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February 28, 1999

VIA FAX

Dear Detective Sydnor,

I represent 17 year-old Mr. Adman Syed, whom I understand you have had in police custody concerning a pending homicide investigation since approximately 6 a.m. this morning. I write to reiterate my numerous requests that I have made this morning to permit me to speak to my client immediately and that you cease any questioning in my absence.

Today at 7:10 a.m., I called Sergeant Lehmann and informed him that I was Mr. Syed's attorney. I requested that neither Sergeant Lehmann, nor any other law enforcement official, conduct any further questioning of Mr. Syed about any matter, including but not limited to questions concerning the current homicide investigation. I also requested that I be present during the time that you provide Mr. Syed with his *Miranda* warnings. Sergeant Lehmann indicated that he would "make a note" confirming that I had called and relating the content of our conversation.

At 10:00 a.m. this morning, my co-counsel Christopher Flohr called and spoke with Detective Sydnor. Detective Sydnor informed Mr. Flohr that police officials were then conducting an interview of Mr. Syed. Mr. Flohr reiterated my earlier request that the police cease questioning, and he asked to see Mr. Syed immediately. Detective Sydnor stated that the police would not stop their questioning. The detective also stated that he would allow Mr. Flohr to see or speak with Mr. Syed "as soon as the interview was over," but not at any time before. Detective Sydnor added that Mr. Syed would be permitted to speak with Mr. Flohr but only if Mr. Syed made a specific request to speak to lawyer Flohr. Mr. Flohr replied that he had been retained by Mr. Syed's family, and that Mr. Syed did not know his lawyer's name. Detective Sydnor refused to allow Mr. Flohr to see or speak to his client.

Mr. Flohr and I traveled to the police headquarters at 601 East Fayette Street, and found the building closed. A sign directed us to the police precinct located at 500 East Baltimore Street. At 10:55 a.m., I spoke with Officer Correll, who was on duty, and asked him permission to speak to my client. Officer Correll then called Detective Patel to relay my request. Officer Correll informed me that Detective Patel had stated that he "was not taking any visitors."

I remained at the precinct and called the Homicide division and spoke with Detective Bowden. I identified myself as Mr. Syed's lawyer and that I had been retained by the family. I indicated the substance of my earlier conversation with Sergeant Lehmann, and repeated my earlier requests that the police cease questioning and that I be permitted to speak to my client. Detective Bowden placed me on hold. Detective Sydnor then spoke to me, and indicated that the police were interviewing Mr.

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Syed. When I asked that questioning cease, Detective Sydnor stated that Mr. Syed had waived his right to counsel. I asked whether any officer had informed Mr. Syed that Mr. Flohr and I were present and had been trying to see or speak to him. Detective Sydnor indicated that no officer had told Mr. Syed of our presence, and that unless Mr. Syed requested an attorney the interview would continue. I asked the names of the officers conducting the questioning. Detective Sydnor indicated that Detectives McGillevey (sic) and Ritz were present, as well as Sergeant Lehmann, during the interrogation.


Despite my repeated requests, Detective Sydnor refused to tell Mr. Syed that his attorneys were present and declined to cease questioning. I also asked Detective Sydnor to videotape the interview and questioning of Mr. Syed, but the Detective refused by saying that I "wouldn't want to tell you how to defend someone in court." Finally, I asked Detective Sydnor to permit Mr. Syed's mother and father to see their son immediately. Detective Sydnor again declined my request.

In addition, I also asked that I wanted to be notified, and to be permitted to observe, any out-of court identification procedures, including any lineup, show-up, photo array, or any other type of procedure.

We repeat our request to see our client, Mr. Syed, immediately upon receipt of this letter. We also ask that you and every member of the Baltimore City Police Department, and any other law enforcement agency including, but not limited to the State Attorney for Baltimore City of any federal agency, cease questioning or speaking to Mr. Syed in the absence of counsel.

I can be reached today at my office at the University of Maryland School of Law. My telephone number is 410-706-0683. Mr. Flohr can be reached at 410-432-1417 (pager) twenty-four hours a day, seven days a week.

Sincerely,

  
Professor Douglas L. Colbert  
(410) 706-0683