STATE OF MARYLAND	**IN THE**
	CIRCUIT COURT
v.	**FOR BALTIMORE CITY**
ADNAN SYED,	**Case Nos. 199103042-46**
Defendant	

MEMORANDUM OPINION

On December 30, 2024, Adnan Syed (the "Defendant" or "Syed"), through counsel, filed a Motion for Reduction of Sentence Pursuant to the Juvenile Restoration Act (the "JRA" and the "Motion"). On January 12, 2025, the State filed a response, recommending that the Court grant the Motion. On February 26, 2025, the Court held a hearing on the Motion and the related filings.

Upon consideration of the filings, testimony, exhibits, and arguments on the record, for the reasons stated in this Memorandum Opinion, on this 6th day of March 2025, the Circuit Court for Baltimore City, Part 32, **GRANTS** the Motion.

I. FACTUAL AND PROCEDURAL HISTORY

A. FACTUAL HISTORY

The Appellate Court of Maryland's[1] opinion restates facts relevant to the Defendant's conviction for the murder of Hae Min Lee in 2000:

> At trial, the State's theory was one of a scorned lover. The State described Syed as resentful when Hae [Min Lee] ended her and Syed's on-again, off-again relationship in November of 1998. According to the State, this resentfulness only grew after Syed discovered that at the beginning of January 1999, Hae had begun dating Donald Clinedinst . . . . To make matters worse, Hae's new relationship quickly became common knowledge among students and teachers at Woodlawn

[1] Effective December 14, 2022, the name of the Maryland Court of Special Appeals was changed to the Appellate Court of Maryland.

> High School, where both Hae and Syed were enrolled as students in the Magnet program for gifted students.
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> The State theorized that sometime before the school day ended on January 13, 1999, Syed asked Hae for a ride so that he could pick up his car at the repair shop, knowing that she would say yes. During that ride, Syed, a regular operator of Hae's Nissan Sentra, drove them to the Best Buy parking lot situated off Security Boulevard in Baltimore County, a location frequented by them during their courtship. Central to the State's theory was that Syed murdered Hae between 2:15 p.m. and 2:35 p.m. in the Best Buy parking lot by strangling her and then placing her body in the trunk of her car. The State adduced evidence showing that later that night, Syed and Jay Wilds (the State's key witness) buried Hae's body in Leakin Park.

Syed v. State, 236 Md. App. 183, 196-7 (2018).

The State presented evidence of a note—recovered from a textbook in the Defendant's home—from Hae Min Lee to the Defendant which read: "You'll move on and I'll move on. But, apparently you don't respect me enough to accept my decision . . . I NEVER wanted to end like this, so hostile + cold. Hate me if you will." On the back of the note was the statement: "I'm going to kill."

The day before the murder, the Defendant activated a cell phone and asked whether Jay Wilds was available the next day. On the date of the murder, the Defendant told Mr. Wilds that he was going "to kill that bitch."

On January 13, 1999, the Defendant killed Hae Min Lee. After committing the murder, the Defendant called Mr. Wilds, asking him to pick up the Defendant. When Mr. Wilds arrived, the Defendant showed him Hae Min Lee's body, which had been deposited in the trunk of her car.

Hae Min Lee's body was missing for nearly a month, until an unrelated individual recovered it in a shallow grave in Leakin Park. The medical examiner concluded that the cause of death was manual strangulation, highlighting that the victim's hyoid bone was dislocated by force.

B. PROCEDURAL HISTORY

In February 1999, the Baltimore Police Department arrested the Defendant. He was seventeen years old at the time.[2] In February 2000, a jury convicted the Defendant of first-degree murder, kidnapping, robbery, and false imprisonment. The trial court sentenced the Defendant to life in prison, plus thirty years consecutive. The Defendant appealed and in an unreported opinion, the Appellate Court affirmed his conviction. *See Syed v. State*, No. 923, Sept. Term 2000 (Mar. 19, 2003), *cert. denied*, 276 Md. 52 (2003).

The Defendant filed a post-conviction petition and a supplement in May 2010 and June 2011, respectively. In January 2014, the trial court denied the petition. In May 2015, after the Appellate Court granted leave to appeal, the Appellate Court granted the Defendant's request to remand the proceedings to this Court for this Court to consider a newly obtained affidavit from a potential alibi witness. On remand, this Court granted the Defendant a new trial.

