

Episode 8: The Deal With Jay

-MailChimp Ad-

-Audible.com Ad-

Ira Glass

Previously, on Serial...

Deirdre Enright

I think the odds of you getting the charming sociopath-- you're just not that lucky.

Adnan Syed

With Jay, it was more so kinda like -- in my mind I was like, "maybe the police are putting him up to this."

Jenn Pusateri

I said, "what was your involvement? Were you involved?" He said no.

Detective

Before you stated you'd be willing to take us out and show us where the vehicle's parked.

Jay

No problem.

Detective

Are you still willing to do that?

Jay

Yes sir.

Automated voice

This is a Global-Tel link prepaid call from Adnan Syed an inmate at a Maryland Correctional facility. This call will be recorded and monitored. If you wish to...

(brief interlude with music)

Stella Armstrong

Okay. My name is Miss Stella Armstrong. Baltimore, Maryland.

Sarah Koenig

And you were a juror on the Adnan Syed case, right?

Stella Armstrong

Yes I was.

Sarah Koenig

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

I wanted to know, from Stella Armstrong, why she voted to convict Adnan Syed. She immediately talked about Jay, that she believed him.

Stella Armstrong

Like I said, it's been a while but I remember the one young man who was supposedly his friend, who had enabled him to move the body. That struck me that "why would you admit to doing something that drastic if you hadn't done it?" You know what I mean? For what reason? What was he going to gain from that? He still had to go to jail.

Sarah Koenig

Yeah. Actually he didn't go to jail.

Stella Armstrong

Oh he didn't? The friend didn't?

Sarah Koenig

No. He walked.

Stella Armstrong

Oh! That's strange. That's strange.

Sarah Koenig

I asked Stella the same thing I ask anyone who has come into contact with Jay. What is Jay's deal? And by that I don't mean his plea deal, that he plead guilty to accessory after the fact in a first-degree murder, testified against Adnan, and got no prison time as a result. I'll talk more about that in another episode. What I mean is, "what did *you* make of Jay?" Which, of course, is code for "what am *I* supposed to make of Jay?" How did he come across, sitting up there on the witness stand?

What was his demeanor on the stand? What kind of kid did he seem like?

Stella Armstrong

He seemed like he was streetwise, can I-- I hope that's the best way to put it. He seemed like he got around in the neighborhoods, or he was able to take care of himself. He reminded me of-- he would be that friend if you got in trouble you would call. You know what I mean? Say if I was back in high school and somebody was bothering me, he reminded me of somebody I would call to help me. Like if somebody was fighting me, or--

Sarah Koenig

So it was believable to you that he would be that guy for Adnan, like he would be the guy Adnan would turn to.

Stella Armstrong

Yeah, yeah. That was my impression. Because we all have somebody in our life like that, you know. You may know a cousin or a relative who if something goes wrong, you think you can call to help you.

Sarah Koenig

When you just said that, I just did a very quick scan of all of my contacts in my family and I feel like I can't think of one. They're all so useless! (laughs)

Stella Armstrong

We won't say "they're all so useless."

Sarah Koenig

The Jay that Stella saw at trial, he was wearing a tie, sometimes a jacket. He's handsome, he's tall and thin. You can see in the trial video how he has to bend over a little each time he speaks into the microphone in front of him. Since Jay's credibility was the State's case, Adnan's attorney, Christina Gutierrez, tried to rip it to shreds. That essentially *was* her defense. She uses the words "truth" and "lie" as often as possible in her cross-examination. There were many exchanges like this one. Gutierrez asks him, "and now your second interview on tape, that you were *not* telling the truth, were you not?" Jay says:

Jay

I was not telling them everything, no.

Christina Gutierrez

What you were telling them were *lies*. Were they not?

Jay

Some.

Christina Gutierrez

So the answer to my question is “yes, I was not telling the truth,” is it not?

Prosecutor

Objection.

Judge

Sustained.

Sarah Koenig

Gutierrez asks Jay about Best Buy. About how Jenn Pusateri told him there were security cameras in the parking lot and at the entrance. If Jay didn't kill Hae, why would Jay care whether there were cameras there, she asks. She puts it to Jay almost casually.

Christina Gutierrez

You have us believe--

Prosecutor

Objection.

Christina Gutierrez

--that you had nothing to do with the death of Hae Lee, right?

Judge

Sustained.

Christina Gutierrez

One more question. Did you kill Hae Min Lee?

