

Insights

ADNAN SYED CLEARED A LEGAL HURDLE BUT IS JUSTICE SERVED?

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SUMMARY

While the ruling is worth celebrating, Syed's experience exposes some unpleasant truths about our criminal justice system.

Andrey Spektor and Associate Maryclaire Kennedy [authored an op-ed published Sept. 20 by NBC News](#) on the criminal justice system as it relates to the recently vacated conviction of Adnan Syed, featured in the popular podcast *Serial* and in an HBO series.

At the request of prosecutors, a Maryland court on Monday vacated the conviction of Adnan Syed, whose name may be familiar if you've listened to the "Serial" podcast or watched the HBO series "Forbidden Love."

More than two decades ago, a jury found Syed, then 18, guilty of murdering a fellow teenager, Hae Min Lee, and he was sentenced to life in person. Fourteen years into his prison term, "Serial" revealed a potential alibi witness and noted issues with some of the evidence presented at his trial. It also shed light on the deficient representation Syed received from his counsel, who was disbarred just a year after Syed's conviction.

A judge in Maryland granted Syed a new trial, and an appellate court upheld that decision.

But in 2019, the highest court in Maryland, in a divided opinion, reversed the decision of the appellate court. It agreed that the performance of Syed's trial counsel in investigating the case was unacceptable but concluded that the proof presented against Syed at trial was too strong for that deficiency to have made a difference. Later that year, the U.S. Supreme Court declined to hear the case.

Syed's new attorneys from the Maryland Office of the Public Defender and the University of Baltimore's Innocence Project pressed on. Finally, in a motion submitted last week, the prosecutors sought to vacate his conviction because they had uncovered information concerning the possible

involvement of two alternative suspects in Lee's murder. At least one of the suspects was known to the prosecutors before Syed's trial yet that was not disclosed to him, resulting in "Brady violations" — meaning evidence helpful to the defense was not properly made available. The prosecutors also acknowledged "significant reliability issues regarding the most critical pieces of evidence at trial."

To be sure, the state has not conceded that Syed is innocent — only that it no longer had "confidence in the integrity of this conviction" and that Syed should be released from prison, without bond, while prosecutors continue their investigation. Syed may still be tried again for the same murder.

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