

<p style="text-align: right;">Page 45</p> <p>1 the tape was stopped when he asked for counsel, I'm not 2 going to require the State to go into anything that the 3 Defendant, Wilds at that time being a Defendant or at 4 least an individual with an absolute Sixth Amendment 5 right to ask for and receive counsel. I'm not going to 6 go into his privilege communications that he may have 7 had either in the presence of the State or outside of 8 the presence of the State to you, Defendant for Mr. 9 Syed and I am therefore not going to grant that motion, 10 but rather I'm going to say that if there's information 11 that you believe relevant to the decision by Mr. Wilds 12 to select Ms. Benaroya I will allow you, if you would 13 like to have a hearing where as Mr. -- Ms. Benaroya 14 could come in outside the presence of the jury and 15 provide the Defense with information if she does not 16 believe there's a privilege communication involved and 17 then we could get to the bottom of it in that fashion, 18 but I'm not going to require the State to provide that 19 information because I don't think that's appropriate. 20 MS. GUTIERREZ: I'm not requesting 21 information -- 22 THE COURT: Source that would be reliable in 23 order to get to the credibility issues that you are 24 seeking to obtain. Not through the State but rather 25 through this witness and through his lawyer.</p>	<p style="text-align: right;">Page 47</p> <p>1 MS. GUTIERREZ: And in that set of competing 2 interest the only person with those rights that this 3 Court should be concerned about, if it's one persons 4 right to counsel who's not on trial versus one who's 5 in, in any contest if it gets to that, Adnan Syed wins 6 and this Court must be primarily concerned with his 7 right to counsel and his right to counsel includes this 8 Court ensuring that his counsel in order to effectively 9 represent him is provided by vital information that she 10 is required to have had. 11 THE COURT: I understand your point, but as I 12 stated before, I believe the information you wish to 13 obtain can be obtained from another source, is readily 14 available to you and the sum of substance of which has 15 already been provided to you to allow you to adequately 16 challenge the credibility of Mr. Wilds. To the extent 17 that you would like more of information of that sort, 18 the Court is not going to grant the remedy that you 19 seek -- 20 MS. GUTIERREZ: I understand that. 21 THE COURT: And with regard to that motion it 22 is denied. 23 MS. GUTIERREZ: For the record since the 24 Court has making a finding that I have been provided 25 some of that information I would like to know what the</p>
<p style="text-align: right;">Page 46</p> <p>1 MS. GUTIERREZ: Well, obviously Judge, I'm 2 going to take advantage of that, but to correct the 3 record I'm not requesting information from this witness 4 because he's already said what essentially amounts to 5 the fact that he didn't choose his own lawyer, Mr. 6 Urick did. So he couldn't possibly have information as 7 to how Mr. Urick selected his lawyer and what I'm 8 asking for is not privilege. There is no privilege 9 between Mr. Urick and Mr. Wilds. I'm not asking pierce 10 the relationship or to ask for any privileged 11 information as between Ms. Benaroya and Mr. Wilds. I'm 12 seeking information that Judge, would not be in, it 13 may, but would not likely be in Mr. Wild's personal 14 knowledge or hearsay knowledge if he didn't pick his 15 own lawyer. I'm asking information peculiarly within 16 the sphere of Mr. Urick. In no way based on Mr. Wild's 17 testimony within Mr. Wilds basis of personal knowledge 18 or hearsay knowledge from that. In light of that, in 19 response to the Court I certainly would take advantage 20 and ask the Court to have Ms. Benaroya here and request 21 a hearing outside the presence of the jury. I believe 22 it's not privileged, but in the event any part of it 23 that is privileged Judge, well then you have competing 24 interest. 25 THE COURT: That's right.</p>	<p style="text-align: right;">Page 48</p> <p>1 information is. That the Court believes that I have 2 been provided by the State who has the obligation to so 3 provide it. 4 THE COURT: No, it wasn't that I am saying 5 that you were provided by the State. Merely -- merely 6 -- 7 MS. GUTIERREZ: Well, merely isn't a finding. 8 THE COURT: Well -- well, merely that you've 9 been provided by the State. One, I have found and you 10 are aware of it because you made use of it, you have a 11 copy of the plea agreement which was provided in 12 discovery by the State. 13 MS. GUTIERREZ: Which has a number that does 14 not relate to a charge. 15 THE COURT: But the sum of substance of the 16 plea agreement is contained therein. You also have the 17 testimony of Mr. Wilds. Although the information that 18 you have received by way of his testimony is one that 19 has come through a course of a number of days. You've 20 gotten it six or seven days ago on Friday, you got 21 additional information yesterday and I find that you 22 have an adequate amount of information in order so that 23 you can one, prepare your defense and utilize the 24 information. 25 Two, challenge the credibility of the witness and</p>