

Episode 6: The Case Against Adnan Syed

-Mail Chimp Ad-

Ira Glass

Previously, on Serial...

Adnan

So, it's just, it's a really tight, really window of time I mean, for this to have taken place, right?

Dana Chivvis

Alright, ready?

Sarah Koenig

Yup.

Dana Chivvis

Mmmkay, so I started it at - it's 2:51 and we're making a right out of the Best Buy parking lot.

Sarah Koenig

Isn't that sort of tantamount to saying 'I think Jay's telling the truth?'

Dana Chivvis

I'm saying I think the cell phone was in Leakin Park.

Automated voice

This is a Global-Tel link prepaid call from Adnan Syed an inmate at a Maryland Correctional facility...

Sarah Koenig

From This American Life and WBEZ Chicago it's Serial. One story told week by week. I'm Sarah Koenig.

The most incriminating piece of physical evidence against Adnan Syed was a fingerprint, or rather, a palm print. On a map. It was one of those big map books you buy at a gas station, police found it in the backseat of Hae's car. On the back cover was a partial print of Adnan's left palm. One page was ripped out from the map. At trial they pointed out that it was the page that showed Leakin Park. The defense argued, 'well, you can't put a timestamp on fingerprints, they could've been six week-old fingerprints or six month-old fingerprints, there's no way to tell.' And Adnan had ridden in and driven Hae's car many times, all their friends said so. The ripped out page showed a whole lot more than just Leakin Park. In fact, it showed their whole neighborhood, the school, the malls, probably ninety percent of where they most often drove. And that page didn't have Adnan's prints on it. His palm print was only on the back cover of the book. Plus, thirteen other, unidentified prints turned up on and in the map book. None of them matched Adnan, or Jay. So, the prints weren't exactly conclusive.

Over the past few weeks, I've been holding up bits of evidence here and there that look bad for Adnan. Today, I'm just going to lay out the rest. Everything else that a person could reasonably add to the 'Adnan is guilty' side of the scale. Everything that the state had that I know about. Some of these I have mentioned before but, let's just hang them all up, side-by-side, and see what they look like.

First off, there's a question of whether Adnan asked Hae for a ride that day after school. Was he looking for an excuse to get in her car, so he could kill her. Officer Adcock testified that the day she disappeared, Adnan told him he'd asked her for a ride. Adnan then later told a different cop he didn't ask for a ride. Then, you know how Adnan says he can't remember much at all about the day Hae went missing? How it was just a normal day to him, nothing much stands out? I've wondered about that. The normalness of the day, because, wouldn't the call from Officer Adcock asking, whether he's seen Hae just in and of itself, wouldn't that call make it a *not* normal day?

Sarah Koenig

Something pretty unusual *did* happen to you that day. Which was...

Adnan Syed

Oh like the police, the police call...

Sarah Koenig

The police call! [Calling to] say, "do you know where Hae Lee is?", right?

Adnan Syed

Oh no, uh, I *do* remember that phone call and I *do* remember being high at the time because the craziest thing is to be high and have the police call your phone. I'll never forget that.

Sarah Koenig

I guess that's the only thing about the day that seems weird to me that you wouldn't then, that the day wouldn't then come into focus for you because you'd gotten this call from the cops and you know, you, you were high, you were young, you know, it's a - it's a scary call to get or just a just a jarring call to get.

Adnan Syed

At, I mean, at the time, the only thing I really associated with that call was that man uh, you know Hae's gonna be in a lot of trouble when she gets home. If the police are at her house, you know, if her mother, actually, you know for, for whatever reason, if she didn't, you know she didn't go home or she went somewhere else. In no way did I associate this call with being, you know, umm the beginning of you know, of this whole horrible thing. It's not, in no way is this like you know foreshadowing, I don't know if that's the right word, what's, what's we know, what's to come.

Sarah Koenig

Mmm-hmm.

Adnan Syed

So, to me, all this call was, Hae's going to get in a lot you trouble, you know, her mother is going to be pissed when she comes home, right.

Sarah Koenig

To be fair to Adnan, if this really was his reaction, then he wasn't the only one. The seriousness of Hae's disappearance didn't start sinking in with her friends for a while. School was cancelled on January 14th and 15th because of the ice storm, then the weekend came. Then Monday was Martin Luther King Day, so the kids didn't all reconvene at school until the following Tuesday. All of Hae's friends I spoke to said they initially thought Hae had either run off someplace with her new boyfriend Don or, this was another rumor that a lot of people talked about at the time, that she'd run off to California. Friends said she talked about that sometimes, that her dad, or maybe it was her step dad, was in California, and she wanted to go there. They told the cops the same thing.

