

## Episode 5: Route Talk

**-Mail Chimp Ad-**

**Detective**

Jay, why would Adnan call you?

**Jay**

I'm the criminal element of Woodlawn.

**Ira Glass**

Previously, on Serial.

**Adnan Syed**

They said some-something like “we know what you and Jay did” or “we talked to Jay”-- and I'm like “Jay? Jay--” like I had a look of puzzlement on my face – like, like “what? What do you mean?”

**Jay**

I'm sure if I ratted him out for killing Hae, then he wouldn't hesitate to turn me over for selling drugs.

**Jennifer Pusateri**

I don't know – unless Adnan paid Jay a good sum of money, I really don't see Jay helping him.

### **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 first letter I got from Adnan Syed, almost exactly one year ago, included a challenge. He was writing about the prosecution's timeline of the crime. About when and where Hae Min Lee was killed. The State contended that Hae was killed between 2:15 and 2:36 p.m. at the Best Buy parking lot, about a mile from Woodlawn High School. That's the twenty-one minute window in which to commit the murder. Which may seem like a long time, Adnan wrote, but it is virtually impossible if you consider the following facts, which he then listed. For example, "when the final bell rings at 2:15, you can't just leave and jump in your car," he wrote. "There are 1500 other students filling the hallways and stairwells of a four story building." Then you have to get out of the school parking lot, but the parking lot is encircled by the school bus loop, so you can't get your car out until the buses fill up and leave. Which, Adnan wrote, "took about ten to fifteen minutes."

### **Adnan Syed**

I wish-- maybe I'll try to draw a picture of it, but if you could just see how Woodlawn High School lets out at 2:15.

### **Sarah Koenig**

That's Adnan elaborating on his letter.

### **Adnan**

You can't just go to your car and leave. It's going to take a few minutes. So it's just a really tight-- window of time for this to have taken place. I've always-- in my heart-- I've always like-- I've seen it on TV before like on *Dateline* or *Nightline* where someone tries to reenact the crime. There's a moment where there's someone like "you know what? This crime could not have been committed according to this set of facts." There's always this moment where I visualize the route, it's just-- Oh hey, were getting ready to go, right. Sorry. Hey, I gotta go. Alright bye.

## **Sarah Koenig**

Okay bye!

That happens sometimes. The guards come by and you're just done, mid-sentence. Anyway, I can pick up from Adnan's letter. He wrote that in addition, the route to the Best Buy, even though it's close to the school, there are major intersections along the way and that there is "a ton of traffic at that time." And then, the murder itself. How would he be able to strangle Hae, a tall, strong, athletic girl, "remove her body from the car, carry it to the trunk, and place her in there in broad daylight at 2:30 in the afternoon. And then I walk into the Best Buy lobby and call Jay and tell him to come meet me there? All in twenty-one minutes. I am one-hundred percent sure that if someone tried to do it, it would be impossible."

Gauntlet so thrown, producer Dana Chivvis and I gave it a shot. We tried this drive, twice we tried in fact because, full disclosure, the first time we screwed it up. The second time, though, we were like a machine. So here we go. We're at Woodlawn High School, Wednesday afternoon. After school announcements.

## **Voice over school PA**

If you're a senior and you want to apply for local scholarships, you need to go to the counseling office--

## **Sarah Koenig**

Okay then, last bell. (chime) More than a thousand students fill the halls just like Adnan described in his letter. We figure Hae gets in her car quickly. She's in a hurry.

Okay. It is now 2:17. The bell rang at exactly 2:15, say the fastest she could have gotten to her car is two minutes. So that's giving the State the benefit of the doubt, right? If she's really hustling, maybe she can get to her car in say two minutes?

Remember her friend Debbie Warren said that Hae had told her right after school that she was in a rush to see her new boyfriend Don at the mall. Presumably the Owings Mills Mall where they both worked.

I think this is the last bus.

We do indeed have to wait for the bus loop to clear. It takes a few minutes. We just have to sit there. We're timing. We're in the back of the school. Now we have to drive up around to the front of the school, up around

the circle near the gym. Remember, that's where Inez Butler-Hendrix says she sees Hae, who had come to grab a snack. Once we get there, we're at eleven minutes, thirty eight seconds.

I'm going to run in, keep timing.

I run into the gym area where the food cart was, run back out to the car, then we have to drive back out to Woodlawn drive, turn onto Security Boulevard, which *does* have some big intersections you have to get through. Again, we're trying to get to Best Buy, it's still there today, in twenty-one minutes.

### **Dana Chivvis**

We're at seventeen minutes, right about, now. We're at seventeen minutes, we're just crossing under the beltway.