Jay

No ma'am.

Christina Gutierrez

You weren't present when she was killed.

Jay

No ma'am.

Stella Armstrong

The defense attorney tried to make him-- well basically she was trying to show that Jay killed her, and was blaming it on Adnan. That's what I remember. Nothing led us to believe that he had a motive to kill Miss Lee. That really stayed with me because she was so adamant that he was a liar.

Sara Koenig

Right, so you just didn't buy that he was lying about it.

Stella Armstrong

I didn't buy that it was a lie. I bought the fact that he was telling the truth about what happened at that moment.

Sarah Koenig

Jay took the stand on five different days during the second trial. This must have been a harrowing, nerve racking stretch in his life, but large swathes of the trial itself are really boring. Not just the procedural stuff, that's always boring, but the cross-examination was boring. Even of the star witness. One defense attorney I talked to said that boringness can be a strategy. She said lawyers know that

people can only pay close attention for so long. Forty-five minutes, an hour, before they start to flag. So it's not theatrics that gets people to crack, it's tedium; which would explain so much of what Gutierrez was doing if in fact that was what she was doing. She spends a lot of time on streets for instance, the trajectories of different roads, whether they travel northeast, or northwest, whether their names change as they cross from the city into the county, on buildings, how they're situated.

Christina Gutierrez

And *that* Best Buy is a boxy structure with the Best Buy logo at an angle, is it not?

Jay

Yes ma'am.

Christina Gutierrez

And it's plainly visible from Security Boulevard, is it not?

Jay

Yes ma'am.

Christina Gutierrez

Right at the (cough covers speech) it changes its name, there's a light there that if you were not on Security Boulevard, but on that street and you went straight you would go into the parking lot of Security Mall, correct?

Jay

Yes ma'am.

Sarah Koenig

Jay doesn't crack though. He is alert, he is polite, he is he stays with her. He stays with her when she's calm and soothing and boring, and he stays with her when she gets a little more shouty. He sticks to the "yes ma'am, no ma'am" answers which, if I had to guess, is probably seventy-five percent of what

Jay says in cross. There is a part where Gutierrez tries to suggest that Jay was cheating on his girlfriend Stephanie with Jenn Pusateri.

Christina Gutierrez

If you were stepping out on Stephanie, that would have had impacted on your relationship, would it have not?

Jay

With whom?

Christina Gutierrez

With anyone.

Jay

With Stephanie?

Christina Gutierrez

If *you* were stepping out on Stephanie, you understand what that term means don't you?

Jay

Yes ma'am.

Christina Gutierrez

Okay, if you had another girlfriend, anyone, any name, any where, that would have impacted with Stephanie would it have not?

Jay

I didn't hear the last part.

Christina Gutierrez

If you were stepping out with any girl of any name, from any location, that would have impacted your relationship with your girlfriend Stephanie would it have not?

Jay

Yes ma'am.

Christina Gutierrez

And you were always aware of that, weren't you?

Jay

Yes ma'am.

Sarah Koenig

Even when he gets irritated, Jay is civil. "Excuse me, your honor," he says when Gutierrez gets loud, "could you ask her to stop yelling in my ear please?" Gutierrez died a few years after this trial, so I can't ask her, but I have to think nothing she's doing here is accidental. She was a successful, sought after defense attorney. She was aggressive. And obviously the courtroom is no place for pulling punches, but you gotta wonder whether moments like this hurt Adnan's case rather than helped it, because, Jay seems like the underdog. It's Baltimore. Half the jury is black, seven out of twelve actually. Jay probably comes off as a nice young man and this white lady is yelling at him. Sometimes unwittingly or not, Jay's testimony is almost poetic. He says he told Jenn Pusateri to be honest with the detectives because "the lies that we were telling to try to protect each other were clouding the truth." When he's asked why he didn't warn Hae that Adnan wanted to kill her, he says it was because he didn't think Adnan was serious. "I took it as a grain of sand instead of concrete." And when he's asked why the image of Hae in the trunk of a car stuck with him, he says "I've never seen anyone dead before, and the first thing I thought was how fragile Stephanie was."

People lie in court under oath all the time. Witnesses lie. Lawyers lie. Police lie. This should come as a shocker to no one. I'm not saying that's what happened here, I'm just saying that I'm not assuming that everyone who participated in Adnan's trial told the truth. But clearly the jury found Jay believable, or believable enough. After a six week trial, they convicted Adnan in just two hours. We talked to six

jurors and none of them had any lingering doubts about the case. None of them wondered if the investigation was shoddy. None of them were much bothered by how Jay's statements to police had shifted over time. So am I wrong to be hung up on that?