Next, the night before Hae disappeared, Adnan called her house three times. Seems like the only time they actually spoke was the third call, at 12:35am. That's when Adnan says he was probably calling to give her his new cell phone number, and she does write it in her diary. Here's something that makes me pause though. If you look at his cell records from that day forward, neither Hae's home number nor her pager shows up again, which suggests he never tried to contact her after she went missing. They were supposedly such good friends. Hae's friend Aisha said that she was paging her like crazy.

Did you ever try to page her and just be like, you know, see if you could find her, raise her, see if you could get a response from her?

Adnan Syed

Well, I know that we would always, I-I can't remember if I did page her or not but, we would always talk about it at school. I would always like get my information first hand from like Aisha who would usually be in contact with obvi-, if I can remember she was like in contact with Hae's family. So it was kind of like I would always, if not Aisha or Krista or or or it I mean it wasn't like I was just sittin' around, like not even thinking about her. You know, not paging her or whatever, but I used to always get my information from them first hand, you know, it-it's not it- I don't remember if I ever paged her or not.

Sarah Koenig

You know, it just seems that, I know Krista was trying to page her, I know Aisha was trying to page her, during this time to just be like 'where are you, where are you, where are you?' And I was wondering if you had- were in the group of like 'where are you?'

Adnan Syed

(long pause)

What, are you asking me a question?

Sarah Koenig

I don't know. I'm just explaining why I'm asking, I'm explaining why I'm asking the question, is that it seems like your relationship you had with her, you would have been one of those people saying, 'hey, hey, hey like give a holler, where are you okay, we're all worried about you.'

Adnan Syed

No! It does not mean I'm not right alongside with them. It's not like they're in a hole, I mean, we're all seeing each other everyday, we're talking about it. It's not like you know, it's not like I'm just sitting there like whenever Hae comes up in a conversation I'm leaving, going to another side of the classroom or something like that. I mean, I'm just as involved as they are, yeah so, I mean, I don't, you know.

Sarah Koenig

Then, there are some stray things. That, eh, I don't know what they mean. Or if they mean much of anything. But I'm going to tell you about them in case. A note came up at trial. After Hae and Adnan broke up, in early November, Hae had written Adnan a frustrated letter... "I'm really getting annoyed that this situation is going the way it is" she wrote, "you know, people break up all the time. Your life is not going to end. You'll move on and I'll move on. But apparently you don't respect me enough to accept my decision." End quote.

Aisha Pittman read this note at trial, Hae was her best friend. Adnan had *shown* Aisha the letter, apparently in health class. And they had written notes to each other on the back. Aisha in pencil,

Adnan in pen. They were joking, making fun of Hae, making fun of themselves, it's all just silliness. But then, at the top of the page it says, "I'm going to kill." In pen. I talked to Aisha about it.

Sarah Koenig

And, I mean, did you take any of that as, as um, menacing or anything? Or was it just like part of the joking of the note? The note just seems like you guys are just messing around.

Aisha Pittman

So that wasn't on the note when I was writing with it. So for, to see it later, it was one of those things where it's like, that's weird to see that but, I don't know when that would have been written or what the--

Sarah Koenig

Oh, that wasn't part of the conversation.

Aisha Pittman

--no, cause I remember, like, once you showed-- read through it, it's like on it, it was our conversation on letterhead, and then at the top of it was kind of out of context?

Sarah Koenig

Okay. Did you take it to mean anything? I mean, did you take it to be meaningful, I guess.

Aisha Pittman

I don't-- no, because when I am first seeing that part of it, it was sitting in court having to read the rest of the letter.

Sarah Koenig

Police had found the note when they searched Adnan's house. But, who knows about that one, right? Seems like a detail you'd find in a cheesey detective novel. The other one I'm not sure about it is this kind of stray report in the police file. A guy named Dave had called the cops and said, "My daughter just heard something

about a dead body.” Dave told the cops, “It was the neighbor boy who mentioned it.” Dave names the neighbor boy but, I’m just going to call him The Neighbor Boy. Here’s Dave...

Dave

I just remember he had told my daughter he had seen uh a the body of a girl in the back of some-- in the trunk of some vehicle. And, it seemed to me that it was he said it was like and oriental girl or something but that’s that’s all I remember. Yeah, that’s all I know about it, yeah.

Sarah Koenig

Did he tell it to you, or just to your daughter?

Dave

To my daughter, he didn’t tell it to me.

Sarah Koenig

Dave gave me his daughter’s number, I went to see her right away. Her name is Laura, here’s what she remembered about what The Neighbor Boy told her that day.

Laura

He was, he was, with a friend and the friend said something like, ‘look what I have’ and he popped the trunk and that’s what he saw.

Sarah Koenig

Did he seem upset or..?

Laura

He seemed disturbed. More like a ‘wow, I can’t believe what I just saw.’ Kinda almost like he was maybe getting something off his chest, that type of thing.

Sarah Koenig

I asked Laura, did The Neighbor Boy tell you the name of this friend that showed him the body?

Laura

I think the guy's name was maybe Adnan?

