

DOUGLAS L. COLBERT
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2508 CREST ROAD
BALTIMORE, MARYLAND 21215
410/466-4442

May 3, 1999

Ms. Leslie Grudet
Clerk, Court of Special Appeals
Robert C. Murphy Courts of Appeal Building
361 Rowe Boulevard
Annapolis, Maryland 21401

RE: State v. Adnan Syed
Case No. 5B00351587

Dear Ms. Grudet,

Thank you for your assistance in obtaining the court file in the above-captioned matter, and in providing advice concerning the filing of the enclosed motion.

As I explained, after filing leave to appeal a denial of bail in a habeas corpus proceeding, I received the enclosed letter from Assistant State Attorney Vickie Wash to the Honorable Circuit Court Judge for Baltimore City, David B. Mitchell. I ask that you include Ms. Wash's letter in the pending application, which asks this court to set a reasonable bail for Mr. Adnan Syed.

Thank you again for your cooperation in this matter.

Sincerely,



Douglas L. Colbert, Esq.

cc: Office of the Attorney General, Criminal Appeals Bureau
Cristina M. Gutierrez, Esq.

IN THE COURT OF SPECIAL APPEALS
FOR THE STATE OF MARYLAND

STATE OF MARYLAND

v.

Case No. 5B00351587

ADNAN SYED
Defendant

MOTION TO SUPPLEMENT THE RECORD

1. On April 14, 1999, I filed an application to this court for leave to appeal a denial of a writ of habeas corpus on behalf of 17-year-old Adnan Syed.
2. On April 23, 1999, I received a copy of a letter that Assistant State Attorney Vickie Wash had sent to the Honorable David B. Mitchell. Judge Mitchell had been the presiding judge at the habeas hearing in this matter. I attach Ms. Wash's letter hereto.
3. At the habeas hearing which was held on March 31, 1999 in Baltimore Circuit Court, Ms. Wash vigorously opposed the defense application for bail by arguing that Mr. Syed presented a risk of flight. Ms. Wash relied extensively upon statements she attributed to a senior legal advisor who worked in the Office of International Affairs, which she explained "is a segment of the Justice Department." (p.19, court transcript).
4. According to Ms. Wash, the senior legal advisor indicated that Mr. Syed fit "a pattern in the United States of America where young Pakistan males have been jilted, have committed murder and have fled to Pakistan and we have been unable to extradite them back." *Id.* Ms. Wash also stated that this official had referred to a pending Chicago case "where the factual pattern is frighteningly similar. Again, it is a young Pakistan male who was jilted by his girlfriend who fled the country and they have had no success" (*Id.*)
5. In Ms. Wash's letter to Judge David B. Mitchell, she admitted that neither statement was accurate. Ms. Wash explained that she had "misconstrued" the conversation with the senior legal advisor. Indeed, there is no "pattern", or a "frighteningly similar" Chicago case.
6. Moreover, Ms. Wash persists in confusing Mr. Syed's nationality as "Pakastani", even though he was born an American citizen, has lived his entire life in Baltimore, and has always been a United States citizen.

7. I ask that you supplement the previously served application in this matter, and consider Ms. Wash's clarifications in ruling upon the defense contention that a reasonable bail be set.

Sincerely,

A handwritten signature in black ink, appearing to read "Douglas L. Colbert". The signature is written in a cursive, flowing style.

Douglas L. Colbert, Esq.

cc: Office of the Attorney General, Criminal Appeals Bureau
Cristina M. Gutierrez, Esq.

OFFICE OF THE STATE'S ATTORNEY
FOR
BALTIMORE CITY

208 THE CLARENCE M. MITCHELL, JR. COURTHOUSE
BALTIMORE, MARYLAND 21202

PATRICIA C. JESSAMY
STATE'S ATTORNEY

PHONE:
(410) 545-6433

April 21, 1999

The Honorable David B. Mitchell
111 North Calvert Street
Courthouse East, Chambers 252
Baltimore, Maryland 21202

Re: Adnan Syed
Case No.: 199103042-46

Dear Judge Mitchell,

Mr. Harry Marshall, Senior Legal Advisor - Office of International Affairs, called me on April 14, 1999. I returned his call on April 15, 1999. Mr. Marshall indicated to me that he had been contacted by Douglas Colbert, Esquire. Mr. Colbert forwarded the transcript of Syed's Habeas Corpus hearing to Mr. Marshall as well as to the Pakistani Embassy.

Mr. Colbert questioned Mr. Marshall about the validity of statements that I made regarding the pendency of other matters where Pakistani individuals were involved. Mr. Marshall chose not to comment to Mr. Colbert regarding my statements. Mr. Marshall then contacted me to express a concern that two of the statements that I made to the Court were the product of information that I misconstrued during our conversation. I wanted to call those instances to the Court's attention in an effort to correct the record.

