

1 STATE OF MARYLAND * IN THE
2 * CIRCUIT COURT
3 VS * FOR
4 * BALTIMORE CITY
5 ADNAN SYED * IND. NO. 5B00351587 990000467

MARCH 31, 1999

THE HONORABLE DAVID MITCHELL, JUDGE

VICKI WASH, ESQUIRE, ASSISTANT STATE'S ATTORNEY,
FOR THE STATE OF MARYLAND

RECORDED BY: VIDEOTAPE

OFFICIAL COURT REPORTER AND TRANSCRIBER

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BAIL REVIEW

INDEX

3

1 THE COURT: STATE OF MARYLAND VERSUS ADNAN SYED. THIS
2 IS A PETITION FOR RELIEF UNDER THE -- A WRIT OF HABEAS CORPUS
3 ON THE QUESTION OF BAIL.

4 WOULD COUNSEL ANNOUNCE THEIR APPEARANCES FOR THE
5 RECORD, PLEASE?

6 MR. COLBERT: DOUGLAS COLBERT, 2508 PRESBURY,
7 BALTIMORE.

8 THE COURT: YES, SIR?

9 MR. FLOHR: CHRIS FLOHR FOR MR. SYED. GOOD
10 AFTERNOON.

11 THE COURT: GOOD AFTERNOON.

12 MS. WASH: VICKI WASH AND MARK COHEN ON BEHALF THE
13 STATE.

14 THE COURT: MR. BLACK, HEAR FROM YOU, SIR.

15 MR. BLACK: I WOULD LIKE FOR THE STATE'S ATTORNEY TO
16 GO FIRST.

17 THE COURT: COUNSEL?

18 MS. WASH: MR. BLACK REFERRED TO ME FOR THE FACTS.

19 YOUR HONOR, THE GRAND JURY AND THE BALTIMORE CITY
20 POLICE DEPARTMENT, THE HOMICIDE DIVISION, ARE STILL ACTIVELY
21 INVESTIGATING THIS CASE, BUT THE INVESTIGATION THUS FAR
22 REVEALS THE FOLLOWING: THAT THE VICTIM, HAMAN LEE (SIC) AND
23 THE DEFENDANT, ADNAN SYED, WERE STUDENTS AT WOODLAWN HIGH
24 SCHOOL. BOTH WERE IN THE ACCELERATED PROGRAM. THAT'S A MAGNET
25 SCHOOL FOR THE MATH AND SCIENCES. BOTH OF THE INDIVIDUALS

1 WERE EQUALLY GOOD STUDENTS AT LEAST.

2 THE VICTIM IS ASIAN AMERICAN. DEFENDANT IS A MEMBER
3 OF THE MUSLEM COMMUNITY, AND BY THE RULES OF THE MUSLEM FAITH,
4 AN INTERPERSONAL, SEXUAL, INTIMATE RELATIONSHIP IS FORBIDDEN.

5 THE DEFENDANT AND THE VICTIM, HAMAN LEE, HAD A
6 SEXUAL RELATIONSHIP. THEY HAD HAD THIS RELATIONSHIP FOR SOME
7 TIME. IN THE FALL OF 1998, THERE CAME A TIME WHEN THAT
8 RELATIONSHIP ENDED. THE VICTIM HAD MOVED ON. SHE WAS IN
9 ANOTHER RELATIONSHIP THAT WAS READILY ^{apparent} ~~PARENTS~~ TO EVERYONE IN
10 THE COMMUNITY, AND THAT SHE WAS VERY HAPPY IN HER NEW
11 RELATIONSHIP. THAT WAS APPROXIMATELY TWO WEEKS BEFORE SHE WAS
12 MURDERED ON JANUARY THE 13TH, 1999.

13 OUR INVESTIGATION WOULD REVEAL THAT MS. HAMAN LEE TO
14 LEFT WOODLAWN HIGH SCHOOL ON JANUARY 13. SHE WAS NOT SEEN
15 AGAIN UNTIL HER BODY WAS RECOVERED IN ^{Leah's} ~~LINCOLN~~ PARK ON FEBRUARY
16 9TH.

17 THE DEFENDANT WAS UPSET ABOUT THE BREAKUP. WE HAVE
18 EVIDENCE TO PROVE THAT. AND THAT HE HAD PLANNED THIS MURDER OF
19 HAMAN LEE SEVERAL DAYS BEFORE JANUARY 13TH, 1999. AND THAT HE
20 INDICATED THAT HE INTENDED TO KILL HAMAN LEE BECAUSE SHE BROKE
21 HIS HEART.

22 HE GAINED ACCESS TO HER CAR. HE STRANGLED HER INSIDE
23 OF HER CAR. HE TOOK HER BODY TO ^{Leah's} ~~LINCOLN~~ PARK WHERE HE DUG A
24 GRAVE AND BURIED HER IN ^{Leah's} ~~LINCOLN~~ PARK.

25 THOSE WOULD BE THE FACTS, YOUR HONOR, THAT OUR

1 INVESTIGATION HAS REVEALED THUS FAR.

2 MR. BLACK: FOR THE RECORD, LEONARD BLACK FROM
3 PRETRIAL SERVICES.

4 MR. SYED IS A 17 YEARS OLD, HIGH SCHOOL SENIOR AT
5 WOODLAWN SENIOR HIGH SCHOOL. DEFENDANT RESIDES WITH HIS
6 PARENTS AT 7034 JOHNNIE CAKE ROAD IN CATONSVILLE AND HAS
7 RESIDED AT THAT ADDRESS FOR THE PAST ELEVEN YEARS. DEFENDANT
8 WAS ARRESTED ON FEBRUARY THE 28TH AND IN THE BAIL HEARING
9 BEFORE JUDGE HUBBARD ^{???} IN THE DISTRICT COURT, BAIL WAS SET AT NO
10 BAIL.

11 MY INVESTIGATION REVEALED THAT DEFENDANT HAS NO
12 PRIOR ARRESTS IN EITHER THE ADULT OR THE JUVENILE SYSTEM, BUT
13 DUE TO THE RISK OF FLIGHT AND ALSO THE SERIOUSNESS OF THE
14 CHARGES, MY RECOMMENDATION IS THE BAIL SHOULD BE REMAIN NO
15 BAIL.

