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Motion for Reconsideration Filed on Behalf of Adnan Syed

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Today the legal team for Adnan Syed filed a motion for reconsideration in the Appellate Court of Maryland. The motion points out that, contrary to the Court's prior cases, the Court did not require the appealing party—Mr. Lee—to show how the outcome of the vacatur proceeding would have been different if Mr. Lee were present in the courtroom. The Appellate Court found that Mr. Lee had no right of participation in the hearing. Mr. Lee attended the vacatur hearing over zoom and addressed the court prior to its order granting vacatur.

“With rare exception, litigants must show that any error impacted the case outcome before they are entitled to reversal. Acknowledging that the outcome would not have been different does not diminish the importance of victims’ rights,” explained Brian Zavin, OPD’s Appellate Division Chief and Co-Counsel for Mr. Syed on the appeal. “Even a criminal defendant generally is not entitled to reversal of a conviction for the violation of their constitutional rights if the appellate court finds that the result would have been the same despite the error. Likewise, here, any violation of a right to appear in person that Mr. Lee possessed would not have changed the outcome of the vacatur proceeding.”

“This case demonstrates the profound harm caused by wrongful convictions—both for Hae Min’s family, who lost their daughter and sister and have yet to receive true answers about her death; and for Adnan’s family, who lost their son and brother for more than 20 years for a crime he did not commit,” said Erica J. Suter, assistant public defender, director of the Innocence Project Clinic and lead counsel for Adnan Syed. “Clarifying the extent to which victims like Young Lee are entitled to be present in the courtroom for a vacatur hearing should not extend the wrongful conviction, deep trauma, and possible incarceration of a man and family who have already endured decades of injustice.”

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