In August 2016, the State filed an application for leave to appeal, and the Defendant filed a conditional cross-application for leave to appeal, both of which the Appellate Court granted. The Appellate Court ultimately affirmed this Court's grant of a new trial. *See State v. Syed*, 236 Md. App. 183 (2018). After the Supreme Court of Maryland[3] granted the State's petition for writ of *certiorari*, the Supreme Court reversed the Appellate Court's judgment, holding the Defendant was not entitled to a new trial. *See State v. Syed*, 462 Md. 60 (2019).

On September 14, 2022, the State moved to vacate the Defendant's convictions (the "Motion to Vacate"), which Motion the Defendant joined. In September 2022, this Court granted

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[2] The Defendant was born on May 21, 1981.

[3] Effective December 14, 2022, the name of the Court of Appeals of Maryland was changed to the Supreme Court of Maryland.

the Motion to Vacate, releasing the Defendant on his own recognizance and placing him on home detention. In October 2022, the State entered a *nolle prosequi* on all charges.

Young Lee, the victim's representative, appealed this Court's decision granting the Motion to Vacate. On appeal, the Appellate Court reinstated the Defendant's convictions and remanded the case for a new vacatur hearing. *Lee v. State*, Md. App. 481, 550 (2023). In May 2023, the Defendant filed a petition for writ of *certiorari*, which the Supreme Court granted. The Supreme Court of Maryland held that the Court's failure to afford Mr. Lee reasonable notice of the vacatur hearing deprived him of the opportunity to meaningfully participate in the proceedings and remanded the case to this Court. *Syed v. Lee*, 488 Md. 527 (2024). The Supreme Court instructed that the parties would be positioned, on remand, "where they were immediately after the State's Attorney filed the Vacatur Motion . . . ." *Id.* at 628-29.

On November 22, 2024, the Court held a status conference, during which the State requested—without opposition—ninety days to file any supplemental pleadings. The Court granted the requested extension. On December 30, 2024, the Defendant filed the instant Motion, to which the State responded (in support) on January 12, 2025. On February 19, 2025, the victim's representative responded to the Defendant's and the State's respective filings. On February 26, 2025, the Court conducted a hearing on Motion and the related filings.

II. LEGAL STANDARD

The JRA allows an adult who was convicted of an offense committed when he was a minor, who was sentenced for the offense before October 1, 2021, and who has been imprisoned for at least twenty years, to move to reduce the duration of his sentence. *See* MD. CODE ANN., CRIM. PROC. § 8-110(a); *see also Johnson v. State*, 258 Md. App. 71, 91 (2023) The Maryland General Assembly enacted the JRA "under the theory that juveniles have diminished capacity at the time

of their crime(s) and are likely to have been rehabilitated during their incarceration, and, thus, the public interest may be best served by their release." *Johnson v. State*, 258 Md. App. 71, 89-90 (2023).

To reduce an individual's sentence, the Court must determine that (1) the individual is not a danger to the public, and (2) the interests of justice will be better served by a reduced sentence. MD. CODE ANN., CRIM. PROC. § 8-110(c). When making this determination, the court must consider eleven enumerated factors, discussed below. *Id.* § 8-110(d).

III. DISCUSSION

A. THE DEFENDANT'S ELIGIBILITY FOR RELIEF UNDER THE JRA

The Defendant is eligible for relief under the JRA. The JRA applies only to individuals "convicted as an adult for an offense committed when the individual was a minor," "sentenced for the offense before October 1, 2021," and "imprisoned for at least 20 years for the offense." MD. CODE ANN., CRIM. PROC. § 8-110(a). In this case, the Defendant was born in May 1981; he was thus seventeen years old at the time of the offense. The Court sentenced the Defendant in 2000, long before October 1, 2021. The Defendant was imprisoned for over twenty-three years on his convictions. It is undisputed that the Defendant meets the threshold eligibility requirements for relief under the JRA.

B. THE ENUMERATED FACTORS IN CRIM. PROC. § 8-110(d)

1. The Individual's Age at the Time of the Offense

The Defendant was seventeen years and seven months old at the time of the offense. Although the Defendant—by virtue of being under eighteen at the time of his crimes—is eligible for relief under the JRA, he had almost reached legal adulthood at the time of the crime. Though some have taken the position that this factor must always be mitigating, *see Trimble v. State*, No.

28, September Term 2024 (oral argument conducted Feb. 6, 2025), this Court believes that, if that was so, the Legislature would not have listed the defendant's age as a factor that the Court must consider under CRIM. PROC. § 8-110(d). Because the Defendant had almost reached his eighteenth birthday at the time of the offense, this court weighs this factor against granting relief.

