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## How a Podcast and Docuseries Helped to Release a 14 Year Prisoner

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# How a Podcast and Docuseries Helped to Release a 14 Year Prisoner

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Adnan Syed, was released from prison on September 19, after being behind bars for 23 years.[1] Syed was convicted in 1999 for the murder of his high school girlfriend, Hae Min Lee, despite steadfastly defending his innocence.[2] After a mistrial in 1999, Syed was found guilty of murder in 2000 and sentenced to life in prison.[3] After 14 years of his sentence had passed, Syed's case gained widespread attention after it was featured on the *Serial* podcast.[4] On the episode, host Sarah Koenig, questioned the credibility of the evidence used to incriminate Syed and the inconsistencies among the prosecution's witnesses.[5] The podcast further relayed that Syed had an incompetent lawyer throughout the trial, who was eventually disbarred.[6] All of these components contributed to his unfair conviction.[7] The podcast's release was a phenomenon hailing over a hundred million downloads in its first year.[8] Following *Serial's* success, Syed's story re-emerged and gained wide-spread media attention. About a year later, a Maryland court agreed to hear Syed's appeal and soon granted him a hearing to introduce new evidence.[9] Syed's defense team pointed to the defendant's previously negligent attorney, who did not call on certain witnesses who could have supported Syed's alibi nor question the reliability of the prosecution's evidence.[10]

In 2018, the Maryland Court of Special Appeals upheld the decision to grant a new trial, which was then reversed by Maryland's highest court a year later.[11] The Court of Appeals of Maryland held that Syed did not have an insufficient lawyer and was therefore not prejudiced.[12] The Supreme Court of the United States also declined to hear the case.[13] While public interest in the case began to decelerate, yet another media sensation brought Syed's story to the forefront. In 2019 the HBO docuseries "The Case Against Adnan Syed" revealed that new DNA tests requested by Syed's counsel showed there was no DNA on Lee's body or clothing that could be linked to the defendant.[14] This once again fueled the case's momentum that was previously halted by both the Court of Appeals of Maryland and The Supreme Court of the United States. The case took a significant turn most recently after a long investigation revealed that two prime suspects were overlooked and not revealed to the defense team and also disclosed further doubt in the faulty cell phone records used to incriminate Syed.[15] All of the evidence pointing to his unfair conviction led a Baltimore City Circuit Court to vacate the sentence in the interests of "justice and fairness." [16] Syed is currently serving home detention for a 30 day period in which prosecutors will either decide to proceed with a new trial or drop the charges completely.[17]

While Syed's story is an incredible one, it is certainly not an anomaly. Throughout his trial, Syed was not only faced with the State's failure to disclose exculpatory evidence, but was ultimately convicted despite a lack of DNA evidence connecting him to the crime.[18] These unjust legal tactics are frequently used to secure a conviction, which often leads to the incrimination of an innocent person. Specifically, a 2020 report from the National Registry of Exonerations detailed that 44% of exonerations involved cases of hidden exculpatory evidence by prosecutors.[19] Although Syed's case is unjust, it is certainly not uncommon. However, what makes this story different is that despite the legal system working against him, Adnan Syed had the support of the media and public interest on his side to shed light on such injustices. Unfortunately, not everyone who is wrongly convicted or faces an unjust trial has a team of podcast hosts and television producers bringing attention to their cases. While Syed gets another chance at freedom, so many wrongfully convicted people remain behind bars. The Innocence Project estimates that about 20,000 people have been falsely convicted of crimes they did not commit. [20] Adnan Syed's release is both a victory and a solemn reminder of the unpleasant reality of our legal system.

[1] Michael Levenson, *Judge Vacates Murder Conviction of Adnan Syed of 'Serial.'* The New York Times (Sept. 19, 2022), <https://www.nytimes.com/2022/09/19/us/adnan-syed-murder-conviction-overturned.html>.

[2] Adnan Syed: Judge Overturns Murder Conviction Featured in Serial Podcast, The Guardian (Sept. 19, 2022), <https://www.theguardian.com/us-news/2022/sep/19/adnan-syed-judge-orders-release-serial-conviction-vacated>.

[3] *Id.*

[4] Serial, *Mass Incarceration, The Alibi*, (Oct. 3, 2014), <https://serialpodcast.org/season-one/1/the-alibi>.

[5] Adam Gabbatt, *Serial: How a Podcast Helped Adnan Syed Become a Free Man*, The Guardian (Sept. 21, 2022), <https://www.theguardian.com/tv-and-radio/2022/sep/21/adnan-syed-serial-podcast-case>.

[6] Rose Minutaglio, *Who Was Adnan Syed's First Lawyer, Christina Gutierrez?*, Elle (Sept. 21, 2022), <https://www.elle.com/culture/movies-tv/a26755765/who-is-cristina-gutierrez-adnan-syed-lawyer/>.

[7] Daniel Victor, *Timeline: Adnan Syed's Murder Conviction Overturned*, The New York Times (March 10, 2019), <https://www.nytimes.com/article/adnan-syed-serial-timeline-serial.html>.

[8] *Id.*

[9] Ryan W. Miller, *Supreme Court won't hear an appeal for new trial in 'Serial' case. What's next for Adnan Syed?*, USA Today (Nov. 26, 2019), <https://www.usatoday.com/story/news/nation/2019/11/26/serial-case-adnan-syed-denied-supreme-court-appeal-whats-next/4305600002/>.

[10] Will Jordan, *Adnan Syed and the Interplay Between Legal Malpractice and Post-Conviction Relief*, Robinson Gray (May 19, 2015), <https://robinsongray.com/adnan-syed-and-the-interplay-between-legal-malpractice-and-post-conviction-relief/>.

[11] *Id.*

[12] Jordan S. Rubin, *'Serial' Podcast Subject Syed's Appeal Rejected by Supreme Court*, Bloomberg Law, (Nov. 25, 2019), <https://news.bloomberglaw.com/us-law-week/serial-podcast-subject-syeds-appeal-rejected-by-supreme-court>.

[13] *Id.*

[14] *The Case Against Adnan Syed* (HBO television documentary March 10, 2019).

[15] Joseph Allen, *Following Adnan Syed's Release, Who Are the Other Suspects In His Case?*, Distractify (Sept. 20, 2022), <https://www.distractify.com/p/other-suspects-in-adnan-syed-case>.

[16] Daniel Victor, *Timeline: Adnan Syed's Murder Conviction Overturned*, The New York Times (Sept. 20, 2022), <https://www.nytimes.com/article/adnan-syed-serial-timeline-serial.html>.

[17] *Id.*

[18] Hayley Cullen, *'Serial' Podcast's Adnan Syed has Murder Conviction Vacated: How Common are Wrongful Convictions?*, The Conversation (Sept. 21, 2022), <https://theconversation.com/serial-podcasts-adnan-syed-has-murder-conviction-vacated-how-common-are-wrongful-convictions-190968>.

[19] Innocence Staff, *'Adnan Syed of "Serial" Walks Free After 23 Years in Prison*, The Innocence Project (Sept. 19, 2022), <https://innocenceproject.org/statement-adnan-syeds-conviction-is-vacated/>.

[20] *How Many Innocent People are in Prison*, The Innocence Project, (Dec. 12, 2011), <https://innocenceproject.org/how-many-innocent-people-are-in-prison/>.