16 THE COURT: YOU SAID RISK OF FLIGHT. DEFINE THAT FOR
17 ME, PLEASE.

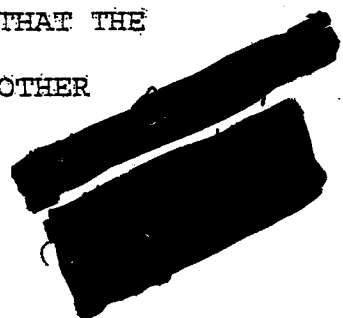
18 MR. BLACK: DEFENDANT IS IN THE POSSESSION OF A
19 PASSPORT.

20 THE COURT: SO ARE A LOT OF OTHER PEOPLE.

21 MR. BLACK: I UNDERSTAND THAT.

22 THE COURT: WHAT IS THE RISK OF FLIGHT IN SPECIFICS?
23 OR IS THIS A GENERAL CONCERN?

24 MR. BLACK: IT IS A GENERAL CONCERN IN THAT THE
25 PARENTS ARE OF ANOTHER NATIONALITY. ARE FROM ANOTHER



1 COUNTRY. AND THE DEFENDANT IS IN POSSESSION OF A PASSPORT.

2 THE COURT: I'M SURE COUNSEL FOR THE DEFENDANT WILL
3 ADDRESS THESE QUESTIONS, BUT IS THE FAMILY NATURALIZED AS
4 AMERICAN CITIZENS?

5 MR. BLACK: AS FAR AS I HAVE DETERMINED, THEY ARE.

6 MS. WASH: YOUR HONOR, I'M PREPARED TO ADDRESS THAT
7 IN REBUTTAL, THAT ISSUE.

8 THE COURT: SIR?

9 MR. COLBERT: YOUR HONOR, STATE'S ATTORNEY'S POSITION
10 HAS ALWAYS BEEN CLEAR. THEY'VE ALWAYS SAID THERE WAS NO BAIL
11 IN FIRST DEGREE MURDER CASES. THAT'S BEEN THEIR POLICY, THEY
12 TELL ME. AND SO 17 YEAR OLD ADNAN SYED GETS TREATED THE SAME
13 AS SOMEONE WHO IS ALLEGED TO BE A DRUG KINGPIN, A SERIAL
14 RAPIST OR SOMEONE WHO IS ACCUSED OF CAPITOL MURDER.

15 AND AS I BELIEVE YOUR HONOR WILL SOON AGREE, ADNAN
16 SYED IS SO VERY, VERY DIFFERENT FROM THE TYPICAL PERSON WHO
17 APPEARS IN THIS COURT ON THIS PARTICULAR CHARGE. IN FACT,
18 JUDGE, HE IS AS UNLIKELY TO BE AN ACCUSED IN THIS KIND OF A
19 CASE AS ANYONE HERE IN THIS COURTROOM.

20 THE COURT: I'M NOT HERE TO DECIDE WHETHER HE'S
21 GUILTY OR WHETHER THE STATE HAS A PROBABLE CAUSE QUESTION, I'M
22 HERE TO DECIDE WHETHER HE IS -- WHETHER HE IS A RISK OF
23 FLIGHT, WHETHER HE WILL RESPOND TO THE DEMANDS OF THE COURT.
24 THAT'S WHAT THE ISSUE IS. I'M NOT HERE TO TRY WHETHER HE DID
25 OR DID NOT COMMIT THIS CRIME. THAT'S A MATTER THAT WILL BE

1 DECIDED BY THE COURT IN AN APPROPRIATE SETTING AT THE PROPER
2 TIME, AS YOU WELL KNOW.

3 MR. COLBERT: JUDGE, ALL I WAS SAYING, MR. SYED IS
4 NOT THE TYPICAL DEFENDANT WHO IS ACCUSED OF A CRIME, THAT'S
5 ALL THAT'S ALL I SAID AND ALL I'M TRYING TO INDICATE IS WHY HE
6 IS NOT THE TYPICAL PERSON ACCUSED OF A CRIME.

7 FOR ONE THING, JUDGE, HE HAS NEVER BEFORE BEEN
8 ARRESTED FOR ANY CRIME. NEVER BEFORE. HE HAS ABSOLUTELY NOT A
9 SINGLE BLEMISH ON HIS RECORD. HE HAS NEVER, IN FACT, BEEN IN A
10 CRIMINAL COURTROOM. HE NEVER SPENT A DAY IN JAIL IN HIS LIFE
11 UNTIL THE LAST 31 DAYS HE HAS BEEN OVER AT THE BALTIMORE CITY
12 JAIL. HE HAS NEVER BEEN ON PROBATION OR PAROLE, NEVER
13 EXPERIENCED A COURT APPEARANCE. IN THAT SENSE, JUDGE, HE IS
14 QUITE DIFFERENT FROM THE AVERAGE PERSON APPEARING BEFORE THIS
15 COURT.

16 THE COURT: GRANTED.

17 MR. COLBERT: ALL RIGHT. THEN, JUDGE, WHAT ELSE MAKES
18 HIM DIFFERENT?

19 JUDGE, HE COMES FROM A FAMILY THAT IS AN INCREDIBLY
20 STRONG FAMILY. IT IS A CLOSE-KNIT FAMILY. HIS FATHER HAS BEEN
21 WORKING AS AN ENGINEER FOR THE STATE OF MARYLAND FOR MORE THAN
22 20 YEARS. HIS MOTHER, ^{Shamim}CHAMINE (SIC) -- BOTH PARENTS, BY THE
23 WAY, JUDGE, ARE IN THE FIRST ROW HERE WHERE I'M POINTING --
24 HIS MOTHER HAS RAISED HER FAMILY, WHICH INCLUDES ADNAN AND HIS
25 OLDER BROTHER, WHO IS A STUDENT AT TOWSON STATE AND HIS 9 YEAR

1 OLD BROTHER USIF (SIC). IT IS A CLOSE-KNIT FAMILY, A FAMILY
2 THAT BELIEVES VERY STRONGLY IN ADNAN'S INNOCENCE AND BELIEVES
3 VERY STRONGLY HE IS AN EXCELLENT RISK TO RETURN TO COURT WHEN
4 REQUIRED.