Jim Trainum

No.

Sarah Koenig

I should be concerned about the inconsistencies?

Jim Trainum

I'm concerned about them.

Sarah Koenig

You are?

Jim Trainum

Yes.

Sarah Koenig

As I've mentioned, the detectives involved in this case didn't want to talk to me for this story, so I turned to this guy.

You are Jim Trainum. James? Do you like James or Jim?

Jim Trainum

Jim is fine.

Sarah Koenig

Jim Trainum, and we've-- we hired you, because unlike me, you're a real detective. (laughs)
I'm just playing one on the radio.

Jim Trainum used to be a homicide detective in Washington D.C. A jurisdiction not too different from Baltimore. He's now become something of an expert on false confessions, and an advocate for better interrogation techniques. He goes around the country doing presentations about it. We gave Trainum everything we had on this case. Files, tapes, transcripts. Again, I want to be clear, we paid him for his time. It's a huge amount of material to go through. I wanted Trainum to weigh in on two things. First, just overall, how would he rate the investigation into Hae Min Lee's murder? Did the detectives do a good job, or did they screw it up? And second, how should I be thinking about Jay as a witness? What were the detectives seeing that maybe I wasn't? Trainum said yes, he thought the inconsistencies were a problem too. But he also said "don't forget the flipside."

Jim Trainum

But I'm also looking at some of the consistencies too. He took them to where the car was.
That's a huge thing right there.

Sarah Koenig

Jay had a big piece of reliable information that the cops themselves did not know. Where Hae's car was. Plus, Trainum said, Jay's story completes a circle for the cops. They were suspicious of Adnan from the beginning, then from Adnan's cell records, they get to Jenn, who leads them to Jay, who tells them it's Adnan. So their suspicions have now been borne out, thanks to Jay, through Adnan's own phone. A satisfying investigative circle. A murder case, on a silver platter, says Trainum.

Jim Trainum

He puts it on who they consider to be the logical suspect. I mean yeah, it's pretty much a dream case.

Sarah Koenig

Part of what Trainum does is review investigations, and he says this one is better than most of what he sees. The detectives in this case were cautious and methodical. They weren't rushing to grab suspects

or to dismiss them either. The evidence collection was well documented. I didn't expect to hear that even though it's basically a one witness case, the cell records mostly don't match Jay's statements, there's no physical evidence linking Adnan to the murder. Despite all that, to an experienced detective like Trainum, this looks like a pretty sound investigation.

Jim Trainum

I would say that this is better than average.

Sarah Koenig

Wow.

Jim Trainum

But what I'm saying is this: the mechanics, the documentation, the steps that they took, and all of that, they look good. Okay? I would have probably followed this same route. However, what we're unsure of is what happened to change Jay's story from A to B, and we do not know what happened in the interrogating-- those three hours and that will always result in a question as to what the final outcome should have been.

Sarah Koenig

Here's what he's talking about. In both of Jay's taped statements, there's a before. A period of time before the tape recorder is turned on. When the cops first bring Jay in on February 28th, they talked to him for about an hour before the tape went on. Then, on March 15th, the second interview. Jay signs his initials to an official explanation of rights form at 3:15 p.m. Then the tape starts.

Detective

Today's date is the 15th of March. It's approximately twenty minutes after six at night.

Sarah Koenig

6:20 p.m. So from 3:15 to 6:20, three hours have gone by since Jay signed that form. This is what's called the pre-interview, and Trainum says, that's where the mischief can happen. The contamination. Not necessarily intentionally, but it happens. The pre-interview was when the cops and the witness kind of iron out the statement so it can be taped as a coherent thing. That was standard procedure back

then. Now, like a lot of jurisdictions, Baltimore homicide detectives videotape the entire interview from the moment the person steps in the interview room. On March 15th, we know the cops had shown Jay at least some photographs from the investigation, they refer to that on the tape. And Jay says at trial that he was confronted with the cell records during that interview as well, so you have to wonder, said Trainum, whether he was massaging his story to fit what the cops wanted to hear. The inconsistencies in Jay's statements that the cops are catching him in, Trainum says, cops are used to that. Every confession has inconsistencies. You just need to understand why they're happening. Is he minimising his role? Is he protecting someone? In Jay's case, yes and yes. But how do you make sense of the inconsistencies that don't seem to have a purpose, like the one about going to the cliffs at Patapsco State Park that afternoon, how it drops out of the narrative at trial.

