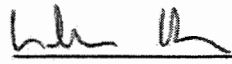


WILLIAM KANWISHER AFFIDAVIT

I, William Kanwisher, hereby affirm that the following is true and accurate to the best of my recollection:

1. I am currently employed as an investigator for the Federal Defender in Baltimore. Previously I was a practicing criminal defense attorney, at both the state and federal levels.
2. From approximately July 1997 to February 1999, I was an associate lawyer at the firm Redmond Burgin & Gutierrez. During this period I worked exclusively for Cristina Gutierrez.
3. During our time together, I became familiar with her practice methods as a criminal defense attorney.
4. I was recently provided with a copy of an alibi notice letter that Gutierrez sent to the State in *State v. Adnan Syed*, Case Nos. 199103042-46.
5. Although I did not work on the *Syed* case, there are several inferences I can draw from the notice itself and from Gutierrez' practice methods.
6. First, I am sure Gutierrez knew, as I knew then, that such an alibi notice does not lock a defense attorney into a particular strategy. In other words, a defense attorney is always free to amend her theory of the defense – and in this case amend her alibi theory. Gutierrez would not have been shy about this, and she would not have felt bound by this notice.
7. Second, this notice strikes me as an attempt by Gutierrez to, among other things, sow confusion. This was typical of her tactics. The large number of alibi witnesses would have possibly caused the State to use resources and time to track down those witnesses and investigate their reliability. It is probable that the long list of alibi witnesses was, in part, a red herring.
8. Third, the notice strikes me as an effort by Gutierrez to keep all of her options open. That is, she included in the list all possible witnesses she was aware of to preserve her ability to later use any particular witness as an alibi witness. That would have been typically how she used these types of notices in the course of her defense – to keep her options open.
9. Based on everything I know about Gutierrez, and the notice itself, I think it is wrong to conclude that the alibi notice in any way indicates that Gutierrez made a strategic decision not to interview and/or call as a witness Asia McClain.

  
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William Kanwisher

10/13/2015  
Date