5 IN SUPPORT OF THAT BELIEF, JUDGE, THE SYED FAMILY IS
6 PREPARED TO PUT UP THEIR HOME, WHICH IS WHERE ALL OF THEIR
7 LIFE SAVINGS HAVE BEEN INVESTED. IT'S A FAMILY HOME THAT I
8 SUGGEST, JUDGE, SAYS A GREAT DEAL ABOUT THE FAMILY'S FAITH AND
9 TRUST IN ADNAN BECAUSE IT IS NOT SOMETHING THAT ANY FAMILY
10 WOULD DO LIGHTLY IF THEY THOUGHT THAT THIS YOUNG MAN WAS
11 SOMEBODY WHO WAS LIKELY TO GET INTO TROUBLE, WAS LIKELY TO
12 FLEE, WAS LIKELY TO ENGAGE IN IMPROPER CONDUCT.

13 ADNAN HAS BEEN A RESPECTFUL SON. HE HAS BEEN A GOOD
14 SON. HE HAS BEEN A GOOD BROTHER TO BOTH HIS YOUNGER AND OLDER
15 BROTHERS. AND SO WHEN THE FAMILY DECIDED THEY ARE GOING TO PUT
16 UP THEIR HOME TO SECURE HIS RELEASE FROM CUSTODY, ESPECIALLY
17 WHEN THEY ARE RAISING A NINE YEAR OLD BOY, IT SAYS A GREAT
18 DEAL ABOUT THEIR FAITH IN ADNAN'S ABILITY TO ALWAYS RESPECT
19 THE COURT'S PROCESS.

20 THE COURT: JUST SO YOU KNOW, MR. COLBERT, I
21 UNDERSTAND THE SIGNIFICANCE OF ANYONE PUTTING UP THEIR HOME AS
22 BAIL FOR AN INDIVIDUAL. THE GUARANTEE OF THAT PERSON'S
23 APPEARANCE IN COURT AND TO RESPOND TO THE DEMANDS OF THE
24 AUTHORITIES. THAT'S NOT A PROBLEM. I UNDERSTAND WHAT YOU'RE
25 SAYING. I UNDERSTAND THE QUOTE " UNIQUENESS OF THE

1 CIRCUMSTANCES".

2 I ALSO UNDERSTAND NOT EVERY PERSON CHARGED WITH
3 MURDER, EVEN IN THE FIRST DEGREE, REMAINS INCARCERATED UNDER A
4 NO BAIL CIRCUMSTANCE. JUST YESTERDAY AT THE REQUEST OF THE
5 PROSECUTING ATTORNEY, I RELEASED AN INDIVIDUAL CHARGED WITH
6 FIRST DEGREE MURDER ON THEIR OWN RECOGNIZANCE. SO SOME STAY
7 IN, SOME GO OUT. I UNDERSTAND THAT.

8 I DON'T HAVE A PROBLEM WITH THAT. I HAVE A PROBLEM
9 WITH THE QUESTION OF WILL HE ATTEND THIS TRIAL. I WANT YOU TO
10 DISCUSS THAT. I DON'T HAVE A PROBLEM THAT HE IS JUST AS GOOD A
11 SON AS SHE WAS A DAUGHTER.

12 MR. COLBERT: JUDGE, THE REASON I MENTIONED THE HOME
13 IS THAT I THINK IT REDUCES ANY CONCERN ABOUT FLIGHT WHEN THE
14 FAMILY IS PUTTING UP ITS HOME. BUT I WOULD GO BEYOND THAT,
15 JUDGE. I WILL ALSO SAY THAT THERE IS A COMMUNITY HERE IN COURT
16 TODAY THAT IS A VERY STRONG COMMUNITY. THAT'S IN THE OLD
17 FASHIONED SENSE OF THE WORD, COMMUNITY, JUDGE. THEY HAVE
18 WATCHED ADNAN GROW FROM A CHILD. MANY OF THE PEOPLE HERE ARE
19 PEOPLE WHO YOU WOULD ALMOST SAY THEY ARE AN EXTENDED FAMILY.
20 THEY CARE FOR EACH OTHER'S CHILDREN. IT IS SORT OF THE OLD
21 FASHIONED SENSE OF COMMUNITY. SO THE PEOPLE HERE IN THIS
22 COURTROOM REPRESENT THE DOCTORS AND THE TEACHERS AND THE
23 LAWYERS AND THE ACCOUNTANTS AND THE CORRECTIONAL OFFICERS AND
24 THE TEACHERS, AS WELL AS THREE RELIGIOUS LEADERS, ^{IMAMS} ~~EMONS~~ (SIC),
25 WHO ARE FROM DIFFERENT MOSQUES HERE IN BALTIMORE. SO THE

1 COMMUNITY IS HERE TO SAY, FIRST OF ALL, THAT THEY COMMIT
2 THEMSELVES TO PROMISE TO YOU THAT THEY WILL NOT ONLY SUPERVISE
3 ADNAN SHOULD HE BE RELEASED, SHOULD BAIL BE SET, BUT AT THE
4 SAME TIME, THEY WILL ALSO ACCOMPANY HIM TO COURT AS WELL.

5 BEYOND THAT, JUDGE, THE COMMUNITY IS PREPARED TO DO
6 SOMETHING ELSE. AND THAT IS THERE ARE THREE PEOPLE WHO ARE
7 PREPARED TO PLACE AS COLLATERAL BAIL PROPERTY. TWO OF THE
8 THREE PEOPLE, YOUR HONOR, ARE PREPARED TO PLACE THEIR HOMES AS
9 SECURITY. ONE OF THEM, JUDGE, IS THE INDIVIDUAL I GAVE YOU A
10 PACKAGE OF LETTERS YESTERDAY AND A DOCTOR RENLAP (SIC)
11 INDICATES THAT " I HAVE SO MUCH CONFIDENCE IN ADNAN, THAT I
12 WILL BE WILLING TO PLACE MY OWN HOUSE AS COLLATERAL FOR HIS
13 BAIL, I TRUST HIM SO MUCH, AND I'M WILLING TO TURN MYSELF IN
14 IF ADNAN WILL NOT SHOW UP AT AT HIS HEARING IF HE IS GRANTED
15 BAIL".