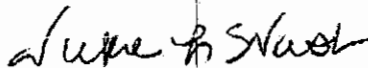
The first statement concerns the comment regarding the pattern of young students who had been jilted, committed murder and fled to Pakistan. Mr. Marshall advises that there is not a pattern, but rather the point that he was attempting to make was that in general there were a number of problematic extradition requests pending in Pakistan, relating to Pakistani fugitives who have been charged with serious crimes in the United States and have fled to Pakistan.

The second comment involves the reference to the pending Chicago case. That case parallels Syed's case only that it involves a Pakistani male charged with murder where the victim was known to the defendant and an element of treachery / deceit was involved.

Mr. Marshall reiterated in his conversation with me that he remains persuaded that to rely on the existence of an extradition treaty as a basis of bail would be unwise.

I apologize to the court for any remarks that may have misled the court. There was no intent on my part to do so. If this necessitates any further action on my part, please advise me accordingly.

Sincerely


Vickie L. Wash

VLW/hch
judgem.doc

cc: Douglas Colbert, Esq.
Mr. Harry Marshall, International Affairs

REDMOND, BURGIN & GUTIERREZ, P.A.

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April 26, 1999

FACSIMILE TRANSMITTAL SHEET

TO: M. Cristina Gutierrez, Esq.

FAX: 310.208.1972

File No.

RE:

Pages Including Cover Sheet 5

FROM
Sandra Stowers, Legal Assistant to
M. Cristina Gutierrez, Esq.

Comments:

Per request I have attached the following:

1. Fax cover sheet from Doug Colbert @ Clinical Law Office, Inc.;
2. Letter from Colbert to Jessamy dated 4/22/99; and
3. Letter to Honorable David Mitchell from Vickie L. Wash of State's Attorney's Office.

The information contained in this facsimile message contains privileged and confidential material and/or trade secret material intended for the sole use of the individual named above. If you are not the intended recipient listed above, you are hereby notified that any disclosure, copying or distribution of this information or the taking of any action in reliance on the contents of this transmission is STRICTLY PROHIBITED. If you have received this transmission in error, please notify us immediately by telephone so that we can arrange for the return of this material at no cost to you.

Should you have any questions relating to this transmittal, please contact me at (410) 752-1555.

CLINICAL LAW OFFICE, INC.

(410) 706-3295

TELECOPY COVER LETTER

Fax 310.208.1972
M. Cristina Gutierrez
RM 314

DATE: _____ TIME: _____

TO: Mark Martin

ADDRESS: _____

PHONE NO.: _____ FAX: 410 752 1064

FROM: Day Glat

PHONE NO.: _____

CLIENT NAME & FILE NO.: _____

PERSONAL: _____

ITEM SENT: _____

NUMBER OF PAGES (including cover page): _____

SPECIAL INSTRUCTIONS/COMMENTS: Mark, I am enclosing two items

- 1- Letter sent last week to Pat Jessamy
- 2- letter received this past Friday from Pat Wash
- to Judge Mitchell R

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DOUGLAS L. COLBERT

ATTORNEY AT LAW
2508 CREST ROAD
BALTIMORE, MARYLAND 21215
410/466-4442

April 22, 1999

The Honorable Patricia C. Jessamy
State Attorney for Baltimore City
208 Clarence M. Mitchell Jr. Courthouse
Baltimore, Maryland 21202

Dear Pat,

I appreciate your willingness to review the enclosed court transcript of a habeas corpus proceeding in which I asked the Honorable David B. Mitchell to grant bail to Adnan Syed, who is currently charged with murder in the first degree.

In arguing that Mr. Syed presents a risk of flight, Assistant State Attorney Vicki Wash relied upon improper and erroneous assertions concerning Mr. Syed's nationality, ethnicity, ancestry, and religion. Ms. Wash also referred to the national origin and religion of Mr. Syed's parents and made a similar reference to the Baltimore community that supports Mr. Syed's pretrial release. Additionally, Ms. Wash made extensive use of highly prejudicial and unsworn statements that she attributed to a United States government legal advisor. Ms. Wash informed the court that Mr. Syed fit a pattern in which jilted Pakistani lovers murder women in this country and then gain safe haven in Pakistan. She concluded her argument by urging the court to avoid "another Sheinbein situation."

In my opinion, Ms. Wash's presentation was wholly outside the boundaries of proper argument.

I would like to discuss this matter further after you have had an opportunity to review the enclosed transcript. I thank you in advance and look forward to hearing from you.

Sincerely,

Douglas L. Colbert, Esq.

cc: Cristina M. Gutierrez, Esq.