2. The Nature of the Offense and the History and Characteristics of the Individual

i. *The Nature of the Offense*

A jury convicted the Defendant of first-degree murder, kidnapping, robbery, and false imprisonment. Although the Defendant acknowledges the impact of his actions and the legal drama that followed on the Lee family, the Defendant stands convicted of the premeditated, brutal, and deliberate slaying of Hae Min Lee, his high school ex-girlfriend. The heinous nature of the offense weighs against granting the Defendant relief under the JRA.

ii. *The History and Characteristics of the Individual*

The Defendant was raised, alongside two brothers, by both parents in a loving and stable home. His faith provided structure and community. The Defendant was a high-achieving student with a thriving social life. The Defendant was on the pre-engineering track at Woodlawn High School and had been accepted into two colleges. The Defendant held several part-time jobs, including as an emergency medical technician and telemarketer. Though the Defendant self-reported breaking "religious rules," such as smoking, drinking, and engaging with the opposite sex, there were no reports of any academic or behavioral problems. The Defendant's mother described him as "obedient," "caring," and "well-behaved." Before his arrest for the instant crimes, the Defendant had no contact with the criminal justice system. Given the stable home in which he was raised, this factor weighs against granting the Defendant relief.

3. Whether the Individual Has Substantially Complied with the Rules of the Institution in Which the Individual Has Been Confined

The Defendant—incarcerated for twenty-three years—maintained an outstanding institutional record. Although the Defendant had two infractions, neither was violent. Indeed, in 2007 and 2008, the Defendant received multiple awards recognizing his achievement of three or more years free of infractions. The Defendant was infraction-free from 2009 until his release in 2022. The State recognizes that the Defendant substantially complied with the relevant rules, noting that he "overall complied" with institutional rules. The Defendant was apparently so compliant with the institution's rules that staff recommended that be moved to a lower security facility, but a move was precluded by the nature of the Defendant's sentence. Overall, the Defendant's institutional record demonstrates an outstanding history of following the rules. This factor weighs heavily in favor of granting the Defendant relief.

4. Whether the Individual Has Completed an Educational, Vocation, or Other Program

While incarcerated, the Defendant took full advantage of available programs. The Defendant completed thirty-five programs, ranging from stress management classes to a Legal Assistance/Paralegal Certificate Program for which he had a ninety-nine percent GPA. The Defendant was later admitted into Georgetown University's Bachelor of Liberal Arts program. In addition to completing institutional programming, the Defendant participated in volunteer and fundraising work, receiving multiple awards recognizing his efforts in coordinating and participating in fundraisers for the institution. The Defendant received excellent performance reviews from correctional officers overseeing his work assignments for extended periods of his incarceration. This factor weighs heavily in favor of relief under the JRA.

5. Whether the Individual Has Demonstrated Maturity, Rehabilitation, and Fitness to Re-enter Society Sufficiently to Justify a Sentence Reduction

The Defendant is in a unique position. In September 2022, following the Court's vacatur decision, the Defendant was released from incarceration. One does not have to speculate about the Defendant's maturity and fitness to re-enter society because he has succeeded in the two and a half years since his release. With the support of family, community, and friends and colleagues, the Defendant has re-entered society and maintained a support system.

Since his release, the Defendant has lived at his parents' home and his wife's family's house. He has taken care of his elderly parents and in-laws. After his father's death, the Defendant helped his mother and brother navigate his father's affairs.

Additionally, the Defendant has been active in his mosque, the Islamic Society of Baltimore (ISB), where he regularly attends services and volunteers at events. The Defendant also counsels members supporting formerly incarcerated individuals.

The Defendant has maintained stable employment at Georgetown University's Prisons and Justice Initiative, a program to which he was introduced while taking college courses during his incarceration. On this point, at the JRA hearing, Georgetown Professor Marc Howard testified that the Defendant is a trusted, valued employee.

The facts here give the Court confidence in the Defendant's maturity and fitness to re-enter society. His success in the two and a half years since his release demonstrates the maturity and fitness required for a crime-free life outside of prison.

An honest application of these factors prompts the court to acknowledge that the rehabilitation component complicates the court's analysis. As Mr. Lee's response indicates, case law highlights that "the first step on the road to rehabilitation is the acceptance of responsibility."

See Montague v. State, No. 409, 2024 WL 2746018, at *2-3 (Md. App. Ct. May 29, 2024). Because the Defendant maintains his innocence, he arguably does not demonstrate the "rehabilitation" piece of this factor. Still, the Defendant's success since his release from prison weighs heavily in favor of relief under the JRA.