16 THERE IS ALSO THE FAMILY, HUSBAND AND WIFE, ALI AND
17 PHAREEHA (SIC) OF MANIGWALLA (SIC). THEY ARE ALSO PREPARED TO
18 PUT UP THEIR HOMES. BOTH FAMILIES ARE WIFE, HUSBAND AND
19 CHILDREN. SO WHEN THEY ARE PUTTING UP THEIR HOMES, THE
20 COMMUNITY IS NOT JUST SAYING THEY ARE GOING TO SUPERVISE HIM,
21 THAT THIS YOUNG MAN, WHOM THEY'VE SEEN GROW, WHO IS AN
22 IMPORTANT MEMBER OF THEIR COMMUNITY, WHO THEY'VE SEEN DEVOTE
23 ALL OF HIS ACTIVITIES TO THE YOUTH, TO THE ELDERLY, BUT AT THE
24 SAME TIME IN A VERY CONCRETE WAY, THERE ARE PEOPLE HERE WHO
25 ARE PREPARED TO PUT UP TWO ADDITIONAL HOMES.

1 BEYOND THAT, THERE IS A GENTLEMAN NAMED MR. THOMAS
2 WHO IS ALSO PRESENT HERE WHO WORKS FOR THE BOARD OF EDUCATION.
3 HE HAS FOUR SEPARATE PROPERTIES THAT HE IS PREPARED TO PUT UP
4 IF IT BECOMES NECESSARY TO PROVIDE THE COLLATERAL THAT WOULD
5 MAKE THIS COURT COMFORTABLE WITH SETTING A BAIL FOR MR. SYED.

6 BEYOND THAT, JUDGE, WHEN WE ADDRESS THE ISSUE OF --
7 THAT YOU HAVE RAISED CONCERNING FLIGHT WHICH PRETRIAL
8 MENTIONED, YOUR HONOR IS CORRECT THAT MR. SYED IS A CITIZEN OF
9 THE UNITED STATES AS IS EVERYONE HERE IN THIS COURTROOM.

10 THE OTHER PEOPLE WHO ARE HERE, THOUGH, JUDGE, I HAVE
11 BEEN ABLE TO ASK FOR A BAIL BONDSMAN, A BAIL BONDS WOMAN, WHO
12 IS PRESENT IN COURT AND SHE IS HERE IN THE COURTROOM AND HER
13 NAME IS RITA ^{Quintero} ~~CANTERO~~, AND SHE, TOO, IS PREPARED, IF YOUR HONOR
14 WANTS THAT TO BE A CONDITION OF THE BAIL, SHE, TOO IS PREPARED
15 TO SUPERVISE.

16 I HAVE ALSO BEEN IN CONTACT WITH CHARLENE DUNN, AND
17 IF HOME DETENTION IS A CONDITION THAT ALLOWS YOUR HONOR TO SET
18 A REASONABLE BAIL, MS. DUNN, TOO, IS PREPARED TO SUPERVISE.

19 IN ADDITION TO THAT, JUDGE, ADNAN IS PREPARED TO
20 SURRENDER HIS PASSPORT. TO MAKE SURE THAT HE CAN NEVER GET A
21 NEW PASSPORT, WE WOULD ABSOLUTELY PUT A BLOCK ON THE WHOLE
22 PASSPORT SITUATION.

23 HE IS ALSO PREPARED, JUDGE, IF THIS WAS SOMETHING
24 THAT WOULD SATISFY THE CONDITIONS OF RELEASE, TO SIGN A WAIVER
25 OF EXTRADITION. ONE OF THE FIRST CONVERSATIONS I HAD WITH THE

1 ASSISTANT STATE'S ATTORNEYS HAD TO DO WITH THEIR INSISTENCE
2 THAT THEY WERE GOING TO PURSUE A NO BAIL RECOMMENDATION AND I
3 ASKED WHY AND AT THAT POINT I WAS TOLD, WELL, YOUR CLIENT'S
4 FROM PAKISTAN. I SAID NO, MY CLIENT WAS BORN IN BALTIMORE, HE
5 HAS LIVED HIS WHOLE LIFE IN BALTIMORE AND IS A UNITED STATES
6 CITIZEN. WELL, THE ASSISTANT STATE'S ATTORNEY SAID, HE MUST
7 HAVE RELATIVES IN PAKISTAN. I SAID I DON'T KNOW WHETHER HE
8 DOES OR DOESN'T, BUT IT WOULDN'T BE UNUSUAL. MOST PEOPLE HAVE
9 RELATIVES OUTSIDE THE UNITED STATES.

10 SO THE ANSWER I GOT BACK WAS HE'S FROM PAKISTAN.

11 IT WOULD SEEM, JUDGE, THAT THE REASON WE HAVE A
12 STRONG SUPPORT HERE BY THE COMMUNITY -- WE HAVE OVER 6 HUNDRED
13 LETTERS OR PETITIONS THAT WERE SIGNED BY PEOPLE WHO ARE
14 PREPARED TO SAY THAT THEY BELIEVE THAT MR. SYED IS AN
15 EXCELLENT RISK TO RETURN TO COURT. THAT HE IS NO FLIGHT RISK
16 WHATSOEVER, AND FOR THOSE REASONS, JUDGE, IT WOULD SEEM THAT
17 THAT SHOULD SATISFY THE COURT'S CONCERNS.