Sarah Koenig

--and from where I sit, I'm like, yeah, it doesn't work because it doesn't fit your timeline. He can't get back to track in time. If you went out and smoked a joint. You know what I mean, anyway, I'm getting too deep in--

Jim Trainum

No, no, you're not at all because I think that one of the biggest problems that we have with the way that we interview and interrogate here. The fact that we have a excellent witness-- we've got somebody who is giving us the whole case right here, he's broke it wide open for us, we don't want to ruin him, you know? So how much do you want to push, how much do you want to create "bad evidence?"

Sarah Koenig

But, there's no such thing--

Jim Trainum

It's an actual term, called "bad evidence." Right. You don't want to do something if it is going to go against your theory of the case.

Sarah Koenig

But, see-- I don't get that. I mean that's like what my father always used to always say, "all facts are friendly." Shouldn't that be more true for a cop than for anyone else? You can't pick and choose.

Jim Trainum

Rather than trying to get to the truth, what you're trying to do is build your case, and make it the strongest case possible.

Sarah Koenig

But, how can it be a strong case and how can he be a great witness if there's stuff that's not true, or unexplained.

Jim Trainum

--and the comeback is is that there is always going to be things that are unexplainable. Like I said, also remember, verification bias is kicking in here, as well. "I want to believe you, because you're my witness and I think this is what happened" and all that. "So, the fact that you're giving me something that's inconsistent, that doesn't fit my theory of the case." What does verification bias cause you to do? Ignore it and push it to the side. That's what they're doing here, with these inconsistencies, they're kind of pushing them aside.

Sarah Koenig

Trainum said it was curious to him, that the cops never searched Jay's house for instance, that they never subjected him to a polygraph. Again he said, maybe that's because he was on their team now, helping, so you didn't want to push too hard. He said the cops "probably settled for what was good enough to be the truth." He said he did have doubts about Adnan's claim of innocence but that he definitely thought there was something "off" about this case. That we still don't know what happened in this murder. We still don't have the true story.

Jim Trainum

I don't believe Jay's version. I think that there is a lot more to it than that. I feel that he's definitely minimizing his involvement. To either protect himself, he's doing it for one of three reasons: to protect himself, to protect somebody else, or because Adnan did it and was right there with him.

Sarah Koenig

Right, right.

Jim Trainum

But, I cannot prove that he is giving it to me without contamination. The real problem is is that, how do you prove it one way or the other?

Sarah Koenig

Right.

Sarah Koenig

Trainum says the answers we want probably live in those unrecorded pre-interview hours. A black hole of crucial information.

Since this stuff wasn't all videotaped, there were holes that, as you're saying, we are never going to know the answer. But for things that I *could* know the answer to if you're me, what's the biggest thing I need to figure out then?

Jim Trainum

Get Jay to talk.

Sarah Koenig

Okay, okay.

Julie Snyder

We passed the city limit.

Sarah Koenig

My producer, Julie Snyder and I, went to see Jay. We did not warn Jay we were coming, which is not the gentlest reporter move, I know. But I thought we'd have the best chance of success if we met him face to face, so we could make our case for why we wanted to talk to him and he could have a better sense of who we were and what we were about. But, because it's also sort of a dick move to show up at someone's door like that, Julie and I were nervous.

I am so hyped up, listening back to the tape, I wanted to give myself a Xanax.

Sarah Koenig

I feel super excited to talk to him, like so excited to talk to him, I can't tell you. Like, if this works, he knows, he knows everything we want to know, every questions we've had for the past eight months. Seven months, he knows it. Whether or not he tells us is a different thing but he's a treasure chest of answers that we've been looking for this whole time and he has it, he's it. But, whether or not he opens the door, or if he's even home, we don't even know if he's home!

Sarah Koenig

We arrived, Jay was not home, so we came back again many hours later, knocked. Jay answered the door, tall and skinny and exhausted looking. A beer in his hand. It was Friday, probably the end of a long workday for him. He nevertheless invited us in, asked us to sit down. We didn't record anything, we stayed about 20 minutes maybe. It was a tense meeting, and an emotional meeting, in fact. Afterwards, Julie and I felt like we'd walked into a stranger's house, lobbed a grenade onto his living room carpet and then waved goodbye. We debriefed back in the car.