### **Sarah Koenig**

Less than a minute later...

Oh yeah, see? There's the sign. Best Buy.

Jay's story is that when he pulled into Best Buy, he saw Adnan at the phone booth there, at the edge of the building, wearing red gloves. Adnan motioned for Jay to follow him across the front of the building, around to the other side, to the farthest corner of the side parking lot, where Jay saw Hae's car parked. This particular part of the parking lot, alas, it has significance. After Adnan was arrested, the detectives interviewed another friend of his, a kid named Ja'uan. Ja'uan told them he had gotten high with Adnan once, in Adnan's car. Here's tape of that interview.

### **Detective**

--and where was this?

### **Ja'uan**

Best Buy parking lot.

**Detective**

Why did you go to the Best Buy parking lot?

**Ja'uan**

Nobody's going to be over there.

**Detective**

Was it your choice to go there?

**Ja'uan**

(unintelligible)

**Detective**

His choice.

**Ja'uan**

He said that him and Hae used to go there to spend time together.

**Detective**

Adnan and Hae would go there to spend time.

**Detective**

Did he say what they would do there? Um, when they were in the parking lot alone, no one comes to that side of the parking lot.

**Ja'uan**

I think he might have said that they had sex there before.

## **Sarah Koenig**

In case you didn't hear that, he says, "I think he might have said that they had sex there before." Yeah.

Ja'uan says this happened, this trip to get high at Best Buy, that it happened after Hae went missing. Meaning, if Adnan did it, he was taking Ja'uan back to the exact spot where he killed Hae. He was returning to the scene of the crime. Ja'uan says that they parked, from the sounds of it, right where Jay says Hae's car was that day. Right where Dana and I are also parked. It takes Dana and me almost eighteen minutes to get to this spot. That leaves three minutes for the actual horror of the thing. An argument maybe, then strangulation, then he's got to put her body in the trunk, somehow, without anyone seeing. Granted, this part of the parking lot is pretty empty, but still, it's a parking lot in the middle of the afternoon. There are definitely cars and people near enough to make this seem like a very, very risky move.

Dana and I time it out. Counting down the quickest possible imagining of such a thing. Manual strangulation usually takes a few minutes. Then, we get out of our car, and walk over to where we think the payphone was. According to a sketch Jay made for the cops. There's no phone booth there now.

I just want to pause here and talk about this phone booth for a minute. Weirdly, we have not been able to confirm its existence. The Best Buy employees I talked to did not remember a payphone back then. We spoke to the landlord at the time and to the property manager, they had no record of a payphone. They dug up a photo of the store, from 2001, no phone booth or payphone, though lots of public phones did come down between '99 and 2001. They looked up the blueprints for the store when it was built in 1995, nothing. The manager also said there is no record of a service agreement between Best Buy and any payphone company at that store. We checked with the Maryland public service commission. We checked with Verizon. Neither could track down records from that far back.

It seems crazy to me that the cops would have either not checked to make sure it existed or failed to mention it if somehow it wasn't there. They never got the call record from this booth. There's nothing in their files about it. At trial, Adnan's lawyer brings up this phone booth when she's trying to attack Jay's credibility. She says to the judge, "we believe that the physical description of the actuality of Best Buy, including the location of the phone booth at Best Buy, the entrance, the existence or non-existence of security cameras," etc., she goes on. So, I don't know. We're stumped on this one. But let's assume it did exist that day. The prosecutor said that they knew Hae was dead by 2:36 because there is a call at 2:36 to Adnan's cellphone. Which Jay has. And they say that must be the call Jay told the cops about. The one where Adnan calls his own phone and says, "come and get me. I'm at Best Buy." You can see it on the call log. It just says 'incoming.' There's no phone number attached to incoming calls. This 2:36 call was five seconds long.

We get out a quarter, we put it in--

**Dana Chivvis**

Dial the number.

**Sarah Koenig**

One, two, three, four, five. Stop it.

**Dana Chivvis**

Twenty-two.

**Sarah Koenig**

Twenty-two and a half minutes?

**Dana Chivvis**

Yeah.

**Sarah Koenig**

So wait. Let us just be precise about it.

**Dana Chivvis**

Twenty-one-- Twenty--

**Sarah Koenig**

Twenty-two minutes and two seconds. Yeah we just did it in twenty-two minutes and two seconds. And that was leaving about a minute and a half in the car for the actual killing part.

**Dana Chivvis**

That should probably be the *minimum* about of time in the car.

**Sarah Koenig**

Right. I don't know.

**Dana Chivvis**

I mean, it seems like, yeah it could be done. But it seems far fetched.