18 I HAVEN'T EVEN DEVOTED MYSELF TO MR. SYED'S RECORD
19 AS A STUDENT, THE FACT THAT HE IS GRADUATING OR WAS DUE TO
20 GRADUATE HIGH SCHOOL WITH HONORS, THAT HE IS A NATIONAL HONOR
21 SOCIETY STUDENT, THAT WHILE HE WAS INCARCERATED, HE RECEIVED
22 TWO LETTERS OF ACCEPTANCE FROM THE UNIVERSITY OF MARYLAND AT
23 COLLEGE PARK AND U M B C'S PREMED HONORS PROGRAM. SO RIGHT
24 NOW, HE'S HOPING TO FINISH HIGH SCHOOL SO THAT HE WILL BE ABLE
25 TO TAKE ADVANTAGE OF HIS HARD WORK WHICH ALLOWED HIM TO BE

1 ACCEPTED INTO A PRESTIGIOUS UNIVERSITY PROGRAM.

2 I WOULD SAY, JUDGE, THAT THESE ARE THE STRONGEST
3 SIGNS OF MR. SYED'S STABILITY, HIS RELIABILITY, HIS
4 DEPENDABILITY. IN ALL OF MY 25 YEARS OF PRATICING IN
5 REPRESENTING PEOPLE, JUDGE, I HAVE NEVER COME ACROSS A
6 STRONGER SHOW OF SUPPORT FOR ANYONE. THE LETTERS THAT I
7 SUBMITTED TO YOUR HONOR YESTERDAY WERE JUST A SAMPLING OF THE
8 KIND OF WAYS IN WHICH PEOPLE KNOW HIM. THEY DON'T JUST KNOW
9 HIM FROM A DISTANCE, THEY'VE KNOWN HIM FOR MOST OF HIS LIFE
10 TIME OR AT LEAST FOR A SUBSTANTIAL PERIOD.

11 JUDGE, I WANT TO ADD ONE MORE FACTOR HERE. I KNOW
12 WE'RE LIMITED BY THE TIME.

13 THE COURT: CERTAINLY ARE, AND YOU'RE GETTING CLOSE
14 TO BEYOND IT.

15 MR. COLBERT: BUT WHAT I WANTED TO DO, JUDGE, IS I
16 WANTED TO INDICATE, AMONG ALL THE LETTERS THAT I WOULD HAVE
17 LIKED TO HAVE READY, OR AT LEAST EXCERPTED FOR YOUR HONOR,
18 THERE ARE TWO LETTERS.

19 THE COURT: GO AHEAD.

20 MR. COLBERT: THERE ARE TWO LETTERS. I KNOW WE TALKED
21 ABOUT THE PROFESSIONALS WHO ARE HERE, WE TALKED ABOUT THE
22 WORKING PEOPLE, WE TALKED ABOUT THE RELIGIOUS LEADERS WHO ARE
23 HERE, BUT WE HAVEN'T SAID MUCH ABOUT ADNAN'S CLASSMATES.

24 I MUST SAY, JUDGE --

25 THE COURT: I READ A COUPLE OF THOSE LETTERS.

1 MR. COLBERT: I KNOW THERE IS ONE YOUR HONOR DIDN'T
2 READ AND I MUST SAY, JUDGE, THAT THIS COMMUNITY AND ADNAN FEEL
3 ENORMOUS GRIEF FOR THE FAMILY OF HAMAN LEE. THEY HAVE SUFFERED
4 A TRAGIC LOSS HERE. THEY ARE HERE. ADNAN'S COMMUNITY IS HERE
5 AND HIS FAMILY IS HERE. BECAUSE THEY HAVE ONE QUESTION THAT
6 THEY'VE BEEN ASKING, WHICH IS WHERE IS THIS YOUNG MAN GOING TO
7 BE BETWEEN NOW AND HIS TRIAL? AND AT HIS TRIAL, OF COURSE,
8 THAT WILL BE THE OPPORTUNITY TO SEE WHETHER OR NOT THE STATE
9 IS NOT JUST PRESENTING CONCLUSORY INFORMATION, BUT WHETHER
10 THEY HAVE ANY EVIDENCE WHATSOEVER TO SUPPORT THESE
11 CONCLUSIONS.

12 THEIR INVESTIGATION IS CONTINUING AND IT CONTINUES.
13 THERE HAS NOT BEEN ANY INDICTMENT YET. BUT WHAT IS HERE,
14 JUDGE, IS THAT THERE ARE TWO LETTERS FROM TWO CLASSMATES, BOTH
15 OF ADNAN AND ALSO OF HAMAN LEE. IN FACT, BOTH STUDENTS WERE
16 FRIENDS, GOOD FRIENDS, OF HAMAN LEE AND ONE OF THE LETTERS,
17 WHICH IS NOT IN YOUR PACKAGE -- WELL, THE ONE THAT IS, JUDGE,
18 IS FROM CHRISTINA MACK, AND SHE TALKS ABOUT THE FACT OF HOW
19 SHE'S A JUNIOR AT WOODLAWN HIGH SCHOOL: "HAMAN WAS A VERY
20 GOOD FRIEND OF MINE. UNFORTUNATELY, TWO TRAGEDIES HAVE
21 OCCURRED AS A RESULT OF HER DEATH. PLEASE DO NOT ALLOW ADNAN
22 TO CONTINUE TO LIVE THROUGH THIS SECOND MISFORTUNE".

23 AND SHE GOES ON TO TALK ABOUT WHY HE IS THE KIND OF
24 INDIVIDUAL WHO SHE HAS A GREAT DEAL OF FAITH IN, AS HER
25 CLASSMATES DO. THAT HE IS ABSOLUTELY OF NO RISK WHATSOEVER OF

1 NOT APPEARING IN COURT WHEN HE IS REQUIRED TO DO SO. HE HAS A
2 VERY SOLID, STABLE GROUP THAT ANYONE COULD EVER EXPECT, HE
3 COULD NOT COME IN WITH MORE INFORMATION.