Sarah Koenig

Really?

Laura

Mm-hmm

Sarah Koenig

Hm. So this guy said, 'my friend Adnan showed me the body of a girl in the back of a car?'

Laura

Umm-hmm. Yes.

Sarah Koenig

Do you think he was telling the truth?

Laura

Yes.

Sarah Koenig

Laura didn't go to Woodlawn. She didn't know Adnan, she'd known The Neighbor Boy since they were little, they were friendly. Laura said she never spoke to police about this, they never questioned her. So this sounds really really bad, right? That there was another witness, besides Jay, who saw Hae's body, who saw Adnan *with* Hae's body. That's huge. But, I called The Neighbor Boy that same night, he is now somebody else's

neighbor and he's a man. He was affable and patient and he wholly denied this episode. He was pretty convincing. He said quote, "the only dead body I've seen was on TV. God's honest truth. Except for my great-grandmother. She died when I was like nine." The Neighbor Man said that he wasn't friends with Adnan. He was friends with Jay though, they smoked weed together. I suggested maybe Jay told him this story and he kind of appropriated it and told it to the neighbor girl to freak her out. And he said, no way quote, "I wouldn't kid around about something like that." The man told me the cops came to see him in '99 and he told them the same thing, that he didn't know anything and he wrote out a statement to the same effect to a private investigator who was working for the defense in Adnan's case, I've read it.

This is what's weird. That original police report about Dave and his daughter Laura, it's dated April 28th. By that time, Adnan had already been in jail for nearly two months. But Laura was under the impression that what happened to her neighbor had just happened. She told her dad right away, and he called the cops right away. And, I talked to friends of Jay's who also knew The Neighbor Boy, and they said, "oh that guy?" They gave the impression The Neighbor Boy was a bit of a gossip. A guy untalented at keeping secrets. Which, could play either way I guess. But they meant it like, "nobody would tell him anything they wanted to stay quiet."

The Neighbor Boy never shows up at trial. He is never mentioned. So, I let it go. But, you know, it is weird. And if Laura's story is true, then there's another witness to this murder. It's one of the things about this case that kind of bobs above the water for me, like a disturbing buoy.

Then, there's Cathy, that is not her real name, and we have changed her voice, but I'm calling her Cathy. I've mentioned her before. She saw Adnan and Jay, together, acting suspiciously, the word she uses is shady, at a critical time that evening of the 13th, the day Hae disappeared. If you go by Jay's story, he brought Adnan to Cathy's apartment after he picked Adnan up from track practice. So, after Hae had been killed, but before they went to bury her body. It was about six o'clock at night. And they all three, Adnan, Jay, and Cathy, acknowledge being together at the apartment, there's no dispute about that.

Cathy was a close friend of Jenn's, they were sorority sisters. She knew Jay a little bit, but only through Jenn. She didn't know Adnan at all. So, here was an acquaintance, Jay, and a stranger, who suddenly show up at her door. Cathy remembers that night pretty clearly, her boyfriend Jeff was there at the apartment too.

Cathy (Voice Modulated)

--and I was kinda surprised and a little confused because he didn't call me unless he was with Jenn and nobody had called to say "hey are you guys home? Do you guys want to hang out?" Nothing like that. So it was a little strange that he would just pop up at the door. I remember him being like, "do

you want to smoke? Do you wanna hang out?” And I remember being like, “well hang on a second,” and asking Jeff if he wanted to-- “Jay’s at the door!” Jeff was like, “for what?” “Well he wants to hang out.” And Jeff was like, “that’s cool.” So Jay came in and he introduced his friend, I don’t think he introduced him by name, I think he was just like, “this is a friend of mine.”

Sarah Koenig

Cathy remembers Jay sat over by the table and Adnan settled on the floor on some big cushions that were there, and didn’t speak.

Cathy

I remember the guy wasn’t doing a whole lot of talking, he was just kinda like slumped over amidst all my cushions, and I thought it was really kinda strange, “who is this guy?” you know? Who is this guy?

Sarah Koenig

When I first heard about Cathy’s statement and her testimony, it didn’t seem like a big deal to me. This is a girl who says some kid she didn’t know who was high was acting strangely in her living room. I’ve been that girl for Christ sakes. Having to deal with some stoned friend of a friend on the living room floor. And I’ve probably been that wierd guy on the floor at *least* once. But, listening to Cathy tell it, all these years later, the way it stuck with her, how she describes the whole night as just feeling wrong, that also made it stick with me. Cathy thought Jay was acting odd as well. She knew him as this super laid back stoner guy, like Shaggy from Scooby-Doo. But now he was being conspicuously chatty.

Cathy

“How was your day?” “What’s going on?” Kinda-- dominated the conversation really.