Julie Snyder

Here's the first thing he said, I mean he said that there are a lot of people who say they don't think Adnan did it. He very forcefully said, "well then who did?"

Sarah Koenig

That's right, he said, "who did? I was there, I saw it, I know what I know." He was very forceful, "I can't even believe that he won't even man up and admit it." He just totally scoffed at the idea that, Adnan would be claiming his innocence. He was very calm, like how would you describe his demeanor?

Julie Snyder

Tired. Yeah, he seemed tired and wary. But actually very polite and actually sort of very sweet, and, tired and-- but he also said "I'm feeling so much animal rage right now even you bringing this up right now." Which, he does a good job of, keeping it in, because he didn't seem like he was about to-- I mean actually you could kind of see him about to hit something, but in a more frustrated, understandable way.

Sarah Koenig

Jay was, understandably, skeptical of us and of our motives. When we left, Jay said he'd think about an interview and get back to us. He left a strong impression. On Julie maybe, even more than on me.

Julie Snyder

Even just hearing him so forcefully deny, you know? And so forcefully say "I know he did it." You know, you're face to face, he's right there, he's a person. He's saying it. He seems like he really means it. This is not pleasant for him to talk about. And so, it sounds believable.

Sarah Koenig

It does, I totally saw the appeal of him, as like a person and a friend and a witness.

Sarah Koenig

Jay and I corresponded sporadically by e-mail in the weeks following our meeting. He said he wasn't afraid of the truth. Finally, in so many words, Jay declined an interview.

So, what is the deal with Jay? I talked to dozens of people. Mostly his friends and classmates. Kids who knew him from Woodlawn High School, they have a range of opinions about whether he was a good guy or not a good guy. But they all agreed, that he defied categorization. He was different.

Male Voice #1

He was like the Rodman of our social world.

Male #2

He was the one black kid that had a lip ring and listened to Rage Against the Machine and you know--

Female Voice #1

He would dye his hair different colors. Like, I think one time he had it red and another time he had it blonde. But the blonde lasted for a long time, I remember the blonde for sure.

Male #3

I remember he had a BMX belt buckle. And he had a belt buckle, like who the hell had a belt buckle?

Female #2

Basically, Dennis Rodman is the best way I can describe it.

Male #4

You know, if he was at my house and my mom came home and he left, she'd be like, "who's that and why is he here?"

Male #5

It was like, whoa, he's a weirdo. At the time, *I* didn't know too many black guys that were into all of those piercings and shit and the big gothic jeans like that. Again, Woodlawn was a fairly

black neighborhood, black community, black-- predominantly black high school, and at seventeen, anything different from you is weird.

Sarah Koenig

So Jay didn't look like the other kids at school and he also didn't act like the other kids at school. He loved animals, he once bought a giant rat eating frog, and he loved the outdoors. Fishing, hiking, swimming. He rode BMX bikes at an old skate park. He played lacrosse for Christ's sake.

Male #6

I think Jay was actually pretty good at lacrosse. Tall wiry dude, he could run for days, there was no training needed for that kid, he could just run forever, which is a good thing as he wasn't the type to put in a ton of training in.

Sarah Koenig

Right, because he wasn't a jock. He was more of a stoner people said. He didn't seem to care whether he fit in.

Male #7

And he always seemed very honest with who he was. He was kind of this, beautifully unconventional guy.

Sarah Koenig

Jay didn't come from the same kind of household as a lot of the other kids he hung around with. He lived with his grandparents and his mom, but his friends say it seemed like he was more or less taking care of himself. He always had a job, his mother depended on him. Jay wasn't in the magnet program at Woodlawn, he was "Gen Pop", their term, not mine, like General Population at a prison. Anyway, he hung out with some of the magnet kids because his girlfriend Stephanie was in the program.

People told me contradictory things about Jay. Three women who knew him from Woodlawn, including one teacher, told me unflattering things about him. Nothing terrible, just that he was mean, or intimidating. Some kids thought of him as "shady", that you wouldn't want to push him. You got the sense that if you cross Jay, he'd come after you.

But then, I also heard descriptions of Jay that included the word “goofy” or “stoner”, or that the thuggish vibe was just a pose, something Jay put on to seem tough.

Chris

He’s, he’s an alpha, he’s definitely an alpha male.