6. <u>Any Statement Offered by a Victim or a Victim's Representative</u>

The victim's representative, Mr. Young Lee, filed a written response to the JRA. Two members of the Lee family, Hae Min Lee's mother and brother, made oral statements at the JRA hearing opposing any reduction in sentence. The family of Hae Min Lee views the Defendant's innocence claim as a "lack of remorse and a failure to take any responsibility for his actions." Mr. Lee urged the Court to consider negatively this factor in its analysis, together with the age factor and the nature of the offense.

This Court cannot fathom the anguish and heartbreak the Lee family has suffered. The Defendant was convicted of Hae Min Lee's brutal and premeditated murder. Their suffering has continued over the last twenty-five years, starting when Hae was missing for almost a month, through the discovery of her body in a shallow grave in Leakin Park, then through a mistrial and a re-trial. Even after the trial judge sentenced the Defendant, the Lee family has endured over twenty years of appeals, post-conviction petitions, vacatur hearings, and now the JRA hearing. Each time they thought the legal case was over, something new happened and tore open old wounds. As if the legal wrangling weren't difficult enough, the intense and overwhelming public interest in the case was inescapable. As Mr. Lee stated in his victim impact statement, his family suffered Hae's murder not only in Court, but in the court of public opinion. Mr. Lee emphasized the continuing devastation he and his family suffer. Hae Min Lee was the "heart" of their family with a bright future. This factor weighs against granting the Defendant relief under the JRA.

7. Any Report of a Physical, Mental, or Behavioral Examination of the Individual Conducted by a Mental Health Professional

The Defendant provided three examinations to the Court. Though the Defendant did not participate in a pre-sentence investigation in 2000, since then, he has had three examinations—one in 2016 and two in 2021. The 2016 report—completed by Rebecca Bowman-Rivera, LCSW-C—noted the Defendant's limited institutional infraction record and perfect work attendance. The report noted that teenagers housed in adult facilities are at far greater risk of being disruptive and victimized in adult prisons, but the Defendant's involvement in the Muslim community provided protection and support as he adjusted to incarceration. The report highlighted that the Defendant remained drug free throughout his incarceration and had no violent infractions. Prior to incarceration, the report noted that the Defendant smoked marijuana regularly. The examiner noted the Defendant had no known behavioral or mental health issues.

The November 2021 examination—conducted by Joanna D. Brandt, M.D.—noted that the Defendant had no history before arrest of aggressive behaviors. The report emphasized that the Defendant's rule-breaking behavior as a juvenile before the murder never amounted to anything serious enough to warrant the juvenile justice system's involvement. The examiner reiterated that the Defendant did not use drugs while incarcerated and he did not incur any violent incidents. The report noted that the Defendant suffered from anxiety and difficulty sleeping in 2019 but discontinued his medication. At the time of the report, the examiner noted that the Defendant did not suffer from any mental illness and did not meet the criteria for any personality disorder.

Ms. Bowman-Rivera conducted a second biopsychosocial examination in 2021. Although defense counsel redacted the medical and mental history portions of the report, it reiterated the contents of the 2016 report with an added re-entry plan.

This factor weighs in favor of granting relief under the JRA.

8. The Individual's Family and Community Circumstances at the Time of the Offense, Including any History of Trauma, Abuse, or Involvement in the Child Welfare System

The Defendant and his two brothers were raised in a loving and stable home with two devoted parents. The Defendant described his childhood as normal. Both of his parents were employed. The Defendant had positive relationships with his older and younger brother. His Muslim faith provided community and reinforced the importance of family. Additionally, before the murder, the Defendant had a robust social life. His friend group consisted of other students from Woodlawn High School's magnet program and his mosque. The Defendant had no contact with the criminal justice or child welfare systems. The Defendant denied any physical or sexual abuse, as well as any trauma.

While these life circumstances certainly set the Defendant on a positive path, this factor weighs against granting him relief under the JRA. At the time he committed these horrific crimes, he didn't do so out of desperation or lack of parenting. The Defendant's family and community gave him every advantage in life, and he committed these terrible crimes despite his advantages.

9. The Extent of the Individual's Role in the Offense and Whether and to What Extent an Adult Was Involved in the Offense

This factor requires the Court to consider whether the Defendant's participation in a crime is mitigated by the influence of an adult. The Defendant was the principal actor in Hae Min Lee's kidnapping, murder, and burial. Jay Wilds, the only other participant, was far less culpable than the Defendant, as Mr. Wilds did not participate in Hae Min Lee's murder. The Defendant was the mastermind and perpetrator of the murder of Hae Min Lee, and thus this factor weighs against granting relief under the JRA.

