

UNDISCLOSED: FIVE LEGAL LESSONS FROM THE CASE OF ADNAN SYED

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I. INTRODUCTION	363
II. THE FIVE LESSONS I LEARNED FROM ADNAN’S CASE.....	365
A. <i>Lesson One: Innocent Until . . . Well, Innocent Until Charged</i>	365
B. <i>Lesson Two: Lady Liberty Has 20/20 Vision</i>	367
C. <i>Lesson Three: You Are Not an Expert</i>	370
D. <i>Lesson Four: Be a Zealous Advocate</i>	372
E. <i>Lesson Five: The Power of One</i>	373
III. CONCLUSION.....	374

I. INTRODUCTION

Before I begin, it’s important to note that I was asked to talk about the legal lessons that I took from *Serial* and Adnan Syed’s case. However, I am not a criminal defense attorney. I have never practiced criminal law. The closest I have ever gotten to a criminal law case is Adnan’s case, so the lessons that I’m going to draw are the lessons of somebody who is viewing the criminal law process from a distance, which I think provides a valuable perspective. Sometimes, when you are really in it you can become so used to things that they kind of seem okay to you. Even though my perspective is not as a criminal defense attorney, I will say to all of you who are law students who are going to be practicing: You are all future officers of the court and I hope that you really think about these lessons and the impact of all these issues as you go on.

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For those of you who have not listened to *Undisclosed*, I will briefly provide some background information.¹ While the *Serial* podcast was ongoing, a couple of lawyers named Susan Simpson and Colin Miller, who I had never met before, were independently interested in the case for their blog.² They began blogging about the case based on the public information that was already available. I was also blogging at that time, but my blog was a very personal perspective from knowing Adnan and his family. Colin was a professor of Evidence and he was looking at everything through an evidentiary lens. Susan is like Sherlock Holmes in a tall, blonde female form, and she was finding and seeing things in the transcripts that everyone else had overlooked up to that point. She was able to articulate the things that were making people uneasy but that no one could point out—like how and why Jay’s (the state’s primary witness against Adnan) statements were changing. We knew the statements were changing, we just didn’t know why. Indeed, she was so good that I reached out to both of them and provided them access to all of the documents and case files.

That was really a turning point for the case due to the tremendous exposure from *Serial*. In a legal sense, however, I don’t think there was that much impact in the actual courts, and for me that is what was important. It was great that the whole world knew about Adnan’s case. It was great that *#freeadnan* was trending on Twitter. But what I wanted after we had lost our last post-conviction appeal was to see an impact in court. We had appealed the last denial of post-conviction relief, but I think only 1.2 percent of cases are granted that relief. Susan and Colin began really digging and investigating deeply and looking at all the documents and finding all kinds of crazy stuff that nobody ever identified or recognized before. I don’t blame, for example, Sarah Koenig, the host of *Serial*, for either missing something or not addressing it because there have been teams of lawyers over the years who looked at the exact same materials. I have looked at it, and I missed all these things.

Despite Susan’s special ability to identify important evidence, nobody was reading their blogs. At some point somebody said you need to take all that information that you have unearthed after *Serial* and put it into podcast form. I didn’t have time for that. More importantly, I didn’t know how to do it. *Serial* was the first podcast I ever listened to. We started with the three lawyers, but within two weeks, we had the website, we had the logo, and there was a team of volunteers from Reddit who helped pull it all together and we recorded our first podcast. The first couple of episodes are rough. If you’re going to start listening to it, it gets really good by episode three and after that I think it takes off pretty well. What you’re going to find in *Undisclosed* is a really deep investigation, including legal details and

1. UNDISCLOSED, <http://undisclosed-podcast.com> (last visited Dec. 3, 2015).

2. SERIAL, <http://serialpodcast.org> (last visited Dec. 3, 2015).

evidentiary details that you will not find in *Serial*. If you really are interested in the case, that's what you should take a look at.

