

Adnan Syed prosecutor speaks out

A letter from Kevin Urick

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Fourteen years ago we obtained a constitutionally valid conviction by jury of Adnan Syed. What is transpiring now is an example of defense tactics at their worst. The law allows a convicted felon a nearly never ending ability to continually attack the results we obtained. And the immunity provided to filings during litigation allows one to file accusations with impunity thus obtaining wide publicity for the accusation while knowing you cannot be held accountable for them and that the subject of the accusations basically has no way to respond.

Asia McClain was an alleged witness the defense knew about 14 years ago. Neither she nor the defense ever brought her to the State's attention. After investigating Ms. McClain's potential as a witness, Defense Attorney Gutierrez made a reasoned decision not to call her at trial.

The Defense filed a post conviction proceeding in 2010, and in preparation for that determined that Ms. McClain was a witness whose not being called at trial they could use to argue Ms. Gutierrez made a mistake. The defense contacted Ms. McClain and in response she contacted me.

I testified accurately about that conversation during the post conviction proceeding at a hearing in 2012. In January 2014 the relief asked for in the post conviction was denied.

Despite having been in contact with Ms. McClain, and knowing full well where she was and how to contact her, and despite hearing my testimony about our conversation, the defense never issued a subpoena for Ms. McClain either in their case in chief nor in rebuttal to my testimony.

Interestingly, about two or three weeks after an interview I gave appeared online, the defense filed the supplemental filing with great publicity, even issuing a press release to announce it. Was it in retaliation for my contradicting the slant the defense had been presenting to the public? Remember, they have immunity from civil suit.

In the "affidavit" Ms. McClain mentions her fear of the Syed defense team and supporters as well as outlining some of the contacts those persons had with her prior to her allowing the affidavit. I would ask that experienced attorneys review that affidavit for its credibility as well as its legal validity given that despite the fact the witness was known and available to the defense they never subpoenaed her.

And to my fellow prosecutors, I would say, we need to recognize that when court pleadings are used to publicly disseminate baseless attacks against one of us, should that smear campaign succeed, we all will be subject to like attack tomorrow.

— **Kevin Urick**