**Sarah Koenig**

It does seem far fetched because there's no room for any errors. Any pauses even. The buses, the drive, the strangulation. The moving of the body. The call. They all have to happen as quickly as they possibly can for the 2:36 call to work. But, it is possible. Or at least not impossible, which was what Adnan was saying in that first letter.

**Adnan Syed**

So you guys-- huh.

**Sarah Koenig**

Yeah.

**Adnan Syed**

So-- huh.

**Sarah Koenig**

When I told Adnan that Dana and I more or less did it in the time allowed, the twenty-one minutes, his overall reaction was incredulity.

**Adnan Syed**

It seems like five minutes-- from what I can remember, those busses didn't clear in five minutes cuz I can remember sometimes we would have to wait in that parking lot, for those busses to clear. I don't know. I just-- to me, that was always stuck in my mind, was those busses. That you have to wait for the busses. So, I don't know. That's kinda disheartening. I always-- I don't know how long

the crime would have taken. I don't know how long-- I don't know. If you guys said you did it, then you did it, but I don't know. I don't know. I don't know what to say to that. I don't know what to say, I just always thought in my mind that--

**Sarah Koenig**

This is what I'll say is that it doesn't make me think-- to me it doesn't prove anything except that it's possible. It doesn't mean that I think you're lying or that I think it even happened at the Best Buy, I'm just saying, if you're going to debunk the State's timeline--

**Adnan Syed**

No I understand--

**Sarah Koenig**

--like we weren't able to do that. We weren't able to debunk their timeline--

**Adnan Syed**

No I understand that. I understand that.

**Sarah Koenig**

However, Dana and I were not done. This was just step one of the State's timeline. In the detective's notes, Dana and I found a handwritten itinerary, dated March 18, 1999. So that's three days after Jay's second taped interview with police. This is the route Jay laid out for the cops. His entire driving day, on January 13. This is what we're going to try to replicate, to see if it matches the call record from that day. Because, right? The prosecution's story of the crime was mainly pinned to two things. Jay's statements and the cell records. Adnan remembers that at his trial, the prosecution had a big blow up chart of the call record, the one listing thirty four calls made and received on Adnan's cell phone that day, with blanks besides each call. Every time a witness identified a call on the list, the prosecutor would label it with a sticker.

**Adnan Syed**

So at two-- at 3:21 they would have placed a sticker, boom, call to Jenn Pusateri. It was a pretty powerful thing. Because as he was testifying, it was almost as if they were using the cell phone

records as proof for all the testimony. Okay, if he said “what happened at this time?” and such and such call was made, boom, it was very, I would say, influential.

**Sarah Koenig**

Besides the calls themselves, they also had a list of all the cell towers that pinged each time a particular call came in or when out. “Sure,” the prosecutor said, “you might have your doubts about Jay, but the call record doesn’t lie. Jay couldn’t possibly have known which towers were getting pinged when. He couldn’t fabricate that. It would be too crazy of a coincidence.” So the cell towers, and the calls and Jay’s story, they way they all meshed, prosecutors argued, was irrefutable. Prosecutor, Casey Murphy said to the jury in her closing statement, “The most important thing for you to remember about Jay’s testimony is that it does not stand alone. It is corroborated.” She added, “The cell phone records support those witnesses say, and the witnesses support what those cell phone records say.” There’s no way around it.

**Dana Chivvis**

Alright, ready?

**Sarah Koenig**

Yup.

**Dana Chivvis**

Okay. So I started it at-- it’s 2:51, and we’re making a right out of the Best Buy parking lot onto Belmont Ave.

**Sarah Koenig**

Alright, so lets see if we can recreate what Jay says happened that day. The next stop after Best Buy is the I-70 Park and Ride, where Jay says they leave Hae’s car for a few hours. It’s just a large commuter parking lot. Jay says he follows Adnan there, Adnan is driving Hae’s car. Jay has Adnan’s car. He’s pretty careful to let the cops know we wasn’t ever in Hae’s car. Never touched her or her stuff.

**Detective**

Did he get out of the car?

**Jay**

Yes. He got out of the car and--

**Sarah Koenig**

This is from Jay's second taped statement.

**Jay**

--proceeded to go through the trunk and the back seat.

**Sarah Koenig**

This detail has always struck me, by the way. Jay says Adnan is going through the trunk of Hae's car at the I-70 Park and Ride. Hae's body is back there. In the trunk, at this point. But anyway...

**Jay**

Several items, he picked up and moved around, stuff like that, then he came over to his car, told me to pop the trunk. I popped the trunk. He placed a whole bunch of items in the trunk and then he got in the driver's seat and we switched places, and I got in the passenger's seat.