Sarah Koenig

She says that while Jay and Adnan were there, Jenn called the apartment. Or maybe it was she that called Jenn, she can’t remember now. But she does remember talking to Jenn and saying, “Jay’s here with some kid who’s practically passed out on the cushions.” And Jenn thought that was curious, like, “what’s Jay doing there?” She told Cathy that Jay had been acting weird earlier in the day too. The story Cathy is telling is pretty close to what she told the cops during the investigation. Detective MacGillivray interviewed Cathy in

March of '99, after Adnan had been arrested. She told him back then, she remembered Adnan saying only one thing to the group: "how do I get rid of a high?"

Cathy

--and he asked "how do I get rid of a high? I have to meet someone or do something and it's really important." And I was like, "you just have to let it-- just have to let it go."

Detective MacGillivray

Do you have any idea where he was going to go? Who he was going to meet?

Cathy

No, he didn't-- I'm not clear whether I remembered him saying "I have to go talk to someone" or "I have to go meet someone" or "I have to go do something." I'm not sure he-- I remember him expressing it was really important what he had to go do. He didn't specify what.

Detective MacGillivray

Okay.

Sarah Koenig

There are three incoming calls on the call log that ping towers near Cathy's house. 6:07, 6:09, and 6:24 p.m. That's the longest one, for a little more than four minutes. We don't know for sure who they're from, but Officer Adcock testifies that *he* calls around this time and he thinks the 6:24 call was probably him. And Hae's brother, Young, also calls Adnan around this time, looking for his sister. We don't know who the third call is from. Cathy definitely remembers Adnan getting one phone call while he was at her apartment. She says, they're sitting around talking, when one of Cathy's favorite shows is on the TV, Judge Judy.

Cathy

The phone rings and he hadn't said anything the whole time he had been there, so when he answers the phone, and he's saying "what am I going to do? What am I gonna say? They're gonna come talk to me. What am I supposed to say?" And I remember him sounding very worried-- concerned. This was-- whatever was happening was not good on the other line. I remember being like, "wow, I

wonder what he's going--" eavesdropping basically! Wondering what was going on. Not too long after he hung up the phone, he left. Just bust out the door, left.

Sarah Koenig

Jay follows Adnan out, leaves his hat and smokes behind, Cathy says. They go downstairs and then, she says, they get in a car and just sit there in the car for a while.

Cathy

And so now they're outside in a car and I remember going to the window, "what are they doing? Jeff, they're in the car, they're just sitting there. What the hell is going on?" Just finding the whole situation super odd, super strange. And Jeff, he just didn't give a shit about anything. "Eh, it doesn't matter, who cares? You know?" I just remember being like, "what is going on?"

Sarah Koenig

Was it--you'd never met the other guy before, Adnan, right? So you didn't know what was normal behavior for him?

Cathy

--clearly it was not normal behavior for anybody. That was just-- regardless of whether you know him or not. Clearly you could tell something was going on, something was going on [that] wasn't good, and yeah, it was just strange behavior for anybody. I think that's been the one thing I've always remembered. Like how he said it, how he looked, when he said it. He's definitely panicked. He's definitely worried and I could imagine if I was in a position that's what I would've been saying on the phone to my best friend. You know, "my god, what am I gonna do? They're gonna come talk to me. What am I supposed to say?" You know, trying to come up with some story quickly.

Sarah Koenig

Many hours later, at the end of the night, Jay came back to Cathy's again, without Adnan, but this time Jenn was with him.

Cathy

I remember being like, “so, what the fuck?” And I remember kind of them both being like, “oh, it’s nothing.” You know, kinda smoothing it over I think a little bit. It was kinda like, “oh it’s no big deal,” that kinda thing, but you could definitely tell it *was* a big deal and whatever was going on was kind of a secret or-- because Jenn and I were best friends, I mean we talked about everything. We were-- we didn’t do anything without talking about it. I knew what she was wearing in the morning. I knew where she was going at night. I knew who she talked to on the phone. So it was a little strange that when I said, “so what happened?” I didn’t get a full account.

Sarah Koenig

The next time I talked to Adnan, I told him how Cathy still remembered all this stuff, how shady the whole scene was for her. And he said that on a bunch of levels, what Cathy had to say didn’t hold much water with him. First of all, if someone had called him to warn him the police were about to call, why would he then answer the phone when the police called?

Adnan Syed

I mean, if I was expecting the police to call me I probably wouldn’t have answered my phone then. I could have just turned the phone off or something--

Sarah Koenig

That’s a good point.

Adnan Syed

--it’s common sense that, that if we’re going with this scenario that if I’m trying to avoid the police, then I wouldn’t pick up the phone and engage them in a conversation.

Sarah Koenig

Well, but there’s also the other thing where you’re just like acting normal, everything is nor-- “Sure! Hi! Yeah, yeah I don’t know. I saw her after school. I dunno.” You know? Where you try to just play it cool.

(long pause)

Adnan Syed

But then it still leaves us with the third person. This third individual--

Sarah Koenig

Right.