Sarah Koenig

This is Chris who says he was one of Jay’s best friends around this time. He said Jay might say, slug you as you’re walking down the hallway at school, but he wasn’t mad or anything, he’s just messing around. Boys will be boys kind of stuff. Chris remembered this one story where it seemed to me all the different versions of Jay I’d heard, the goofy and the scary, were contained in it.

Chris

You know, we’d have weird arguments sometimes I remember outside of one of my cousins houses he tried to stab me because I hadn’t been stabbed before, so we got into a fight over-- actually I *gave* him a knife because I worked at a knife shop.

Sarah Koenig

Oh.

Chris

I gave him a knife and then he tried to stab me with it, so we were literally like fighting outside of my cousin’s house and he’s like “yo, I’m not gonna stab you deep but you never been stabbed before, you need to know what it’s like,” and I’m like “yo, I’m not gonna let you stab me.”

Sarah Koenig

I talked to three people who said they knew Jay well, or hung out with him around the time of the crime and I asked them if he ever told them about what happened. I went to Chris first because when Jay spoke to detectives that first night during his first taped interview, Jay mentioned Chris by name. The cops had asked Jay if he had told anyone else about Adnan committing this murder and Jay said he’d told Chris. Chris told me police never questioned him, not that he could remember anyway and he thought he’d remember something like that. There are no notes in their files about an interview with

Chris. But Chris said it was true, Jay did tell him about what had happened, but his version, the building blocks are the same but the surrounding details are unfamiliar. Of course, giant caveat, it's fifteen years later that I'm asking Chris to tell me, but for comparison purposes, here goes.

Chris says Jay told him he was at a pool hall out on Route 40 and Catonsville when he got a call from Adnan. The pool hall was either VIP or Bluejays, Chris says, they were across the street from each other at the time.

Sarah Koenig

He told you that Adnan came to get him when he was at a pool hall.

Chris

He was shooting pool, Adnan called him he was like "yo, I gotta talk to you," and he was like "yo I'm busy." "Yo, where are you" and he told him where he was. Adnan showed up and he's like "oh I gotta talk to you" and he's like-- this was a little tug of war for a while and Adnan eventually convinced him to come outside with him and his car or, I don't know if he was driving his car or Hae Lee's.

Sarah Koenig

In this version the trunk pop happens at the pool hall. Chris said Jay told Adnan he wanted nothing to do with it but Adnan forced him, told him he was in it now, he was an accessory and he knew Jay couldn't go to the cops because of his own illegal activities so Jay was stuck. He helped bury the body. Chris figured Leakin Park was likely Jay's idea rather than Adnan's. Chris's information about the crime itself doesn't quite match the State's version. He said, Jay told him that Adnan confronted Hae about flirting with another guy, a car salesman and when she called Adnan crazy, he snapped and strangled her. And Chris said he heard this happened in the parking lot of the Woodlawn Public Library. Remember that's the one that's right on campus where Asia said she saw Adnan that day.

Chris says Jay told him that Adnan threatened to kill Stephanie if Jay didn't keep his mouth shut. This is not the first I'd heard about something like this. Jay told the cops that he worried that Adnan would hurt Stephanie too and he also testified at trial that Adnan has made it clear that he could get to Stephanie any time he wanted since they were such good friends. Stephanie herself tells the cops, this is in their notes of their conversation with her, that Jay told her to stay away from Adnan. Chris says

Jay told him Adnan showed up at Jay's house with Stephanie not long after the crime and made a gesture to indicate "I'll hurt her if you're not careful."

Chris

So Stephanie goes inside past Jay and he steps out onto the porch with Adnan and he says "you're not going to terrorize me," and Adnan says "you keep your mouth shut or something's going to happen." If he had any weakness, it was Stephanie. Jay would do, he would move heaven and earth if it came to protecting Stephanie.

Sarah Koenig

I talked to Laura, a friend of Jay's and Stephanie's and Jen's *and* of Adnan's. Back then she was Laura Estrada Sandoval. She was close with Stephanie, they played sports together.

Laura

Her parents didn't agree with their relationship because he was just-- they felt he wasn't going to amount to anything. He wasn't going to school. Stephanie, she's beautiful. She was a star athlete. She got a scholarship at college. She's perfect you know. She ran the fastest, she was always in shape no matter what. She could eat anything and she always saw the good in people no matter what, no matter if her parents were telling her he's not a good influence on you. But because she loved Jay so much, she was going to support him regardless. She was his good thing in life. He was like, "out of all the craziness, Stephanie was his amazingness."