4 THE COURT: I NEED YOU TO WRAP UP, PLEASE.

5 MR. COLBERT: OKAY, JUDGE.

6 I WOULD SAY THAT THE OTHER LETTER IS A LETTER THAT
7 IS WRITTEN AND IT SAYS AS FOLLOWS: " I AM WRITING THIS LETTER
8 IN A HOPE THAT IT MAY PURSUADE YOU TO GRANT ADNAN SYED BAIL.
9 ALTHOUGH I WILL NOT SPECULATE ON THE FACTS OF THIS CASE, I
10 BELIEVE THAT THERE IS LITTLE BENEFIT OF ADNAN REMAINING IN
11 PRISON. A STRONG FRIENDSHIP BETWEEN ADNAN AND MYSELF OVER THE
12 PAST TEN YEARS HAVE REVEALED TO ME HIS LOYAL, HONEST AND
13 LAID-BACK NATURE. BECAUSE I ALSO DEVELOPED A CLOSE FRIENDSHIP
14 WITH HAMAN LEE, THE VICTIM IN THIS CASE, I DESPERATELY WANT TO
15 SEE JUSTICE DONE IN PROSECUTING HER KILLER. IN MY HEART,
16 HOWEVER, I AM BY NO MEANS CONVINCED THAT THE PERSON I KNOW AS
17 ADNAN SYED COULD BE CAPABLE OF COMMITTING SUCH AN ATROCIOUS
18 CRIME. PREVIOUS TO THIS SITUATION, BOTH HAMAN AND ADNAN HAD
19 BRIGHT FUTURES AHEAD OF THEM. HAMAN WILL OBVIOUSLY NOT BE ABLE
20 TO FULFILL THAT FUTURE. I STRONGLY BELIEVE, HOWEVER, THAT
21 ADNAN SHOULD BE GRANTED THE PRIVILEGE OF COMPLETING HIS FINAL
22 YEAR OF HIGH SCHOOL".

23 THE COURT: THAT'S AN INTERESTING POINT. I REALLY
24 DON'T WANT YOU TO READ THE WHOLE LETTER. THAT'S AN INTERESTING
25 QUESTION BECAUSE WHERE DO YOU THINK HE'S GOING TO FINISH HIGH

1 SCHOOL? DO YOU THINK WOODLAWN WILL ALLOW HIM TO RETURN TO
2 THAT SCHOOL?

3 MR. COLBERT: NO, JUDGE, I SUSPECT THAT HOME STUDIES
4 WILL BE THE PLACE THAT HE WOULD FINISH HIS HIGH SCHOOL. HE HAS
5 ONLY TWO COURSES TO GO.

6 THE COURT: DO YOU THINK THE UNIVERSITY OF MARYLAND
7 WILL ALLOW HIM TO MATRICULATE THERE WITH THESE CHARGES
8 PENDING?

9 MR. COLBERT: I THINK SINCE HE HAS FINISHED HIS
10 APPROVED HIGH SCHOOL PROGRAM, JUDGE --

11 THE COURT: I'M NOT TALKING ABOUT THAT. I'M JUST
12 RAISING THE QUESTION WHETHER YOU THINK THE UNIVERSITY OF
13 MARYLAND, COLLEGE PARK, IS GOING TO PERMIT THIS MAN TO
14 MATRICULATE WHILE HE'S PENDING A CHARGE OF FIRST DEGREE
15 MURDER?

16 MR. COLBERT: I CERTAINLY HOPE SO, JUDGE. I BELIEVE
17 IN THE PRESUMPTION OF INNOCENCE AND I WOULD HOPE THAT THE
18 UNIVERSITY WOULD ALSO.

19 THE COURT: I EXPECT THAT AS WELL. I AM NOT RAISING
20 THAT AS AN ISSUE, I'M RAISING THAT AS A CONCERN BY OTHER
21 PARENTS AND STUDENTS AT THE INSTITUTION. THE UNIVERSITY IS
22 CONCERNED FOR THEM AS WELL.

23 MR. COLBERT: THERE ARE SO MANY PEOPLE, YOUR HONOR,
24 WHO BELIEVE IN ADNAN SYED'S INNOCENCE. WE'RE NOT GOING INTO
25 THAT AT HIS HEARING. I UNDERSTAND WE ARE NOT GOING INTO THOSE

1 ISSUES, BUT I WOULD SAY THIS, JUDGE, AS MY FINAL COMMENT, WHAT
2 WE'RE ASKING FOR, YOUR HONOR, IS REALLY QUITE STRAIGHTFORWARD,
3 WE'RE ASKING THAT ADNAN SYED BE TREATED AS AN ACCUSED AND AS
4 AN ACCUSED, THE BAIL STATUTE OF THIS STATE REQUIRES THAT HE BE
5 -- THAT HE BE GIVEN BAIL UNLESS THERE ARE STRONG REASONS TO
6 BELIEVE, COMPELLING REASONS TO BELIEVE, THAT HE'S EITHER A
7 FLIGHT RISK OR A DANGER TO THE COMMUNITY. I DON'T THINK THAT
8 ANYONE WOULD SUGGEST THAT HE IS A DANGER TO THE COMMUNITY
9 BECAUSE THE COMMUNITY IS HERE SAYING THAT THEY ARE GOING TO BE
10 SUPPORTING HIM IN EVERY WAY AND THERE IS NOTHING IN HIS
11 BACKGROUND TO SUGGEST THAT.

12 I WOULD ALSO SAY, JUDGE, THAT BOTH THE MARYLAND
13 CONSTITUTION AND THE UNITED STATES CONSTITUTION PROHIBIT THE
14 SETTING OF EXCESSIVE BAILS. A NO BAIL SITUATION IS EXCESSIVE
15 AS ONE CAN ENVISION.

16 SO, WE WOULD ASK YOUR HONOR TO SET A BAIL. AND I
17 WOULD FINALLY ADD, JUDGE, THAT ALTHOUGH I WOULD HAVE LIKED TO
18 HAVE DONE FURTHER RESEARCH ON THIS, I WAS ABLE TO FIND SEVERAL
19 CASES YESTERDAY JUST BY LOOKING AT THE JAIL POPULATION. YOUR
20 HONOR MENTIONED ONE CASE YESTERDAY OF SOMEBODY GETTING
21 RELEASED ON RECOGNIZANCE. I FOUND FIVE CASES, JUDGE, WHERE
22 BAIL WAS SET IN THE NEIGHBORHOOD OF 100 THOUSAND DOLLARS FOR
23 FOUR OF THE PEOPLE AND THE FIFTH PERSON, THE BAIL WAS 150
24 THOUSAND DOLLARS.

25 I CAN'T BELIEVE, JUDGE, THAT THOSE INDIVIDUALS HAD

1 STRONGER BACKGROUND INFORMATION. MORE STABILITY, MORE SUPPORT,
2 MORE RELIABILITY THAN ADNAN SYED HAS TODAY.

3 SO, WHAT I ASK YOUR HONOR TO DO IS TO VALUE WHAT WE
4 ALL VALUE, WHICH IS OUR PERSONAL LIBERTY WHILE THESE CHARGES
5 ARE PENDING AND TO ALLOW THE TRIAL PROCESS TO DECIDE THE
6 QUESTION OF INNOCENCE OR GUILT.