Adnan Syed

--I mean this would seem to make more sense to have this conversation with Jay, but she clearly says, from what you just said, that I was *not* talking to Jay, I was talking to someone on the phone.

Sarah Koenig

Right.

Right. Her story would imply a third man, a co-conspirator. Someone Adnan would be on the phone with who clearly knew about the murder. So, who would this third caller be?

Adnan Syed

So now who was this third person on the phone? So, at some point, her memory either benefits me or it doesn't benefit me.

Sarah Koenig

I mean it's-, that's a hard one. Her testimony does not look good for you, you know. Because she's not really connected to Jay, she's not connected to you, you know she's a little bit more objective I would say, and she really thought you were acting, very strangely. You know. So it didn't-- it's not good for you, what she has to say. (clears throat)

Adnan Syed

I mean- I mean, to be honest with you I'm listening to you but I kinda think that, it's not good for me if a person believes the narrative of what Jay is saying. But, if you *don't* believe the narrative of what

Jay is saying, or if a person questions it, what does she say specifically that links me to Hae's murder? You know, she didn't say, she didn't say that she saw me with any type of equipment or materials or dirty clothes or disheveled or anything like that. Her--

Sarah Koenig

Well...

Adnan Syed

I mean, from what I gathered--

Sarah Koenig

I don't know...

Adnan Syed

I mean, certainly you know, there are some things I'mma yield, but I'm definitely not going to yield that, you know, if something that I feel really- all this is in the context of her believing, "okay, well maybe he did this or he's charged with this then you know what now all this stuff uh makes sense or whatever. Which in and of itself may not have been that strange had I never been charged with this. Like I seriously doubt she would have gave this a second thought had I never been charged with Hae's murder.

Sarah Koenig

Maybe, maybe not.

There's a second person who puts Jay and Adnan together that night, and that's Jenn. You know how last episode we talked about those two incoming Leakin Park calls on the call log? At 7:09 and 7:16? When Jay says that they were burying Hae? The ones where we think the cell phone really was in Leakin Park? Well, Jenn has a cameo in that scene, Jenn says *she* was one of those incoming calls. She says she called the cell phone around that time looking for Jay, but that Adnan picked up, he didn't identify himself, but she assumed it was Adnan. Here's from her police interview--

Jenn Pusateri

When I called them, um, Adnan answered the phone and said “Jay will call you back when you’re re--” when he’s ready for you to come and get him, or for you to come and meet him, or whatever. “Jay will call you when he’s ready.” And um, so that’s all like, he was very quick and very “bye” you know.

Sarah Koenig

If Jenn’s story is true, it does look an awful lot like Adnan was in Leakin Park that night, busy not handing the phone over to Jay. The second time Jenn puts them together that night is pretty soon after that, when she picks Jay up some time after eight o’clock. So, in Jay’s timeline, after they’ve already buried Hae. She says she’d arranged to meet him in the parking lot of Westview Mall, she says she saw them arrive in Adnan’s car.

Jenn Pusateri

And umm, Adnan said hi to me, he said ‘hey, what’s up girl?’ And I was like ‘hey, what’s up?’ And then we left the parking lot and that’s when Jay told me--

Detective

With the exchange of words between you and Adnan, ‘hey, what’s up girl?’ How would you describe his mood at that time?

Jenn Pusateri

He seemed just like he normally seems.

Sarah Koenig

On the Adnan side, that detail has always stuck with me too. That Jenn says Adnan seemed so normal. She says neither his nor Jay’s clothes seemed mussed or dirty. Adnan doesn’t remember seeing Jenn at Westview Mall or, where he dropped off Jay that night. And Jay doesn’t say he met Jenn at Westview Mall either. Matter of fact, Jay says, consistently, that Adnan dropped him off at home and then Jenn showed up at his house to get him. Jay stuck to that, even at trial, when it contradicted Jenn’s story.

The thing about Jenn and Cathy though, is that even though they don't look great for Adnan, they don't actually contradict Adnan's own account of that evening. Which, I think, is why he kind of shrugs them off. And why I'm sometimes tempted to shrug them off. Because Adnan has always admitted he was hanging out with Jay that night. So, so what if a couple of people saw them together? What does that prove?

But, now we come to the big one, the one nobody can shrug off. This call, well, this is a bad metaphor but out of all the calls on the log, this is the one that I think of as the 'smoking gun' call. It's the Nisha call. Think of it as a title, capitalized, The Nisha Call. Between noon and five pm that day, there are seven outgoing calls on the log, six of them are to people Jay knows, the seventh is to Nisha, someone only Adnan knew. Adnan's story is that he and his cell phone were separated that day, from lunchtime all the way until after track at around five something. But The Nisha Call happens at 3:32pm. Smack in the middle of the afternoon. The prosecution makes much of this call at closing, and I can see why.

