

BAIL ARGUMENTS

(C) REPUTATION

First we have to remember we are NOT dealing with an adult. We are dealing with a child who just turned the seventeen. The Baltimore City Jail defines a "child" as seventeen years old and younger. A seventeen year old visitor will be denied the privilege to visit an inmate unless he is accompanied by an adult.

We must remember what it means to be a seventeen year old child of slight build in an the Baltimore City Jail having never spent a day in your life in prison.

Non violent - nothing to indicate in his backround a hint of violence. In particular, no violence EVER in his relationship with the deceased. No violence during this relationship and none after. No stalking, no threatening phone calls. Everyone we speak with says the same thing - not this kid. It cannot be. Even the family of the deceased interviewed after Adnan's arrest indicated they could not believe it could be him.

Reputation at school - top 10% class, Nat'l Honor Society, Prestigious Magnet Program for Pre-Engineering and Student Conducted Research, football, track, multicultural club, MESA (Math Engineering and Science Association) Mentoring Program through Nat'l Honor Society with POLICE Athletic League at the Woodlawn Middle School. Accepted into Honors Program at UMBC *after* his highly publicized arrest. A college acceptance I handed him in a dark jail cell.

Reputation among family and friends - The letters are just amazing. They come from both his friends and friends of the deceased. They come from doctors, engineers, accountants. One doctor is willing not only to put up his home but to turn himself in to jail if Adnan does not return.

He has done everything that can be asked of a seventeen year old.

This reputation has continued while incarcerated. In over a month, there has been no prison disciplinary actions.

.(C) FAMILY TIES

There can be no argument by the Prosecution that Adnan does not have the very closest of family ties. He lives with his mother, father, older brother Tanveer who is in College pre-med, and his little brother Yusef who is nine years old. Adnan's father has worked for the State of Maryland as an engineer for [] years.

This Court should know that the BCDC rules permit ONE visit per week with two adults and a child or two children and an adult. It is interesting to note that the jail defines a "child" as someone seventeen years old and younger. A seventeen year old is required to be accompanied by an adult.

(C) EMPLOYMENT STATUS AND HISTORY

Not only was Adnan excelling in school but he also managed to work during

school. First he had a job handing flyers out for Pizza Boli. After that job, he worked for Rural Metro as a licensed EMT working primarily with the elderly.

(C) LENGTH OF RESIDENCE IN THE COMMUNITY

He has lived at the family home for 5 years

Born right here in Baltimore City

(C) LENGTH OF RESIDENCE IN THE STATE

Entire life

. (C) CHARACTER AND MENTAL CONDITION

There is no evidence of any psychological problems nor has he ever been treated by a psychologist or psychiatrist.

Should note that the toll jail has taken on his physical condition. To get the most basic of medical care is a struggle - fungal cream. His physcian expressed outrage at how difficult they made it to get treatment for this simple rash.

. (A) NATURE AND CIRCUMSTANCES OF THE OFFENSE CHARGED

We have a charge of murder in the first but there has been no indictment nor any evidence presented at the preliminary hearing.

. (A) NATURE OF THE EVIDENCE AGAINST THE DEFENDANT

This shows the Legislature saying it is never enough to simply lodge the charge. There is a two step process - what is the charge, then what do you have to support it. Accusing is easy. Backing the accusations is something else. No named witnesses, no physical evidence, no scientific evidence, no eyewitnesses to the alleged murder.

It is important to note that the defense is not simply saying there is a weak case here. We are saying that Adnan is INNOCENT. He has maintained this innocence from the moment he was snatched from his bed and put in a room with the intent to obtain a confession from him. Without the assistance of counsel, he withstood hour after hour of seasoned police detectives interrogating him.

Examine the charging document. It lacks probable cause as it fails to name the alleged witnesses with no claim that these witnesses are confidential informants with a prior record of reliability. Therefore, we are asking that this charging document be dismissed.

. (A) THE POTENTIAL SENTENCE UPON CONVICTION

The prosecution has not filed for life without parole

Although this is a murder 1 accusation, there is no death penalty here because Adnan is seventeen. Despite the PO's knowing this, they typed up the statement of

charges to reflect that he was facing the death penalty.

. (B) FLIGHT TO AVOID PROSECUTION

There has been none. However, there was ample opportunity:

January 13th disappearance of the deceased

February 9th, the body is found

PO's interviewed students at Adnan's school Woodlawn HS

PO's speak to Adnan several times before the arrest while investigating the missing person's report.

Friday, February 26th PO's come to Adnan's home

Sunday, February 28th they take Adnan

This is not Sheinbein - we have there someone who fled within three days after the body was found. In contrast, we have someone who not only has continued to remain for more than one month after the body was found but remained even after police had spoken to him and come to his home. This is someone with an incredible reputation.

Should not punish Adnan for the birthplace of his parents. Adnan is a citizen. Adnan was born right here in Baltimore City.

. (B) PRIOR RECORD OF APPEARANCE AT COURT PROCEEDINGS

There is no such evidence since he has never been accused of any criminal wrongdoing before, let alone been convicted.

. (B) FAILURE TO APPEAR AT COURT PROCEEDINGS

There are no FTA's

. PROBATION/PAROLE

None

. PENDING CASES

None other than what is before you

(I) ANY OTHER FACTOR BEARING ON THE RISK OF A WILFUL FAILURE TO
APPEAR INCLUDING PRIOR ADJUDICATIONS OF DELINQUENCY...

Retained not one, but two attorneys at the outset of the case to represent this

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child.

We are dealing with a child who hopes to gain entrance to med school and become an ER physician. He realizes the importance of a clean record in order to achieve his dreams.

. BAIL PACKAGE

Home detention as spelled out in the letter

This includes not only a curfew but twenty four hour monitoring with notice to the Court if there is any misconduct.

Restrict travel to within Maryland only

Surrender passport

Execute in open Court an irrevocable waiver of extradition

Pretrial Release Supervision

Bail Bond to ensure yet an additional level of supervision

. CLOSING

Fair

Reasonable

Good cause

Justice

Responsibility of this Court

Put some limits on the prosecution

When Adnan's Dad walks into his split level suburban home after work at night, he has to walk right by Adnan's room every day. He looks at that now empty room and hopes for fairness. When he goes to his mailbox and receives letters from UMBC asking for information regarding a financial aid package, he hopes for fairness. When he visits his son and can see him but cannot even hug him to congratulate him for being accepted to college, he hopes for fairness. We are asking you inject fairness into this proceeding.

Continued incarceration denies Adnan the right to fully prepare his case. He cannot assist in the investigation of his case while imprisoned.

By granting our request for the bail package, you will be transferring the jail. Transferring the jail from a protective custody solitary cell to converting the Syed home into a jail.

This is a person with no history of violence, never owned or even possessed a weapon.

In granting this request you will be telling the family of Adnan as well as the family of the deceased that this Court will ensure that this entire proceeding is a fair one. That