**Sarah Koenig**

It takes Dana and me eleven minutes to get to the Park and Ride from Best Buy. Then we wait a couple minutes to account for Adnan's movements. In case you're wondering, there were *no* security cameras at this Park and Ride back in '99. We checked with the DOT. So now it's a little after three p.m. When Jay took the cops on this ride on March 18, to map out the timeline, he told them that after they left the Park and Ride, they went in search of weed. He says that's when he called his friend Patrick. And this is where things start to get off course. There is indeed a call to Patrick on the call log. But it's at 3:59 p.m. So right away, we have a time problem.

By trial, though, Jay has sorted that out, so that his story better matched the call log. He testified that he called Jenn Pusateri first, at 3:21 to find out if Patrick was home. Jenn testified that, no, Jay would not have called her to find out where Patrick was. That's just not a thing that would have happened. But in any case,

there is a call to Jenn at 3:21. Jay says that when they didn't find Patrick at home, they switched course and headed up to Forest Park to buy weed. Dana and I drive that same route.

**Dana Chivvis**

Okay, so they buy two dimes of weed here, that's a side note.

**Sarah Koenig**

Alright. Done and done.

**Dana Chivvis**

Done. We are making a left--

**Sarah Koenig**

Jay also mentions another call around this time. This call is incredibly important and I will talk more about it in another episode, I swear. But for right now, what you need to know is, in his second interview, when the cops show him the list of calls, Jay says, "Adnan spoke to some girl in Silver Spring." Her name was Nisha. It was that girl Adnan had been flirting with. And Adnan briefly put Jay on the phone with her. And the reason this is so important is for two reasons. One, it's the only call in this stretch of time that's to someone Adnan knew, rather than a friend of Jay's. And, it puts Jay and Adnan together in the middle of the afternoon, when Adnan says he was *not* with Jay, he was back at school. In the March 18 itinerary, there's a note about the Nisha call. That Adnan handed the phone to Jay at the golf course on West Forest Park Avenue.

**Dana Chivvis**

Yeah that is the golf course, okay.

**Sarah Koenig**

If indeed this is the golf course he's saying where suspect hands the phone to the witness, who is Jay, that was the Nisha call. And that *does* happen right now.

So the time works for this one. It matches Jay's story. But here's the problem. It doesn't match the cell tower in the call record. It's pinging a tower back near the Best Buy, west of where we are. And that is true of *all* these calls from the middle of the afternoon. The 3:21 to Jenn, 3:32 to Nisha, 3:48 to a dude named Phil,

3:59 to Patrick, none of these calls pinged a tower near where Jay tells the cops they were driving that afternoon. Not a one. At trial, though, even though all these midafternoon calls were identified and accounted for in Jay's testimony, prosecutors did not point out that the cell towers didn't match. Adnan's defense attorney did, sort of, but reading the trial transcript, even though she notes the discrepancy, she doesn't nail it. So it's hard to tell what that discrepancy means. So, onward.

**Dana Chivvis**

So we are headed to the Patapsco State Park right now.

**Sarah Koenig**

Oh, you're kidding.

**Dana Chivvis**

I'm not kidding. We definitely don't have time don't have time to go to Patapsco.

**Sarah Koenig**

Well, let's see how long that takes.

This is the next stop on the itinerary. To a place known as the cliffs at Patapsco State Park which is a good twenty minute drive from where we are right now. Adnan's track practice starts at four p.m. If before, we were clinging respectably to the agreed upon timeline, now we're about to just thumb our noses at the thing.

**Sarah Koenig**

Yeah, this just seems absurd. It's three-- say it's between 3:45 and 3:50 now in their world. If I'm Adnan and I need to be seen for track, I'm freaking out right now, that I need to get back for track to have an alibi. So what's this "oh, lets just drive halfway across the county to go to a state park to smoke a blunt?" Just smoke in your car! It just seems like there had to be other places you could have pulled over for a quick smoke, if indeed that's what needed to happen.

**Dana Chivvis**

There's a shrimp sale at the Crab Crib.

**Sarah Koenig**

Sometimes I think Dana isn't listening to me. Anyway, we head to Patapsco State Park, because Jay is very clear: taped statement number one, taped statement number two, March 18 itinerary. *Now* is when they go smoke a blunt at the cliffs in Patapsco. Dana and I trek in there.

**Sarah Koenig**

Okay, down many rough hewn steps. This is beautiful!

You can see the river below, some train tracks, hills. Jay's memories about this spot are specific. Dana reads from the handwritten notes from March 18.

**Dana Chivvis**

So these are the detective's notes. It says, "Patapsco Valley State Park 1630 hour." And then the next note is, "Sun getting ready to hit mountain tops."

