which doesn't make any sense in how the system worked, this didn't happen any other time in any other timecard we have for any other employee. One thing software is good at is adding numbers, so that's a very clear indication that someone manually entered that number. And there's no reason why someone should have manually entered it. And in fact, some of the employees that the QRI folks talked to actually pointed that out. They were shown this and they said, "Well, to me that looks like it was manually entered." Managers could manually enter on that line, yeah. And no one at LensCrafters corporate was ever asked about this discrepancy in the timecard. So, to me, effectively, it's never been investigated. We have low level employees on the records saying yeah, that looks like it was manually entered. And then we have no one from corporate who was able or asked to address it. And there's another issue with the timecard as well, it has to do with the fact that on Saturday the 16th, Don worked at both stores. He worked in the morning for a few hours at the Hunt Valley location, and then that afternoon he worked at the Owings Mills location. Now there are only 23 minutes between the check out at Hunt Valley and the check in at Owings Mills. And I think at least 3 of the employees that we talked to pointed this out as being extremely weird. They're like, it's impossible basically. Maybe theoretically, because the fastest you could possibly drive between the two locations is like 23 minutes. But getting from the car to the store at each place is gonna take you a good like, minimum 5 minutes on each end probably. Maybe less if you're literally sprinting. But as one employee said, Don was never the type to be in a hurry (laughs).

**Rabia Chaudry:** Yeah, but you know what, so if we're talking about a discrepancy of maybe 10 minutes, maybe if he was speeding a bit? I haven't done the route...

**Susan Simpson:** They were all very, the employees were like, how is that possible?

**Rabia Chaudry:** See Susan, we need a field trip. You and I gotta do this now that's-

**Susan Simpson:** Well, the drive might be doable. It's cutting in close, but the drive, theoretically, could be done, back then. Again, we can't test it now because the roads

have changed. But the big problem was it was a Saturday, so especially at the Owings Mills end, you're going to have to park behind all the customers there on a Saturday afternoon shopping. So you can't get a spot close to the door, presumably, and even if you do, you still have the walk to get to the store itself. And that's the part, I think every employee that I spoke to who had seen that, was like uh, what? Like, that doesn't make any sense. And then there's the final bit that we do hear on the show, and that's that there's no reason for Don to have worked that day because we know that Curbing\*, the manager, they described him as a very honest, upright, he was a very straightforward guy, would not have been lying about his own hours, he recorded him working all the hours there. So there was no one that needed to be filled in by Don.

**Rabia Chaudry:** For that Wednesday.

**Susan Simpson:** Yeah.

**Rabia Chaudry:** For January 13th. And, SH from Hunt Valley also comes into this, and this is a guy who basically came forward after the first episode aired and the investigators checked him out and checked out his story, made sure he worked there, he was who he said he was-

**Susan Simpson:** I basically didn't sleep for that whole Monday/Tuesday [Rabia laughs], just scrambling to find, like, dude. It was down to the wire. He was weirdly hard to find. Like I knew who he was, I knew-

**Rabia Chaudry:** Oh that's right! You were helping find him! I forgot about that.

**Susan Simpson:** Oh my god, like, I finally finally got him, I think it was like nine am on the Tuesday or something, that I finally got him. And I'm like, Amy! Call! So yeah, anyway, they found him and last minute they were able to get him in the show.

***From The Case Against Adnan Syed:***

***"S.H."***

*Yeah, I flashed back to the conversation that myself, him, and another coworker at LensCrafters had, on a smoke break, when he told us originally that she was missing. I remember clear as day, like his hands had scratch marks and bandages on them, going around up towards his wrist, the scratches were down towards his knuckles. He just said that he was, somethin' from working on his car? Or, something.*

**Susan Simpson:** But I think it's worth noting that like, this was a very abridged and condensed version of the entire investigation. There were a lot of employees spoken to, and some of those employees had also had very possibly important stories about time cards and how they may have been adjusted, and how, who may have been adjusting them, but for various reasons, one of them being a lot of the stories are inherently not the kind that have corroboration, they did not include, whereas SH did have some corroboration that made him seem like an interesting person to include in the documentary.

