

STATE OF MARYLAND

\* IN THE

v.

\* CIRCUIT COURT

ADNAN MASUD SYED

\* OF MARYLAND

Defendant

\* FOR BALTIMORE CITY

\* Indictment #199103042-46

\* \* \* \* \*

**DEFENDANT ADNAN MASUD SYED'S  
MOTION FOR REVIEW OF NO BAIL STATUS BASED ON  
CHANGE OF CIRCUMSTANCES**

Defendant, Adnan Masud Syed, by his attorney M. Cristina Gutierrez, pursuant to Maryland Rule 4-216, Article 25 of the *Maryland Declaration of Rights*, and the *Fifth, Eighth, and Fourteenth Amendments* to the *United States Constitution*, hereby petitions this Court for a *Motion For Review Of No Bail Status Based on Change of Circumstances* on the following grounds:

1. Adnan Masud Syed is a seventeen year old honor student who was arrested and charged with the crime of murder in the first degree on February 28, 1999. He has no prior arrests.

2. Prior to his arrest, Mr. Syed was a full-time student at Woodlawn High School, an honors student on a college track. Mr. Syed completed all requirements for graduation and received his diploma. He resided with his parents and siblings in Woodlawn. He was also employed part-time as a paramedic.

3. On March 1, 1999, Adnan appeared for a video bail review hearing before the Honorable Judge John Hargrove in the Baltimore City District Court. After twice mistakenly referring to the instant charge as a capital offense, Judge Hargrove

ordered the no bail status set by the Commissioner to remain unchanged. Judge Hargrove subsequently denied the defendant's request for a review of bail.

4. On March 16, 1999, Adnan filed a *Writ of Habeas Corpus* in the Circuit Court for Baltimore City requesting that a reasonable bail be set pursuant to Md. R. 4-216(d), Article 25 of the *Maryland Declaration of Rights*, and the *Eighth* and *Fourteenth Amendments* to the *United States Constitution*. On March 31, 1999, a hearing was held before the Honorable David B. Mitchell.

5. At that hearing Vicki Wash, Assistant State's Attorney, argued that Adnan was a flight risk based primarily upon the unsworn and untested statements attributed to one Larry Marshall, a senior legal advisor with the Office of International Affairs, connected to the Department of Justice. Referring frequently to Mr. Syed's Pakistani heritage, Ms. Wash argued that Adnan would flee the United States if bail was granted by stating that:

"[T]here is a pattern in the United States of America where young Pakistani males have been jilted, have committed murder, and have fled to Pakistan and we have been unable to extradite them back" (Tr. Bail Hearing: March 31, 1999: 19)

"[W]e have information from our investigation that the defendant has an uncle in Pakistan and he's indicated he can make people disappear." (Tr. Bail Hearing: March 31, 1999: 19-20)

"[I]t is very easy to go to New York City [or Canada] to the Embassy of Pakistan and request a passport. That is almost impossible to stop that from happening because...they are so disorganized...and all you need do is go to that Embassy and indicate that you have lost your passport." (Tr. Bail Hearing: March 31, 1999: 20)

"[I]t's just as easy... to leave from Mexico and go to Pakistan and that is so because of the similar names that are used in the Pakistani Community." (Tr. Bail Hearing: March 31, 1999: 20-21)

Ms. Wash's argument ignored the fundamental fact that Adnan was born in the United States and is and always has been a United States citizen and that he has always lived in the United States. Ms. Wash's assertions turned out to be misrepresentations at a minimum. (See paragraph 8).

6. Judge Mitchell continued Adnan's no bail status. At the hearing Judge Mitchell stated in a written order dated April 1, 1999 that his decision was primarily based upon Ms. Wash's representations regarding Adnan's nationality and risk of flight.

7. Adnan filed an *Application for Leave to Appeal A Denial of a Writ of Habeas Corpus* in the Court of Special Appeals. On May 13, 1999, the Court of Special Appeals denied Defendant's Application without prejudice.

8. On April 13, 1999, Ms. Wash sent a letter (See Attached Exhibit No. 1) to Judge Mitchell admitting that the factual assertions she made at the bail hearing on March 31, 1999 were incorrect. Specifically, she indicated that there was **not** a pattern of young Pakistani students who once jilted by their lovers, murdered them and then fled to Pakistan and were unable to be extradited by the U.S. for prosecution. Second, the pending Chicago case Ms. Wash referred to as frighteningly similar to this case was, in fact, not similar at all.