In Jay's second taped statement, granted, it's the one where detectives are showing him the call records, Detective MacGillivray is asking Jay about all those afternoon calls on the log between three and four o'clock. Again, Jay says this is when they were driving all around Forest Park and Edmondson Avenue looking for weed.

Detective MacGillivray

Did anybody else use the phone?

Jay

Yeah. Umm, Adnan, I can't remember whether he received a call or placed a call, but I remember he was talking to a girl umm, I can't remember her name. He put me on the phone with her for like three minutes, I said hello to her.

Detective MacGillivray

Where did she -uh- live?

Jay

Uhh, Silver Spring.

Detective MacGillivray

Do you recall her name?

Jay

No. I don't.

Detective MacGillivray

Do you have any idea why Adnan would call, this individual, in Silver Spring, after he had just--

Jay

No--

Detective MacGillivray

--strangled his girlfriend?

Jay

I don't. And... uh I have no idea why he would call and their conversation didn't pertain to anything that he had just done.

Sarah Koenig

The cops went and talked to Nisha, she was a high school student. And she told them, 'yeah, there was a time when I spoke to Adnan on his cell, and he put his friend Jay on the phone.' Nisha testified at both trials. For a smoking gun, she is very cute, she looks like a chipmunk.

Prosecutor Kevin Urick

Good afternoon.

Nisha

Good afternoon to you too, sir.

Prosecutor Kevin Urick

Thank you. Do you know the defendant?

Nisha

Yes I do.

Sarah Koenig

This is from trial number one.

Nisha

Ummm, it's a little hard to recall, but I remember him telling me that Jay invite- invited him over to a video store that he worked at. And, he basically well Adnan walked in with his cell phone and then like- he told me to speak with Jay and I was like 'okay' cause Jay wanted to say hi so I said hi to Jay. And that's all I can really recall.

Prosecutor Kevin Urick

What time of day did that occur?

Nisha

I would think towards the evening, but I can't be exactly sure.

Sarah Koenig

The prosecutor, Kevin Urick, asks her, if this call, the 3:32 call on the log, could it be that same call where Adnan put Jay on the phone? And she says--

Nisha

It could be, but I'm not sure.

Sarah Koenig

Jay *did* work at a porn video store. He worked mostly nights there, so it would make sense this call would have happened towards the evening. What doesn't make sense, if Nisha is saying this call happened at the video store, is that Jay didn't *have* that job yet on January 13. As far as I could tell from Jay's own testimony, and from the notes of a private investigator for the defense who interviewed the video store manager, Jay didn't start working there until the very end of January. So listen to what happens at the second trial. I don't have the tape, but I have the transcript. Urick asks Nisha, "now did there ever come a time when the defendant called you and put a person he identified as Jay on the line?" "Yes," she says. "Please tell the ladies and gentlemen of the jury what that call consisted of." Nisha starts to answer, "basically Jay had asked him to come to an adult video store that he worked at." But then Urick interrupts her, he says, "no don't-- tell us the *content* of the call." Now if I had to guess, I'd say that the prosecutor is trying to get her to not mention the video store, because it contradicts their story. So, Nisha says, "okay. He just asked me how I was doing, et cetera," then she goes on. She doesn't mention the video store to Urick again.

So, I'm not at all convinced this call, the 3:32 call on the 13th, that this was the call when Adnan put Jay on the phone with Nisha. But still, if Adnan is supposedly at school during this time, and Jay is not talking to Nisha for two minutes and twenty-two seconds, then who the hell is calling Nisha? This is what Adnan can't explain. I've asked him about it many times. He says Nisha's number was entered into his phone on speed dial. You can see he calls her a lot on his cell. In fact, hers is the very first number he dials when the phone is activated on the 12th. Adnan says that what he thinks must have happened is some combination of a butt dial and an answering machine. This is from one of our very first phone calls.

Adnan Syed

To me, the explanation to that is that-- for whatever reason he pushed the number, maybe he didn't know it was on, and it picks up, because when the answering machine picks up a call, it bills it.

Sarah Koenig

But if she-- she says she testifies that her phone does not have an answering machine or voicemail on it. So who is picking up that call and talking for two and a half minutes or whatever it was? Two minutes and twenty-two seconds or some--

Adnan Syed

You *sure* she testified to that?

Sarah Koenig

I'm sure.

Adnan Syed

--cause I'm almost sure I remember-- I'm sure I remember her phone *having* an answering machine or voicemail, or something--

Sarah Koenig

Hold up, hold up! Let me look, let me look, let me look. Hold on.

I was right. Here's from the first trial. Urick asked Nisha, "does your home phone have an answering machine?"

Prosecutor Kevin Urick

Does your home phone have an answering machine?

Nisha

Not this phone number, no.