**Sarah Koenig**

1630 hour means 4:30 p.m. Sunset that day was at 5:05 p.m. so that would make sense.

**Dana Chivvis**

Then it says, "I can't believe I did it. I'm sad but not really."

**Sarah Koenig**

Here's what Jay says they talked about, and before I play this next tape, just a warning that it's disturbing:

**Jay**

We're standing, overlooking a whole bunch of stuff at this cliff and he starts telling me about how it was when he killed her. How he said he wrapped his hand around her and-- her throat and she started kicking and he said he looked up to make sure nobody was looking in the car at him, and he said he was worried about her scratching him, getting his skin under any of her fingernails, and that

she was trying to say something. He said that he thinks she was trying to say that she was sorry, but that was what she deserved and--

**Detective**

How long do you think you were the cliff?

**Jay**

Twenty minutes to a half an hour.

**Detective**

Other than that conversation, was there anything additional?

**Jay**

He had said to me, he wondered where to put the body at.

**Detective**

Did you make any suggestions?

**Jay**

None at all.

**Detective**

Did he *name* any locations?

**Jay**

None at all.

**Detective**

He didn't say, "what about here?" You know, he didn't name off a half dozen locations and you gave him thumbs up or thumbs down?

**Jay**

Um, I just-- he said something to... the effect of the state park where we were, a little up the river, but I told him that people walk up and down here.

**Sarah Koenig**

So, Jay says they talk about the murder at the cliffs. He says they talk about whether to dispose of the body right there in Patapsco State Park, he says they're there for perhaps twenty minutes to half an hour.

Come trial, when Jay's on the stand talking about where they went that day, this whole trip to Patapsco, it never happens. It's just not there. That talk they have? Instead it happens in Adnan's car, when they're tooling around, looking to buy weed. This is a puzzle to me. It's such a vivid scene, Jay's describing, it's so detailed. I have to think he included it for good reason. But it doesn't fit the timeline. Driving out of the park, talking to Dana, I was turning this over. Why the Patapsco story at all?

Yeah (laughs) it doesn't make any sense. Plus-- it's like trying to-- I'm trying to think of an analogy of what the uselessness of what we're trying to do by recreating something that doesn't fit, it's like a-- like trying to plot the coordinates of someone's dream or something where it's just like "but wait! That doesn't--" as if we're going to be surprised every single time but it didn't-- it doesn't because it's not prop--

**Dana Chivvis**

I think they call that a fool's errand.

**Sarah Koenig**

At trial, Jay says Adnan gets another call as he was dropping Adnan off at school for track. "Before he left the car, he received a phone call, or placed a phone call. It was in Arabic. I don't know who he was talking to. I don't know what it entailed. I believe it was his mother." Adnan and his family say he doesn't speak Arabic, or Pashto, or Urdu. But maybe Jay could hear a foreign sounding accent on the other end of the call. And

there is a 4:27 call in the log. Maybe that's the one. But again, the cell tower it pings isn't near Woodlawn High School.

The earliest Dana and I can get from the cliffs back to Woodlawn is 4:45 p.m. and that's being generous. But even so, that means if Adnan still had to get changed, he is very late for four p.m. track now, which seems like a bad strategy for an alibi, doesn't it? To be noticeably late like that. Jay says he goes next to a friend's house. I'm going to call this friend "Cathy," because she didn't want to be identified. Jay says he gets there by 5:20 or 5:30. He says he smokes some more weed there, but it's not long before Adnan calls him and says, "I'm done with track, come get me." Jay goes back to Woodlawn, to get Adnan. Jay tells the cops that he gets to Woodlawn at about six p.m. and that he sees Adnan with a friend from track. The notes from March 18 say "said goodbye to track buddy, Will."

**Will**

That day, he said bye to Will, and then-- oh man. (sigh)

**Sarah Koenig**

That is Will, from track.

**Will**

It's hard to remember that one interaction.

**Sarah Koenig**

You mean I should have asked you fifteen years ago?

**Will**

Maybe five, I would have remembered. Oh man, that's hard to remember. Gee whiz, I didn't even know that I was a part of anything until you just told me that. Like, no one ever contacted me about anything.

**Sarah Koenig**

Really!

**Will**

Yeah, like, yeah.

**Sarah Koenig**

So the cops-- No cops ever called you and said, "was Adnan at track that day?" No attorneys--

**Will**

No!

**Sarah Koenig**

No attorneys ever called and said, "was Adnan present at track practice that day?"

**Will**

I don't remember any of that.

**Sarah Koenig**

Will confirmed that yes, track started at four, so you had quite a bit of time from the end of school at 2:15.