7 THE COURT: THANK YOU.

8 MR. COLBERT: THANK YOU, JUDGE.

9 THE COURT: MS. WASH?

10 MS. WASH: YOUR HONOR, THE DEFENDANT WAS DENIED BAIL
11 BY JUDGE HARGROVE. THE DEFENSE HAS ALLEGED NO ADDITIONAL
12 CIRCUMSTANCES THAT WOULD REQUIRE BAIL.

13 YOUR HONOR, TO ADDRESS THE FLIGHT ISSUE, FIRST OF
14 ALL, LET ME JUST SAY THAT THE PRINCIPAL, DR. JAMES WILSON FROM
15 WOODLAWN, SAYS THAT HE DOES NOT WELCOME ADNAN SYED BACK TO
16 THAT SCHOOL. AND, IN FACT, IN THE THIRD QUARTER, WHICH IS WHEN
17 THIS MURDER OCCURRED, HIS GRADES HAD STARTED TO FAIL. HIS
18 PARENTS WERE CALLED TWICE BECAUSE OF THAT. IN TWO SEPARATE AND
19 DISTINCT CLASSES, HE HAD UNEXCUSED ABSENCES, AMONG OTHER
20 THINGS.

21 BE THAT AS IT MAY, YOUR HONOR, OUR INVESTIGATION
22 REVEALS THAT HE SHOWS ONE FACE TO THE COMMUNITY AND ANOTHER
23 FACE TO THE CLASSMATES. AND YOU'LL NOTICE IN THE COLLECTION OF
24 LETTERS, THERE ARE VERY FEW LETTERS FROM HIS CLASSMATES
25 BECAUSE THEY KNOW THE REAL ADNAN SYED. THEY KNOW THE ADNAN

1 SYED WHO SMOKES MARIJUANA AND HAD THE OTHER DIFFICULTIES HE
2 HAD BECAUSE OF THE BREAKUP IN THE RELATIONSHIP BETWEEN HIM AND
3 HAMAN LEE.

4 YOUR HONOR, I SPOKE WITH MR. LARRY MARSHALL. HE IS
5 FROM THE OFFICE OF INTERNATIONAL AFFAIRS, WHICH IS A SEGMENT
6 OF THE JUSTICE ^{Department} DEFENDANT. HE IS A SENIOR LEGAL ADVISOR THERE.
7 HE IS AN EXPERT ON THE RELATIONSHIP BETWEEN THE UNITED STATES
8 OF AMERICA AND PAKISTAN. WHAT HE INDICATED TO ME IS THAT WHILE
9 THERE IS A TREATY IN PLACE FOR THE RETURN OF FLIGHT
10 INDIVIDUALS WHO FLEE TO PAKISTAN, THAT THE UNITED STATES OF
11 AMERICA HAS NEVER BEEN SUCCESSFUL IN A MURDER CASE. THEY HAVE
12 BEEN ABLE TO RETURN DRUG TRAFFICERS, THEY HAVE HAVE BEEN ABLE
13 TO RETURN TERRORISTS, BUT IN SITUATIONS WHEN PAKISTAN MALES
14 HAVE BEEN CHARGED WITH MURDER, THEY HAVE NEVER BEEN
15 SUCCESSFUL. AND HE CITED THAT THERE IS A PATTERN IN THE UNITED
16 STATES OF AMERICA WHERE YOUNG PAKISTAN MALES HAVE BEEN JILTED,
17 HAVE COMMITTED MURDER AND HAVE FLED TO PAKISTAN AND WE HAVE
18 BEEN UNABLE TO EXTRADITE THEM BACK.

19 HE GAVE ME A SPECIFIC INSTANCE THAT'S OCCURRING NOW
20 THAT'S PENDING IN CHICAGO WHERE THE FACTUAL PATTERN IS
21 FRIGHTENINGLY SIMILAR. AGAIN, IT IS A YOUNG PAKISTAN MALE WHO
22 WAS JILTED BY HIS GIRLFRIEND WHO FLED THE COUNTRY AND THEY
23 HAVE HAD NO SUCCESS AND THEY INDICATED IT WOULD BE A DIM
24 SITUATION, INDEED, IF THE DEFENDANT DID FLEE TO PAKISTAN.

25 WE HAVE INFORMATION FROM OUR INVESTIGATION THAT THE

1 DEFENDANT HAS AN UNCLE IN PAKISTAN AND HE'S INDICATED HE CAN
2 MAKE PEOPLE DISAPPEAR. WE ARE CONCERNED WITH THE DANGEROUSNESS
3 TO OUR WITNESSES IN THIS CASE. WE ARE CONCERNED THAT THE
4 DEFENDANT WILL FLEE TO PAKISTAN.

5 MR. MARSHALL INDICATED THAT IT IS VERY EASY TO GO TO
6 NEW YORK CITY TO THE PAKISTAN EMBASSY AND REQUEST A PASSPORT.
7 THAT IT IS ALMOST IMPOSSIBLE TO STOP THAT FROM HAPPENING
8 BECAUSE, IN ORDER TO GET PAPERWORK THERE TO STOP THAT FROM
9 HAPPENING, TO GET THEM TO PROCESS IT, THEY ARE SO DISORGANIZED
10 AND THERE ARE INSTANCES WHERE THAT HAS HAPPENED AND ALL YOU
11 NEED DO IS GO TO THAT EMBASSY AND INDICATE THAT YOU HAVE LOST
12 YOUR PASSPORT.

13 ON THAT NOTE, YOUR HONOR, IN OUR INVESTIGATION, THE
14 DETECTIVES FOUND TWO PHOTOGRAPHS BY VIRTUE OF A SEARCH AND
15 SEIZURE IN THE DEFENDANT'S CAR, TWO PASSPORT PHOTOGRAPHS IN A
16 MANILA ENVELOPE. THEY FOUND AS WELL IN THE SEARCH AND SEIZURE
17 OF HIS HOUSE AN ILLEGAL I.D. WHICH INDICATES HE WAS 24 YEARS
18 OLD AND HE IS 17 YEARS OLD.