Adnan Syed

-- and I couldn't really explain it, but I could say for sure, I was a thousand percent sure that the only time I *ever* put Jay on the phone with her would have been at the video store, and I absolutely was not in the car with him at that time, so whether it's another way the phone activates or I can't explain the billing of it but I for sure a thousand percent say I was not in the car with him at that time or did I have access to the phone at that time, because I was at school that day.

Sarah Koenig

Over the past year, I've swiveled the Rubik's Cube of this case so many different ways. I've arranged and rearranged it to come up with alternate versions of how this day might have actually gone. And I can get pretty far in certain hypothetical directions. Maybe every time Jay says Adnan's name in his story, maybe he's really talking about someone else. A person we don't know about, who Jay's afraid of or he's trying to protect. I mean, Jay's got the car, Jay's got the phone, all these calls are to his friends. And then I remember the Nisha call, and the whole thing crumbles. No way around it. The Nisha call is a big, fat problem for Adnan.

Adnan says his biggest fear is not being believed. When he's sure about something, he has a tendency to over explain, to inundate you with facts and information, and then *corroboration* for the facts and information. He doesn't like this tendency in himself, but he says he can't help it.

Adnan Syed

Anyone who knows me will say I kinda go overboard to the point where people will be like, "alright man, we believe you." It could be about anything, it could be about whether it rained yesterday, because in my mind it's something-- it's a personality quirk born of all this. I mean I really-- I *don't* like to talk about things if I can prove-- no matter how silly it is.

Sarah Koenig

He does it with anything. He's a cook at the prison, and he said he got into a discussion with some guys recently about barbecue sauce. Adnan was saying if you don't have molasses or brown sugar you can substitute pancake syrup, and the guys were like, "nah, no way." And so at breakfast, Adnan made a little batch of barbecue sauce using pancake syrup. Nobody needs barbecue sauce at breakfast time, at the maximum security prison in Cumberland, Maryland. But he did it anyway.

All these things that look bad for Adnan, everything that's raised my suspicion, even stupid things, I've run every single one of them by him. I've got this thing in my head that I'll catch him in a lie. Maybe just a tiny, meaningless lie, and that's going to be his tell, and he'll be caught. Adnan is smart, and clever, he knows that's what's going on when we talk, and so every time I call, he's a little on guard. He's not sure what's coming at him. Because what if I ask him something he can't prove, and then I don't believe him? That notion, that people out there in the world, people he went to school with, who knew him, don't believe him,

that they can imagine he is capable of killing Hae, Adnan spent fifteen years thinking about that. And then trying not to think about that.

Adnan Syed

That's kinda in my mind, like, "man, what was it about me--" and I'm fine with it now, it is what it is. When I was younger, I used to wonder about that a lot. Like, "golly, what was it about me that a person could think that--" it would be different if there was a video tape of me doing it, or if there was like-- Hae fought back and there was all this stuff of me, like DNA, like scratches, stuff like that, you know like someone saw me leaving with Hae that day. Like three people saw me leaving with her, or like she said, "yeah me and Adnan are going here," like told five people, but I mean just on the strength of me being arrested, I used to lose sleep about that. Like, what the heck was it about me you know what I mean, that people-- not just random people, people who knew me, had intimately knew Hae intimately, saw us on a daily basis. Just boom. That used to really devastate me, kind of. You know what I'm saying? That used to just really, *really just* strike me to my core. And uh--

Sarah Koenig

Just like, "what is it about me that would allow someone to even entertain the possibility that I could do this?" Is that the thing?

Adnan Syed

I mean when you really think about it, they didn't just say that me and Hae got into a fight, boom and this happened. They saying that I plotted and planned and kept my true intentions hidden, I mean just some real devious, cruel, like Hitler type stuff. You know what I mean? Just some real some like cruel, cruel like inhuman type stuff. Like, "wow man!" you know what I mean? I obviously-- I'm not saying that I was a great person or anything, but I don't think I ever displayed any tendencies like that--

Sarah Koenig

Right.

Adnan Syed

--where a person would think that you know-- I mean maybe, who knows, maybe if it would have happened to someone else, *I* would have believed it just because I naturally would have assumed that, well if the police got the right guy, they got him for the right reasons. They didn't just get him because he was ex-boyfriends, so I mean maybe if the shoe's on the other foot, I would be doing the same thing, but a--

Sarah Koenig

But you know what Adnan? The people who have told me that they think either they sort of after a long time came to the conclusion that you were guilty or that-- or kinda like, "I don't know, maybe, I never really--" they all at some point in the conversation almost everybody has said, "well the Adnan *I* knew didn't do it. Like the guy *I* knew, couldn't have do it." But maybe--

Adnan Syed

What the hell does that even mean? I'm not like a different-- I wasn't--

Sarah Koenig

(interrupts)

(pause)

No, go ahead.

Adnan Syed

No, no, I'm sorry. I was just thinking-- I don't even know what that means.