**Will**

Yeah, go dig around. Play footsie with your little girlfriend. And then go get ready for practice and be ready and on time. There was never an excuse to be late for track practice.

**Sarah Koenig**

Because there was so much time.

**Will**

Exactly.

**Sarah Koenig**

And what would happen if you were really late, or you skipped or-- was there any consequences?

**Will**

Yeah, actually if you didn't have a family emergency, you had to run extra. 400's. Extra running the next day.

**Sarah Koenig**

Their coach, Michael Psy, told the cops that Adnan probably was there that day, that he thinks he would have noticed if Adnan wasn't there. But he couldn't be 100% sure.

The other thing Will told me was that he saw Jay pick up and also drop off Adnan for track, multiple times.

**Will**

Yeah, that was just normal. Normal to the point where no one would pay attention to it.

**Sarah Koenig**

Right. Ah! So you can't solve this crime for us.

**Will**

I wish I could, oh my goodness!

**Sarah Koenig**

Here's another problem with the track story. Jay says he get's Adnan at about six. There's an outgoing call at 5:38 p.m. to Adnan's friend Krista. Someone Jay would *not* be calling. Which would suggest Adnan had his phone at 5:38 p.m. and the call pings a tower that is out near that guy Patrick's house, sort of where they end up ditching Hae's car. Not at all close to Woodlawn High School. I could keep going here, to the bitter end of the night, but I'm hoping you'll take my word for it, that the time line has some problems.

I'm going to try very hard not to bore you right now, but I do want to talk about cell records for a sec, because I want to know whether the State used the call records accurately, and fairly at Adnan's trial. Do the records really corroborate Jay's story? You might have seen some recent reports about how cell phone evidence isn't as reliable as it was once cracked up to be. The Washington Post ran a story in June, for

instance, with the headline, “Experts Say Law Enforcement’s Use of Cell Phone Records Can Be Inaccurate.” Federal courts in Oregon and Illinois have ruled cell phone evidence inadmissible. The problems arise when you’re trying to say, “I can prove you were at such and such at such and such a time because of the cell tower your phone pinged.” You can’t do that with certainty, because of the way cell towers get activated, and how much territory they cover. In fact, these kind of records are mostly useful as a way to say where someone *wasn’t* rather than where he or she was. Like if a call pings a tower in downtown Baltimore, I’m going to be pretty confident that you’re not making that call from Annapolis, or D.C., or Patapsco State Park.

As far as I know, Adnan’s case was the first in Maryland to use cell tower technology as evidence. It was a new thing. Because I am technologically speaking, a moron, I asked Dana to find out “did the cell expert who testified at trial present the technology accurately in a way that still holds up?” So Dana sent this gripping testimony to two different engineering professors, one at Purdue, and one at Stanford University. And they both said “yes, the way the science is explained in here is right.” And the way that the State’s expert, a guy named Abraham Waranowitz tested these cell sites, by just going around to different spots and dialing a number, and noting the tower it pinged, that’s legit. That is not junk science.

But that’s a different question from, “does the science he’s explaining here, actually support the State’s case? Did the prosecution deploy that science fairly?” That’s a more complicated question with a more complicated answer. Waranowitz, the cell expert, and prosecutor Casey Murphy, did the site tests together. She took him around to various locations connected to Jay’s story. Dana explained it to me.

**Dana**

They went to the spots that matter the most in the story of the crime.

**Sarah Koenig**

Okay.

**Dana Chivvis**

So places like Jenn’s house, the Best Buy, Leakin Park where Hae was buried. Those places that are really important.

**Sarah Koenig**

Okay.

**Dana Chivvis**

Cathy's apartment. So they do fourteen of those, right?

**Sarah Koenig**

Okay.

**Dana Chivvis**

They go out on this day in October and they do fourteen of them. Do you know how many they brought up at trial?

**Sarah Koenig**

No.

**Dana Chivvis**

They ask the cell phone expert about four of them.

**Sarah Koenig**

You're kidding. Really?

**Dana Chivvis**

Four of them.

**Sarah Koenig**

Four of them. Because the rest of them, didn't really help their argument. Which is their prerogative. Their job is to put on the strongest possible case, but of the four site tests they do talk about, one is a test Waranowitz does in a place called Gelston Park, which I'm not even going to explain because it's basically

irrelevant to our story. The other three places, these all happen, in Jay's narrative, after six p.m. After Jay had picked Adnan up from track.

**Dana Chivvis**

Sort of from 12:07 until 6:07, that window of time is where Jay's story doesn't line up with the cell phone records. And the timeline he's giving is not lining up with the times of the cell phone calls.

**Sarah Koenig**

So the towers, the times, and Jay's story are not matching--

**Dana Chivvis**

Right.