10. The Diminished Culpability of a Juvenile as Compared to an Adult, Including an Inability to Fully Appreciate Risks and Consequences

"This factor requires a court to discuss and apply the notion recognized by the Supreme Court of the United States that juveniles have diminished culpability compared to adults – which is the driving force behind the [JRA]." *Adams v. State*, No. 1470, Sept. Term 2022, 2023 WL 6618310, at *9 (Md. App. Ct. Oct. 11, 2023). In *Miller*, *supra*, the Supreme Court recognized three "significant gaps between juveniles and adults":

> First, children have a lack of maturity and an underdeveloped sense of responsibility, leading to recklessness, impulsivity, and heedless risk-taking. Second, children are more vulnerable to negative influences and outside pressures, including from their family and peers; they have limited control over their own environment and lack the ability to extricate themselves from horrific, crime-producing settings. And third, a child's character is not as well formed as an adult's; his traits are less fixed and his actions less likely to be evidence of irretrievable depravity.

Miller, 567 U.S. at 471.

In issuing this Memorandum Opinion, the Court has considered the Supreme Court's recognition that "juveniles have diminished culpability compared to adults," *see Adams*, 2023 WL 6618310, at *9, that juveniles have a greater capacity for reform compared to adult defendants, *see Montgomery v. Louisiana*, 577 U.S. 190, 195 (2016), and that the "hallmark features" of a juvenile offender's chronological age include "immaturity, impetuosity, and failure to appreciate risks and consequences." *Miller*, 567 U.S. at 477.

Simply put, when the Defendant committed the horrible crimes at issue, he did so with a brain that was not fully formed. *See Graham v. Florida*, 560 U.S. 48, 68 (2010) (recognizing that "developments in psychology and brain science continue to show fundamental differences between juvenile and adult minds," including the "parts of the brain involved in behavior control").

This factor weighs heavily in the Defendant's favor.

11. Any Other Factors the Court Deems Relevant

The State has joined the Defendant's motion for relief under the JRA. The Court understands and weighs in its decision the Lee family's vehement opposition to granting the Defendant relief. In any criminal sentencing, a court must consider theories of punishment, deterrence—both general and specific—and rehabilitation. Certainly, the crimes for which the Defendant was convicted call for significant punishment. The Defendant has spent more than twenty-three years in prison. While this punishment is significant, if punishment were the sole consideration, this Court would order the Defendant's return to prison. The theory of deterrence, however, calls for a reduction in sentence. The Court is confident that the Defendant is no longer a danger to public safety. Thus, no additional incarceration accomplishes specific deterrence. General deterrence requires the public to believe that the justice system will hold people accountable for their actions, but it also requires the public to have faith in a judicial system that is even-handed and fair. Ordering the Defendant's return to prison (after a significant period of success and freedom) will not accomplish general deterrence. Finally, while rehabilitation, discussed *supra,* is complicated in this case, the Court believes that the Defendant has proven, through his institutional history and since his release, that he is fit to live in society. This Court finds that the Defendant's return to prison would be unproductive and unfair. Therefore, this factor weighs in favor of granting relief.

IV. CONCLUSION

As noted *supra,* there are eleven enumerated factors under the JRA. The first ten are evenly split. It is the final factor that has persuaded this Court to grant the Defendant relief.

Although the Court must consider and apply the eleven enumerated factors, these factors inform the key determinations: whether the Court concludes that "the individual is not a danger to

the public" and "the interests of justice will be better served by a reduced sentence." MD. CODE ANN., CRIM. PROC. § 8-110(c). After considering the entire record, the court concludes that the Defendant is not a danger to the public and that the interests of justice will be better served by a reduced sentence.

Therefore, this Court will modify the Defendant's sentence as follows: as to Count One in case number 199103042, First Degree Murder of Hae Min Lee, the sentence of the Court will be life to the division of correction, with all but time served suspended. This sentence will be followed by a period of five years of supervised probation. As to Count One in case number 199103043, Kidnapping, the sentence will be thirty years consecutive, suspended, followed by five years of supervised probation. As to Count One in case number 199103045, Robbery, the sentence of ten (10) years concurrent will remain unchanged. The Court will hold a brief hearing by Zoom for imposition of this sentence at a time convenient to all parties within two weeks of this Opinion.

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Judge Jennifer B. Schiffer
Part 32, Baltimore City Circuit Court