Sarah Koenig

So what they're saying is, "maybe there was another guy in there that I just never-- knew." You know? Like everybody has a deep, dark-- you know maybe--

Adnan Syed

No! They don't! No they-- not everyone has the ability to do something cruel and heinous like this. This isn't like, you know, yell at the bank teller for-- yell at the waiter for getting the order wrong or something like that, because it's not like they're saying it was a crime of passion. They're saying this was a plotted out--

Sarah Koenig

No, I know.

(Adnan and Sarah speaking on top of each other)

Adnan Syed

It insults me to my core, man, you know what I mean? It used to. Not-- I don't care now. You know what I'm saying--

Sarah Koenig

So you don't believe-- you're not someone who believes that like everyone could in a-- like anyone could kill depending on the circumstances, like if they were--

Adnan Syed

No, yeah like if your life was threatened! You know what I'm saying? Like if it was me or him. Or like if my kids are in danger. I don't-- no, I completely don't think that *anyone* or even the *majority* of people, you know, could stoop to, you know what I'm saying, to doing something like this. Based on what? What did she ever do to me that would cause me to feel so angry at her. Everyone--

Sarah Koenig

But--

Adnan Syed

No, I'm sorry.

Sarah Koenig

No, no, I'm done.

Adnan Syed

I just interrupted you. Maybe I do care about this. I thought I didn't care about this too much, but obviously I probably do.

Sarah Koenig

How could you not? How could you not care about it?

Adnan Syed

Well, because, you know, it-you know, it kinda doesn't really matter what people think, you know what I'm saying? It doesn't uh- I shouldn't care.

Sarah Koenig

I see many problems with the state's case. But then, I see many problems with Adnan's story too. And so I start to doubt him, I talk to him and talk to him, and I start to doubt my doubts. And then I worry that I'm a sucker that I don't know. That's the cycle. Once, about six months after we'd begun our phone calls, Adnan asked me, a little nervously, what's your interest in this case, really? Why are you doing this? And so I explained all the interesting stuff I'd read, and the people I'd talked to blah, blah, blah. But I also told him really what really hooked me most, was him. Just trying to figure out, who is this person who says he didn't kill this girl but is serving a life sentence for killing this girl.

Sarah Koenig

My interest in it honestly has been you, like you're a really nice guy. Like I like talking to you, you know, so then it's kind of like this question of well, what does that mean? You know.

Adnan Syed

(Long Pause.) I just, yeah, oh, I mean, you don't even really know me though uh Koenig. I'm, you don't. I- I- maybe you do. Maybe, I don't- we only talk on the phone, I don't understand what you

mean. I'm not- I mean, it's-it's-it's just weird to hear you say that, because, I don't even really know you--

Sarah Koenig

But wait, are you saying you don't think that I know you at all?!

Adnan Syed

I mean for you to say that I'm a great person. I mean, like a nice person, then you know what I'm saying? That- I- I-don't know I've only talked to you on the phone a few times. I don't, I mean I guess you investigated me back then.

Sarah Koenig

We had this conversation back in July. By then, we'd logged at least thirty hours on the phone. I've talked to Adnan way more than I've talked to a lot of people I think I know. People I consider friends. So I was confused by this. This is the closest thing to hostile Adnan has ever gotten with me.

The next day, I came back to him about it.

Sarah Koenig

And so, I was a little bit like taken aback, and I still like I guess feel a little taken aback that like... what do you think I don't know? About you.

Adnan Syed

To be honest with you, it kinda- I feel like I want to shoot myself, if I hear someone else say, I don't think he did it cause you're a nice guy, Adnan. So I guess kinda, you know, cause you wouldn't know that, but I hear people say that to me over the years and it just drives me crazy. I would love someone to hear, I would to hear love someone to say, I don't think that you did it because I looked at the case and it looks kind of flimsy. I would rather someone say, Adnan, I think you're a jerk, you're selfish, you know, you're a crazy SOB, you should just stay in there for the rest of your life except that I looked at your case and it looks, you know, like a little off. You know like something's not right.

Sarah Koenig

I understand this, being a nice guy doesn't count as exculpatory evidence . And if I'm going to spend a year figuring out that he's a nice guy, I might as well piss off. Point taken.

Maybe, we need some experts on this job.

Next time, on Serial.

Serial is produced by Julie Snyder, Dana Chivvis and me. Emily Condon is our production and operations manager. Ira Glass is our editorial advisor. Editing help this week from Chana Joffe-Walt and Joel Lovell. Fact checking by Karen Fragala-Smith. Our theme music is composed by Nick Thorburn, scoring music by Nick and by Mark Phillips who also mixed our show. Our website where you can listen to all our episodes and find photos, letters, and other documents from the case, and sign up for our weekly emails, SerialPodcast.org. Support for Serial comes from MailChimp, celebrating creativity, chaos, and teamwork since 2001. MailChimp. Send better email. Serial is a production of This American Life and WBEZ Chicago.

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