Sarah Koenig

Stephanie didn't want to talk to me and no one I spoke to who knows her wasn't surprised by that. To a person they said she never talked to them about what happened either. They said it was like a wall came down and they couldn't penetrate it. Laura told me it kind of did in their friendship because Laura really needed to talk about it and Stephanie wouldn't, or couldn't.

Laura hung out with Jay all that summer before the trial and she says they just didn't discuss it. Hae's murder was this enormous, sad, frightening elephant nobody wanted to go near. Jay's friend Patrick told me he couldn't get Jay to talk about it either.

Patrick

I think I just kept saying, “What happened? What in God’s name happened? In all this, like--”

Sarah Koenig

This Patrick by the way isn’t the one I’ve already mentioned in an earlier episode from the call log, different Patrick. This Patrick went to Woodlawn, he was a year ahead of Jay, so two years ahead of Adnan and Hae and Stephanie. Patrick lost touch with Jay when all this went down. He says he tried and tried to call but Jay never responded. Years later, maybe around 2005, Jay got back in touch one day and then they saw each other at a little party. Patrick asked him about it.

Patrick

I’d heard all of these like renditions and versions of stories from so many people, I figured, I have him in front of me now, I can get to the truth and he said “yeah, I was afraid he was gonna hurt Stephanie.” I said “like Adnan? He was gonna-- did he threaten her?” He just said he was afraid that he was going to hurt her so I think he took it as a threat but I remember when I pushed him for detail when I pushed him for more, it wasn’t-- I didn’t get it.

Sarah Koenig

He wasn’t going to go any further with it.

Patrick

He just wasn’t, you know and there was a lot of it-- kind of the chummy punching me in the shoulder kinda like “c’mon man, let’s just drink beer and hang out.”

Sarah Koenig

Patrick says the Stephanie explanation sounded pretty thin to him, but he couldn’t get anything else out of Jay and figured it wasn’t his place to force it. I asked all Jay’s friends I spoke to whether they thought Jay was telling the truth about what happened that night. I got some curious answers because his friends say Jay has a reputation for lying, but not for lying about something like that, something so big. Sort of the same way he had a reputation for being scary, but not scary-scary.

Cathy

The first thing that popped into my head was “Jay lies. That’s why he does that. Jay lies about everything.”

Sarah Koenig

That’s Cathy. Again, that’s not her real name or her real voice. She’s the person who said Adnan was acting weird at her apartment that night of the murder when Jay brought him over.

Cathy

When you were talking about it and saying, well you know, Jay has all these inconsistencies and stuff. The first thing that popped into my head was “that’s because Jay lies. Jay doesn’t tell the truth.”

Sarah Koenig

But like about what? What kinds of stuff are you thinking of?

Cathy

Everything. I think he was kind of like, about everything, nothing. I can definitely remember sometimes when Jay was telling a story and he would clearly know it was bullshit. I remember one time looking at Jenn and Jenn would roll her eyes like “here we go again. This is such bullshit.”

Sarah Koenig

Both Chris and Patrick told me that Jay would tell them stories, tall tales almost, that they figured had to be made up, but then sometimes these stories turned out to be true. Cathy said “sure, Jay might lie about what he had for breakfast or even whether he went to Patapsco State Park on the afternoon of January 13 1999,” but she didn’t think that Jay was lying about the crime itself because she’s convinced Adnan is guilty based on Adnan’s behavior that night and what he was saying when he got that phone call at her house.

Then there’s Jenn Pusateri. Of all the people Jay told about this crime, I wondered most about Jenn. If she ever thought Jay was lying about that night. I spoke to her briefly at her work, she works at a

discount store. She wasn't rude, but she was totally uninterested in talking to me. She had nothing to hide, she said, she just did not want to talk about that time in her life, period. She did answer my one big question, though, and her answer was yes. She believed Jay then, and that hasn't changed in the intervening years. I said, yeah, but he did lie to you somewhat back then. Remember, he tells Jenn that night that he doesn't know where Adnan put Hae's body. That they don't know enough to go to the police. Jenn told me she could understand that kind of lie. That anyone in his position forced into something he wanted no part of, anyone might have told the same kind of lie. It didn't shake her trust in his overall story. Then she added, there *was* one thing she never believed. She said she never believed the murder happened at Best Buy, because she thought there would have been security footage, and that never came out. I told her it seems like maybe there really weren't security cameras at Best Buy back then, and she kind of shrugged and said: "Oh well, see, I don't know."

