

DOUGLAS L. COLBERT  
ATTORNEY AT LAW  
2508 CREST ROAD  
BALTIMORE, MARYLAND 21215

H.F. 3/10/99

410/466-4442

March 9, 1999

The Honorable John R. Hargrove, Jr.  
District Court of Maryland for Baltimore City  
1400 East North Avenue  
Baltimore, Maryland 21213

Dear Judge Hargrove,

We write to schedule a re-review of the previous bail hearing you conducted on behalf of our 17-year-old client, Adnan Syed, who is currently being held without bail on a murder in the first degree charge to which he steadfastly maintains his innocence.

On Monday, March 1, 1999, Your Honor presided at a bail review hearing in which you maintained Adnan's "no bail" status. Chris Flohr and I had requested that you set a \$25,000 bail based upon the fact that Adnan is a high school senior and honor student at Woodlawn High School, that he has never before been arrested, and that he had the support of approximately 200 people from his community in court, including his mother, father, brother, and other relatives. Adnan's father offered to use the family home to secure his son's release.

We now ask for a reconsideration of Adnan's bail for several reasons. First, in reviewing the record Your Honor twice stated, and appeared to place substantial weight, on your belief that Adnan faced a capital offense. In fact, this is not a capital case. Pursuant to Article 27, section 412(g) of the Maryland Annotated Code, there can be no death penalty for a person who is less than 18 years at the time of the alleged crime. Adnan is 17 years old. It is difficult to know how much weight you gave to the supposed capital charge, but I am sure you would agree that a reasonable bail is more likely for someone charged with a non-capital homicide offense.

Second, Adnan's scheduled graduation from high school, and his recent acceptance to college, are in serious jeopardy as long as he remains incarcerated. Last week, Mr. Flohr notified Adnan that he had received a letter of acceptance to the honors program at the University of Maryland at Baltimore County. Remaining in jail makes it virtually impossible for Adnan to graduate from high school, or to be given serious consideration for a merit and economic hardship scholarship for which he planned to apply.

Third, Mr. Flohr and I have met with Adnan's friends, family, and members of his community who have Adnan his entire life. They want to assist Adnan's father to post the necessary bail because they trust that he will always return to court while these charges remain pending. Community members, family, and friends are now willing to place their property as collateral and to raise the necessary funds to ensure Adnan's appearance in court. Adnan, too, is prepared to surrender his passport, abide by a curfew, obey stay away orders of protection, refrain from travel outside of the State of Maryland without prior court approval, report as required to Pretrial Release Supervision, and accept home detention should Your Honor conclude that these should be included in the conditions for pretrial release.

Your Honor agreed that the statement of probable cause provided little information against Adnan, but you appeared to place weight on the Assistant State Attorney's representation that an unnamed individual was present when Adnan is alleged to have buried the deceased. One would expect that this individual is currently facing criminal charges and thus has a substantial motive for fabrication.

In brief, Your Honor, Adnan has enormous family and community support and he has worked hard and achieved academic honors. This is the first time he has ever been in jail, and the past ten days have been a frightful and dangerous experience as it would be for any 17-year-old. Adnan is limited to one family visit a week, and only one telephone call a day. A re-review bail hearing would provide a fresh opportunity for Your Honor to consider bail conditions that would secure his future court appearances, provide for the public's safety, and protect Adnan's personal liberty while waiting for trial.

Because of the current circumstances, we would appreciate that you grant an early hearing date. Mr. Flohr and I are available at any time during Thursday, March 11, 1999, on Friday afternoon, March 12<sup>th</sup>, or any time on Monday, March 15, 1999.

We look forward to hearing from you.

Sincerely,



Douglas L. Colbert, Esq.



Christopher Flohr, Esq.

cc: Barbara Richmond, Assistant State Attorney  
for Baltimore City