**Rabia Chaudry:** Yeah, yeah. There are some other folks out there who, I mean, we'll continue to keep in touch with because what they're saying sounds like it could be really important, but it's hard to kind of verify it at this point. And also there is the chance that maybe there's some misremembering and memory creation, yeah. So there's that too. But believe me folks, even now, when I saw Amy last week at the, in Baltimore, even she said, and the folks from QRI, the investigators were there too, and everybody's like, we're not done. We're still investigating (laughs). So, you know. We're gonna continue to see where this goes. Now let's talk a little bit about this plea deal, and then where we are today right now. Kind of, it's painful now to look at it knowing that we recently lost in the Court of Appeals' decision, because Adnan was offered a plea deal. He was offered a plea deal, and I've known about this for a couple of months, but they've been going back and forth for a while. He was offered a plea deal that if he plead guilty and served 4 more years, that would be it. And that the state and both sides would withdraw their appeal from the Court of Appeals and kind of end it there. Now, when Adnan talked to me about it, he said to me, he's like, it's not a matter of the four years. He's like, I don't care. He's like, I'll serve four more years. He said, I just cannot stand up and take responsibility for something that I didn't do. I can't say I'm guilty.

### ***From The Case Against Adnan Syed:***

#### ***Adnan Syed:***

*There are things I take into consideration. It's just, what they're offering, it's just so bad. It's so unreasonable. They're gonna want me to stand in court and say, Listen. I did it. I lied to my mom and dad, I lied to Sarah Koenig, I lied to Rabia, I lied to Amy Berg. When I was a kid, they threatened to take away my future, take me away from my family, take away the opportunity I had to go to school, to get married, to have kids, just to have my freedom, you know? And they made good on that threat. Now it's a lot different, I mean they don't really have anything they can take away from me anymore.*

So for him it was really... and they explore this in the documentary, he talks also about how even when he brought it up to his mother, he could tell that she's like, no way. Because she's a fighter and also, even Adnan was like, I can't stand up in a court of law and say that. It's not true and I also can't do that. And by the way, I also want to, and this is, I'm specifically relaying this because Adnan asked me to specifically tell everybody once this became public. He said, "People are gonna ask whether or not-" [Rabia pauses, choking up]. I'm sorry. He said, "People are gonna ask whether or not I regret not taking the plea given that we just lost." And he said, "Tell them I don't. He said, "I don't. Because in that moment, that was the right thing to do." And he's right. So you know, it just means that a different outcome is meant to happen. So. But it's not easy [sighs]. It's not easy because it took 20 years to get the state to the table to make a plea. Anyway. Alright. Sorry Susan!

**Susan Simpson:** There's still hope! No, it's a hard, like these are the hardest conversations to have with clients, I mean guilty or innocent, especially the innocent ones, because, end of the day, it's like he says on the show, like, yeah you want to fight it, but at what point is fighting it not more important than actually having a chance at a life? I've told all the guys, all the people on the show that we worked with, like, I would never for a moment judge them if they took the guilty plea and it got him home. Because to me getting them home is the goal. Proving their innocence is important, and ultimate vindication, but like, you know what, forget that. Like, end of the day, what matters most is bringing him home.

**Rabia Chaudry:** Yeah, yeah. I agree. Well, we do have, I hope everybody tunes in for this week's addendum, we're gonna have Justin Brown out and we're gonna talk in depth more about this result that came out of the Court of Appeals and what the plan is. What is he doing going forward, and he has a whole plan of action (laughs). So believe me, it's not the end of the road for Adnan Syed or any of us on this case. We're gonna continue to litigate it and fight it and do what we can. Alright, well thanks so much, and we'll be back with an addendum, then I think we may be taking a bit of a break before we start a new series, and I'm excited to get back into it, and then you've got the rest of this year with Undisclosed coming back week after week with a lot different cases. Alright guys, thanks for tuning in.