Plenty of people I talked to said when they heard Jay was wrapped up in a murder, it didn't surprise them. Adnan, they said no way, shocking. But Jay? Not so shocking. People also said they couldn't square Jay feeling threatened by Adnan. The dynamic of that just seemed wrong to them. But then there's Patrick, and Laura, and Cathy, people who'd spent a lot of time with Jay, people who *were* shocked by Jay's involvement. They couldn't see why Adnan would even turn to Jay for something like that, it made no sense. They said that wasn't the laid-back Jay they knew, the same thing almost every single one of Adnan's friends says about him. So they end up in this inbetween place where they can't quite wrap their minds around the story of that night. Here's Patrick again. To him, Jay was this intelligent, inquisitive, sweet, goofy guy, beautifully unconventional.

Patrick

I think part of me hopes-- I know this is so terrible to say. I hope in some way his hand was forced, that he was, that he had no choice, or that things were outside of his control, and maybe he was looking out for the safety and wellbeing of others, and he wasn't such a willing participant as he was, and I, certainly hope that he wasn't.

Sarah Koenig

That grappling you can hear in his voice, that's so common among this group of friends. People like Laura, who can't imagine Adnan killing anyone, but also can't imagine Jay doing what he said he did, or why he would lie about something so huge. If you're Laura and there's no scenario here you can rationalize, you're left with fog. This piece of tape I'm about to play you, it's my favourite piece of tape

from all my reporting so far, because I relate to it so precisely. It could be me talking to Laura, instead of the other way around.

Laura

Well then who the fuck did it, like, why would-- it doesn't make sense. Why would--
(stuttering) Hae was-- I can't-- I'm probably just as confused as you are.

Sarah Koenig

At Jay's sentencing for his accessory after the fact conviction, he's wearing a white shirt, his long arms hanging at his side. He's towering over his lawyer who's petite. She tells the judge all the stuff a defense attorney tends to cover at a sentencing, Jay's tough upbringing, that he didn't have adults helping him set a moral compass, that he's hard working and loves animals and is good with kids, that he's headed to college and wants to better himself. She says he underwent "rigorous and demeaning cross examination on the part of Christina Gutierrez" and she says he's remorseful. She says, just now he was weeping in the hallway about Hae Lee.

Prosecutor Kevin Urick tells the judge he's thoroughly pleased with Jay's participation in the case and impressed.

Kevin Urick

--as I said very satisfactory and I believe honestly testified and also I would say something you don't usually see I think he actually showed remorse during-- I saw real remorse on his part so I'd be happy to make that recommendation on his--

Sarah Koenig

The judge is impressed too and Jay does seem genuinely torn up.

Judge

Is there anything you wanna say before I impose sentence?

Jay

Just that, whatever you do decide, I'd like you to know that I have a real hard time even sitting here, because I feel like people look at me and they think I'm a horrible person and that, I'm really sorry for my part in what happened.

Sarah Koenig

The judge sentences Jay to two years probation, no jail time. His lawyer mouths the words 'thank you' to the judge. Jay leaves the courtroom with the only person who came with him that day, Stephanie.

Adnan didn't testify at his trial, which isn't unusual. Jurors aren't supposed to take that into consideration. The judge tells them so. That they are not allowed to hold that against a defendant when they're deliberating.

Sarah Koenig

Did it bother you guys as a jury that Adnan himself didn't testify, didn't take the stand?

Lisa Flynn

Yes, it did.

Sarah Koenig

That's Lisa Flynn, one of the jurors.

Lisa Flynn

That was huge. We just-- yeah, that was huge. We all kinda like gasped like, we were all just blown away by that. You know, why not, if you're a defendant, why would you not get up there and defend yourself, and try to prove that the State is wrong, that you *weren't* there, that you're *not* guilty? We were trying to be so open minded, it was just like, get up there and say something, try to persuade, even though it's not your job to persuade us, but, I don't know.

Sarah Koenig

So what *was* Adnan thinking while all this was going down? What do *I* know about Adnan that the jury didn't.

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 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. Special thanks today to the lovely Lisa Sternly, and to Jeana DeVito. 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. And from Audible.com. With over 150,000 audio books including titles across all types of literature, including fiction, non-fiction, and periodicals. To try audible today with a free audiobook mystery of your choice, go to audible.com/serial. Serial is a production of This American Life and WBEZ Chicago.

--Complete--