**Sarah Koenig**

--anywhere in that basically six hour period.

**Dana Chivvis**

Right. Yeah.

**Sarah Koenig**

Which, this is sort of what Dana and I had experienced on our drive that day, that it wasn't plotting out. Just a word about the cell tower testimony. It took two days and it was sort of a mess. Adnan's defense attorney, Cristina Gutierrez claims she didn't have all the cell record evidence, she didn't have the cell tower map, she tries to get Waranowitz's testimony thrown out, the judge nearly agrees with her, then prosecutor Kevin Urick ends up asking for a mistrial, which isn't granted, and all this might sound like exciting courtroom fireworks, but it just-- I can't stress enough how tedious must have been for the jury. And also possibly confusing. Waranowitz is actually a young guy. On the stand he looks kinda like George Stephanopoulos, except tired and fearful. Here's one of the more lively moments of his testimony. Prosecutor Kevin Urick talks first.

**Prosecutor Kevin Urick**

What, if any, effect does the brands of cell phone's have on the functioning of the AT&T wireless network?

**Cristina Gutierrez**

Objection!

**Judge**

Over ruled. If you know.

**Abraham Waranowitz**

Depends on the quality of the phone.

**Prosecutor Kevin Urick**

How might that affect it?

**Cristina Gutierrez**

Objection!

**Judge**

Overruled, and again, if you know.

**Abraham Waranowitz**

Poor performance.

**Prosecutor Kevin Urick**

How so?

**Cristina Gutierrez**

Objection.

**Judge**

At this point, I'm going to sustain and Mr. Urick unless you are prepared lay a foundation--

**Sarah Koenig**

Seriously. Most if it is more boring than that. Which is why I made Dana read it all, so I didn't have to. She explained that the cell tower tests the prosecution did bring up at trial, the ones after six p.m., the first one was about a site near Cathy's apartment. Remember that the call Adnan gets at Cathy's when Officer Adcock calls asking if he's seen Hae. Waranowitz says that one worked, that 6:24pm call is a winner. It matches the cell tower, it matches the call log, and it matches Jay's story, Adnan's story, and Cathy's story too. It puts Jay and Adnan together at a certain place at a certain time. The question is, what happens after that? Jay says, after the Adcock call, they left Cathy's and that's when they went to bury Hae in Leakin Park. Then, they ditched her car out of Edmondson Avenue and then they headed back toward Westview Mall, where they threw evidence into the dumpsters. And if you map the cell towers that ping between 6:24pm and, say, 8:05, if you imagine each tower lighting up, they do illuminate this trail. They support the locations in Jay's story. Waranowitz confirms this with riveting testimony that sounds like this.

**Abraham Waranowitz**

Yes.

**Sarah Koenig**

The most incriminating stop on their route that night is, of course, Leakin Park. There were two incoming calls, one at 7:09 and one at 7:16, that hit a tower at the northwest end of the park. I asked Dana, since the range of that Leakin Park tower reaches beyond just the territory of the park, could they have been someplace else besides digging a grave in the actual park?

**Sarah Koenig**

Could you have been at someone's house or something?

**Dana Chivvis**

Um, it's possible you could have been here, which-like- this is I think Patrick's house? One of his addresses.

**Sarah Koenig**

Oh, okay.

**Dana Chivvis**

For instance. Ummm or you could have been at - these are strips. Like maybe you could have been there.

**Sarah Koenig**

Um-hmm, okay.

**Dana Chivvis**

I think they were probably in Leakin Park.

**Sarah Koenig**

Okay.

**Dana Chivvis**

Because he, it's just, I don't think, I that the the amount of luck you would have to have to make up a story like that and then have the cell phone records corroborate the key points. I just don't think that that's possible.

**Sarah Koenig**

Isn't that sort of tantamount to saying, I think they were in Lea - I think Jay is telling the truth?

## **Dana Chivvis**

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

## **Sarah Koenig**

Right. That looks pretty bad for Adnan. Because, even though the cell towers can't say who is with the phone or who was making the call, Adnan himself says he's pretty sure he was with his phone at that time after track. Again, his memory is vague, it's full of I probably would have. But he says that from what he can remember of the evening, after he got the call from Office Adcock, he remembers dropping Jay off at some point and then he says he would have gone to the mosque for prayers. It was ramadan. He doesn't say he lent his phone out or his car to Jay or anyone else that evening. So, according to Adnan, he was with the phone and twice that night, the phone pinged the tower near Leakin Park. So, bad for Adnan.