9. Accordingly, there is now new evidence before this Court which should be considered which affects the underpinnings of the Court's analysis on the risk of flight issue which was most influential in the Court's determination that the risk of flight outweighed all other factors. This new evidence constitutes a change in circumstance.

10. Adnan Syed is still prepared to submit to stringent conditions of pretrial release, including the posting of multiple properties, the surrender of his American passport, the signing of a waiver of extradition (See Attached Exhibit No. 2) and the implementation of home detention. The multiple properties include:

- (i) Mr. and Mrs. Syed M. Rahman  
7034 Johnnycake Road  
Baltimore, Maryland 21244-2405  
(*Baltimore County*)

No outstanding mortgage.  
Current value as of 1/1/98 - \$114,730.

- (ii) Ali and Farida Manejwala  
576 Richards Way  
Severna Park, MD 21144  
(*Anne Arundel County*)

No outstanding mortgage.  
Semi-annual property tax payment of \$1,117.65

- (iii) James Thomas  
1725 Druid Hill Avenue  
(*Baltimore City*)

Property Assessment \$6,000  
Real Property Annual Tax Bill \$361.80.

- (iv) James Thomas  
513 Sanford Place  
(*Baltimore City*)

Outstanding Mortgage Dec 1998 \$5,700.00  
Property Assessment \$4,800  
Real Property Annual Tax Bill \$289.44

- (v) James Thomas  
1820 W. North Ave  
Baltimore, MD 21216  
(*Baltimore City*)

Outstanding Mortgage in September 28, 1998 \$26,640.00  
Property Assessment \$8,400

Real Property Annual Tax Bill \$506.52

- (vi) James Thomas  
1510 Madison Ave  
Baltimore, Maryland 21217  
(*Baltimore City*)

Property Assessment \$8,400  
Real Property Annual Tax Bill \$506.52

12. Finally, Ms. Charlene Dunn, Alternative Correctional Concepts, is prepared to supervise home detention, through electronic monitoring of Mr. Syed's home.

13. Adnan is now being held without bail, which is tantamount to pretrial punishment and punitive detention. This is a concept generally forbidden by the State and Federal constitutions and universally accepted notions of fairness and due process.

14. For other reasons to be argued at a hearing on this Motion.

**WHEREFORE**, Defendant Adnan Masud Syed requests that:

- (a) the Court grant a hearing on this Motion for the aforementioned reasons;
- (b) that this hearing be held before Judge Mitchell as he presided over the original Motion for Review of No Bail;
- (c) the Court grant the defendant a reasonable bail ;
- (d) the Court accept the listed properties in lieu of bail or permit the property at fair market value given the variance in assessments in the three counties in which the properties are calculated;
- (e) and/or the Court permit to be released on bail with the imposition of reasonable conditions;

(f) for any and all further relief which justice and Defendant's cause may require.

Respectfully submitted,

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M. Cristina Gutierrez  
Redmond, Burgin & Gutierrez, P.A.  
The Fidelity Building, Suite 1301  
210 North Charles Street  
Baltimore, Maryland 21201  
(410) 752-1555

#### **REQUEST FOR HEARING**

Defendant Adnan Masud Syed hereby requests a hearing on this *Motion For Review Of No Bail Status Based on Change in Circumstances* be set as soon as possible before Judge Mitchell.

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M. Cristina Gutierrez

**CERTIFICATE OF SERVICE**

I **HEREBY CERTIFY**, that on this 24th day of September 1999, a copy of the foregoing *Defendant Adnan Masud Syed's Motion For Review Of No Bail Status Based on Change of Circumstances* was delivered by hand to Kevin Urick, State's Attorney's Office, Circuit Court for Baltimore City, 208 Clarence Mitchell Jr., Courthouse, Baltimore, MD 21202.

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M. Cristina Gutierrez

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\* \* \* \* \*

**ORDER**

Upon consideration of *Defendant Adnan Masud Syed's Motion For Review Of No Bail Status Based on Change of Circumstances* and any opposition thereto, it is this \_\_\_ day of September, 1999 hereby

**ORDERED:**

1. that a hearing on *Defendant Adnan Masud Syed's Motion For Review of No Bail Status Based on Change of Circumstances* be held on \_\_\_\_\_, 1999.
2. that the Division of Pretrial Release prepare a report and recommendation in this matter by \_\_\_\_\_ 1999;
3. that a writ be issued commanding the Warden of the Baltimore City Detention Center to produce the Defendant at the time and place of said hearing.

\_\_\_\_\_  
Judge