19 MR. MARSHALL ALSO INDICATED THAT IT'S VERY EASY TO
20 CROSS THE BORDER OF CANADA. THERE IS A LARGE PAKISTAN
21 COMMUNITY IN SOME OF THE LARGE CITIES IN CANADA AND IT IS EASY
22 TO GO TO THE PAKISTAN EMBASSY IN CANADA, AND ALSO FLEE THE
23 COUNTRY FROM THAT LOCATION.

24 IT'S JUST AS EASY, HE INDICATED TO ME, TO LEAVE FROM
25 MEXICO AND GO TO PAKISTAN AND THAT IS SO BECAUSE OF THE

1 SIMILAR NAMES THAT ARE USED IN THE PAKISTAN COMMUNITY. IT IS
2 VERY EASY TO MIX UP NAMES. SO THERE IS NO WAY, NO POSSIBLE
3 WAY, AND I ASKED HIM THIS EVERY WAY I KNEW, TO CROSS-CHECK TO
4 SEE IF HE SURRENDERED ONE PASSPORT, WHETHER, IN FACT, DID HE
5 HAVE ANOTHER PASSPORT. HE INDICATED TO ME THAT IS IMPOSSIBLE.
6 HE CANNOT CROSS-CHECK THAT BECAUSE OF THE WAY THAT THE NAMES
7 ARE REVERSED.

8 YOUR HONOR, THE FACT THAT THE DEFENDANT HAS STRONG
9 SUPPORT FROM THE COMMUNITY, THAT IS WHAT MAKES HIM UNIQUE IN
10 THIS CASE. HE IS UNIQUE BECAUSE HE HAS LIMITLESS RESOURCES. HE
11 HAS THE RESOURCES OF HIS ENTIRE COMMUNITY HERE. OUR
12 INVESTIGATION REVEALS THAT HE CAN TAP RESOURCES FROM PAKISTAN
13 AS WELL.

14 IT'S OUR POSITION, YOUR HONOR, THAT IF YOU ISSUE A
15 BAIL, BECAUSE OF HIS UNLIMITED RESOURCES, THEN YOU ARE ISSUING
16 HIM A PASSPORT UNDER THESE CIRCUMSTANCES TO FLEE THE COUNTRY.
17 WE DO NOT WANT ANOTHER SHINE BINE (SIC) SITUATION, YOUR HONOR.
18 WE ARE ASKING YOU --

19 THE COURT: I TOLD YOU I WASN'T GOING TO TAKE IT.

20 MS. WASH: WE'RE ASKING YOU TO TAKE ALL OF THOSE
21 FACTS INTO CONSIDERATION, YOUR HONOR, AND MOST IMPORTANTLY,
22 WHAT MR. MARSHALL HAS INDICATED ABOUT THE FLIGHT RISK.

23 MR. COLBERT: YOUR HONOR, MAY I BE HEARD?

24 THE COURT: NO.

25 MR. COLBERT: YOUR HONOR, MAY I SUBMIT MS. DUNN'S

1 LETTER WHICH INDICATES --

2 THE COURT: YOU MAY SUBMIT THE LETTER AND I'LL READ

3 IT MYSELF. I KNOW MS. DUNN AND I KNOW WHAT MS. DUNN IS

4 PREPARED TO DO. I TOLD YOU I WILL NOT TAKE ^{my} SIR-REBUTTAL.

5 MR. COLBERT: I'M NOT GOING GIVE YOU SIR-REBUTTAL.

6 THE COURT: FINE, IF YOU WANT TO GIVE ME A PACKET OF

7 INFORMATION, GIVE IT TO ME.

8 MR. COLBERT: MAY I SUBMIT ALSO THE WAIVER OF

9 EXTRADITION THAT HE IS PREPARED TO SIGN?

10 THE COURT: GIVE ME ALL YOU WANT ME TO CONSIDER.

11 MR. COLBERT: YOU WON'T --

12 THE COURT: I WILL NOT TAKE A VOICE SIR-REBUTTAL.

13 MR. COLBERT: ALL RIGHT, JUDGE.

14 THE COURT: I HAVE YET TO MEET A LAWYER WORTH HIS OR

15 HER SALT WHO DID NOT WANT THE LAST WORD BEFORE THE COURT MAKES

16 A DECISION. I DON'T THINK I'LL EVER MEET THAT PERSON.

17 MR. COLBERT: JUST THAT --

18 THE COURT: I WON'T MEET THAT PERSON. AT SOME POINT

19 THERE HAS TO BE AN END, WHICH MEANS MAYBE YOU HAVE TO BITE

20 YOUR TONGUE.

21 (WHEREUPON, THERE WAS A PAUSE IN THE PROCEEDINGS.)

22 THE COURT: COUNSEL, THE COURT IS GOING TO TAKE THIS

23 MATTER UNDER ADVISEMENT. WE'LL NOTIFY YOU IN WRITTEN FORM IN A

24 VERY SHORT PERIOD OF TIME. THAT WILL CONCLUDE THIS HEARING.

25 DEFENDANT REMAINS IN HIS CURRENT STATE OF CUSTODY.

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REPORTER'S CERTIFICATE

I, KENNETH NORRIS, AN OFFICIAL REPORTER OF THE
CIRCUIT COURT FOR BALTIMORE CITY, DO HEREBY CERTIFY THAT THE
PROCEEDINGS IN THE MATTER OF THE STATE OF MARYLAND VERSUS
ADNAN SYED WAS VIDEOTAPED IN THE CIRCUIT COURT FOR BALTIMORE
CITY ON MARCH 31, 1999.

I FURTHER CERTIFY THAT THE AFOREGOING PAGES
CONSTITUTE THE OFFICIAL TRANSCRIPT TRANSCRIBED FROM SAID
VIDEOTAPES TO THE WITHIN COMPUTERIZED TRANSCRIPT IN A COMPLETE
AND ACCURATE MANNER.

IN WITNESS WHEREOF I HAVE HEREUNTO SUBSCRIBED MY
NAME THIS 7TH OF APRIL, 1999.

KENNETH NORRIS
OFFICIAL COURT REPORTER