On the other hand, the call records also undermined what Jay tells the cops about that same trip to Leakin Park. The Adcock call at Cathy's ends at about 6:29pm, the Leakin Park calls are 40 minutes later. But Jay says after the Adcock call, he and Adnan left Cathy's and then they do a bunch of different things: they drive to Jay's house for shovels, then to I-70 Park & Ride for Hae's car, then Jay goes to McDonald's back by school to wait for Adnan, says he's there waiting for about 20 minutes, then they drive all around for awhile back over to Patapsco, then up Dogwood, to Security, before they finally get to Leakin Park. All that, what I just described? That takes an hour and twenty minutes. Twice as long as, in other words, than the call log accounts for.

I'm not trying to be petty here. I don't think we should hold Jay to some crystal clear timeline. How could he possibly remember each twist and turn and phone call from that day, six weeks later? However, if the state is saying, Adnan Syed is guilty because we have this witness and his story is backed up by cell records, well, what I see is, you have this witness but his story has shifted, rather significantly over time and you have these call records, but I don't think they're as iron-clad as you're making them out to be. Because, for the most part, they don't exactly align with your witness's narrative. There are key moments, when they do support his version of that night. But what about the rest of the day?

## **Adnan Syed**

You know, it's like it's so unfair to me, because it's like, it never, the the the the the umm the etched-in-stone-ness of the phone records, it never goes in my way. It's just whenever it's true of what the prosecutor is saying, it's like, you know the the phone's a tablet, whenever something I'm saying is like the Holy Grail, 'oh we don't know where it is,' 'we're not sure,' 'does it really exist'

floats away. But that's not cool though, because now what you're saying is that you can use the cell phone records when it benefits me...

**Sarah Koenig**

That was the 30 minutes cut off. Adnan called back.

**Adnan Syed**

Yeah, I got cut off on a big rant. But, uh, yeah, no (Sarah laughing) but to finish up real quick...

**Sarah Koenig**

The rant went on. Of all the calls, the 2:36 call is the most troublesome to Adnan. It's the one he probably thinks about the most. Because that's the call that starts the whole chain. And he also thinks about it because he says he has an alibi for that time, the Asia letters, where she says she saw him in the library.

Here's a weird thing about the 2:36 call, the prosecutors are very clear at trial that this is the 'come and get me, I'm at Best Buy' call. But they're not basing it on anyone's testimony. Jay never says the call was at that time. In fact, he says repeatedly that Adnan called him around 3:40 or 3:45. Jenn also says that's about when Jay left her house that day. But there is no incoming call at or near 3:45 on the call log. So, the prosecution has to go with 2:36 because it's the only one that sort of lines Jay's story up with the log. It's their only choice.

When you tease apart the State's case, you can get tripped up on details like this. Which is maybe why prosecutor, Kevin Urick, addressed this head on in his opening statement to the jury. He told them, "look at the big picture." The main plot points in Jay's story have been consistent. He tells them that consistently, Jay "has always given the same story about what the defendant did where. Consistently, he tells Jennifer a consistent story, he tells police a consistent story about the defendant, he tells consistently the defendant's involvement, the defendant's actions on that day. He has never wavered on that point."

That is a lot of consistently-s and while, maybe it's not great oratory, it does have the advantage of being true. In Jay's statements, while the particulars shifted, the spine of his story did not. Adnan told Jay he was going to do it, Adnan showed him the body, they buried her in Leakin Park, they ditched her car. Jay has been consistent on those points. It's funny, there's this part of the trial that keeps coming back to me. It's

when Cristina Gutierrez is cross-examining Jay, she's pointing out that he lied to detectives about various things, including the location where he says Adnan showed him Hae's body in the trunk of the car.

**Cristina Gutierrez**

Well what you told them and your act of showing them that place, those were lies, weren't they?

**Jay**

They were not the truth, no.

**Cristina Gutierrez**

They weren't the truth. What is the opposite of the truth?

**Prosecutor Kevin Urick**

Objection

**Judge**

Sustained

**Cristina Gutierrez**

You told them something that was not the truth.

**Jay**

No, I told them the truth.

**Cristina Gutierrez**

And then you backed... let me finish

**Jay**

I'm sorry.

**Cristina Gutierrez**

And then you backed it up, showing them a place that was not the truth, correct?

**Jay**

I told them the truth, I did not show them a location that was true, no.

**Sarah Koenig**

He says, 'I told them the truth, I did not show them a location that was true.' As oxymoronic as it sounds, I think I see what he is saying. Yes, I told some lies, but I told the truth. Overall, I told the truth. There are parts of Jay's story that make no sense, where it seems like there must have been more going on than he's saying. But here's what's also the truth, you can say the same thing about Adnan's story too.

Next time, on Serial.

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