

**WAIVER OF POTENTIAL AND/OR ACTUAL CONFLICT OF INTEREST  
AND CONSENT TO REPRESENTATION**

1. My name is Bilal [REDACTED]. By signing this document, I intend to, and I do hereby, waive any actual or potential conflict of interest that Ms. M. Cristina Gutierrez may have in representing Adnan Syed in the above case, after having represented me with respect to my appearance and testimony before the Grand Jury, and I consent to her continued representation of Mr. Syed.

2. Before making my decision, and before signing this document, I met with Michael A. Millemann on three occasions. He informed me that he is representing Mr. Syed for the purpose of challenging the State's attempt to disqualify Ms. Gutierrez as counsel for Mr. Syed, and that he is not representing me. Ms. Gutierrez was not present during my conversations with Mr. Millemann. Mr. Millemann informed me of my right to seek independent legal advice about my waiver/consent decision, and the meaning and consequences of signing this document. I believe, however, after much thought and for a number of reasons, that I understand the content and predictable consequences of my waiver/consent decision, and I have no reservations about it.

3. Mr. Millemann provided me with copies of the State's legal papers in which they ask the Court to disqualify Ms. Gutierrez, as well as with a copy of Mr. Syed's response. I have reviewed these papers, particularly the State's discussion relating to me at pp. 6-8 of the State's Reply.

4. After I met with Mr. Millemann the first time, Mr. Millemann prepared a draft waiver/consent document for me. I then met with Mr. Millemann for the second time, and we reviewed each paragraph of the draft document together, and he prepared another draft. After further review and discussion, he prepared this final document. I believe that it is accurate and

know that it expresses my intentions.

5. Ms. Gutierrez no longer represents me. She represented me for the limited purposes of, first challenging the Grand Jury's subpoenas ordering me to testify, and second, after that challenge was denied, during the course of my Grand Jury testimony. I did not ask her to represent me with any other matter, either related or unrelated to the criminal case against Mr. Syed, and I assumed that Ms. Gutierrez ended her representation of me after I was released from the Grand Jury subpoenas.

6. Ms. Gutierrez was not present during my conversations with Mr. Millemann. Mr. Millemann has informed me, as the legal papers that I read also indicate, that Ms. Gutierrez opposes the disqualification motion on behalf of Mr. Syed, and does not believe that a conflict of interest ever existed, now exists, or is likely to arise in the future. However, whether or not she is correct as a matter of law, does not affect my waiver/consent decision. I have assumed that both an actual and potential conflict of interest do exist, or likely will arise in the future. *See paras. 10-14.*

7. I am a religious teacher; I prize the truth, and I practice what I preach. In response to questions directed to me, both before the Grand Jury and by Ms. Gutierrez, I told the truth. If I am called to testify by the State, or as a witness for the defense, the substance of my testimony will be the same.

8. Ms. Gutierrez initially asserted the Fifth Amendment privilege on my behalf, in response to the State's Grand Jury subpoenas, because police investigating this case suggested that I might be guilty of some crime, a suggestion that I believe has no basis.

9. At a hearing on my request to quash the Grand Jury subpoenas, the State's Attorney

stated that I was not a "target" of any criminal investigation, and that the State does not believe and/or intend to assert, based on any information that it now has, that I am guilty of any crime . I understand "non-target" to mean that the State does not now intend either to bring criminal charges against me or to focus any criminal investigation on me. (I repeat that I do not believe there would be any basis for the State to take either step.) The State's Attorney made these factual representations in support of her successful argument that I had no Fifth Amendment right to refuse to testify before the Grand Jury. In finding that I had no such right, Judge Angeletti adopted these factual representations. I then returned to the Grand Jury and answered all of the questions that I was asked, without asserting the Fifth Amendment.

10. In making my waiver/consent decision, I accept the truth of material factual allegations about me in the State's legal papers, but not necessarily the conclusions that the State draws from them, but only insofar as they are consistent with my Grand Jury testimony. . Specifically, I consider myself to be a religious teacher; that I gave religious advice to Mr. Syed; I explained to Mr. Syed the religious principles of the *KORAN* and the Prophets concerning friendships between members of the opposite sex; and I co-signed (with Mr. Syed) a contract for a cell phone for Mr. Syed, with the consent of his mother. He was 17 years of age and therefore legally a minor at the time. Further, I assume that Ms. Gutierrez will vigorously cross-examine me if I testify as a State's witness if necessary to zealously represent Mr. Syed; that, if I were to answer any of the State's questions in ways that substantially contradicted or were substantially inconsistent with my testimony before the Grand Jury, I would be subject to criminal prosecution by the State; and that I am not currently a "target" of the State's investigation into the death of Ms. Lee, which I understand to have the above meaning. By making this waiver/consent decision, however, I do not

give up any legal right or privilege that I now may have, including those arising out of the attorney-client relationship, that would permit me to refuse to answer any question that Ms. Gutierrez might ask me based on information that I gave to her in confidence, which I have not disclosed to the State (or in any other non-privileged communication). This does not mean that a court will agree with me, but only that I am not giving up these rights, to the extent that I now have them, by making my waiver/consent decision.

11. Making all these assumptions, I agree to waive any objection that I may have to the continued representation of Mr. Syed by Ms. Gutierrez, based on Ms. Gutierrez' prior representation of me, and I consent to Ms. Gutierrez' representation of Mr. Syed.

12. Making all of the assumptions in para. 10, but with the additional/changed assumption that the State is still considering whether or not to charge me with a crime, and has not ruled me out as a "target," I still agree to waive any right that I may have, based on the alleged conflicts, to challenge Ms. Gutierrez' representation of Mr. Syed and I consent to that representation.

13. I do not know whether, given my extensive Grand Jury testimony, there is any information that is protected by the rights and privileges arising out of my attorney-client relationship with Ms. Gutierrez, but I doubt it. To the extent there is such confidential information, I do not intend to waive my existing rights to protect the confidentiality of that information, by anything that I state in this document, and I automatically withdraw any statement or portion of the statement that a court would consider to constitute an inadvertent waiver of such rights.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Bilal [REDACTED]