II. THE FIVE LESSONS I LEARNED FROM ADNAN'S CASE

A. *Lesson One: Innocent Until . . . Well, Innocent Until Charged*

Getting back to the five lessons that I had taken away from Adnan's case. The first is this: As beautiful of a concept and an ideal it is that you are innocent until proven guilty, I don't believe that anymore. There really is not a true presumption of innocence if you are a criminal defendant. I say that for a number of reasons. First—and I'll refer to Adnan's case to illustrate this point—as soon as Adnan was arrested, the media coverage did not go into the details of the case. They simply gave a broad overview and immediately began using language like “suspect” and “defendant.” The only image used was Adnan's booking picture. The media never uses pictures of the accused hanging out with their family and playing with their dog—only the booking picture. That's already a strike against every defendant. This is one of the reasons that, when Adnan was arrested and denied bail, the other inmates told him he needed to consider a plea deal, because according to them, he was already screwed. No matter how prepared you are for trial, believe me it's very hard to win once you've been charged. It is nearly impossible to get out of it.

Another huge factor is community perceptions. In the community that I come from, but I imagine even more broadly than that, a lot of people are still very trusting of the criminal justice system. They sincerely believe the cops, the detectives, and the investigators are all going to do their job, and that they do it right, and do it well. The community automatically thinks that the police would not have arrested Adnan unless they were sure they had something. They wouldn't have indicted him unless they knew. And of course, they wouldn't have convicted him unless they were absolutely certain. The community starts to think that there is a legitimate reason he ended up where he is.

But most importantly, the reason the presumption of innocence is nearly impossible to maintain for a defendant is that he or she is up against a behemoth of a system. It is so overwhelmingly powerful and incredibly intimidating, especially in the context of Adnan's case. He was 17. He came from a family and a community that had no experience with criminal justice. I was the closest thing to a legal super star they had and I was in my second year of law school—I had no idea what I was doing. We had no experience with the system at all.

Conversely, there were very powerful people involved in the case from day one for the prosecution. There were cops and investigators from several jurisdictions and various lawyers from the state's attorney's office. These

were powerful people. And this is without considering the judges and the prison system itself. All these powerful institutions are stacked against a defendant and it is no surprise that those familiar with the system were urging Adnan to plead out. There was a study a couple of years ago about the federal criminal justice system—97% of cases are plead out.³ Ninety-seven percent of people who are charged plead guilty. I refuse to believe that even 90% of those people were actually guilty. That's not what is happening. What's happening is that they're presented with an overwhelming amount of force coming at them and they know that it looks really bad for them. They plead guilty simply because they are terrified. I know a couple of folks personally who were in that situation who took plea deals and still fully maintain their innocence. This is not an unusual phenomena and there are plenty of innocent people who take plea deals.⁴

The government holds the cards. In federal cases for example, the prosecutors are trained and incentivized to pressure suspects into a plea agreement. And the suspects never know the strength of the government's case, the government could be holding exculpatory evidence. Another common tactic prosecutors use is to charge suspects with every applicable charge. Prosecutors rack up as many counts as they can, whether or not they legitimately think they could successfully convict the suspect of those charges.

In Adnan's case, it was not just murder: it was murder, kidnapping, false imprisonment, and theft—because the victim's wallet was missing. There were around five different charges. The prosecutors throw as much as possible at suspects because that psychological intimidation helps to convince defendants that they might be better off just pleading guilty. A suspect is at the mercy of the investigation itself.

If you've been following *Undisclosed*, you know I have some grief with Baltimore City and Baltimore County Police because of their incredibly myopic investigation. Of course, in court the State presented what the investigators had given them, but what if that entire investigation was based on a false premise? What if they overlooked suspects? What if they didn't follow evidentiary leads? What if they had their own inherent biases? These things have an immense impact. And the material presented at trial might have been flawed to begin with.

3. Gary Fields & John R. Emshwiller, *Federal Guilty Pleas Soar As Bargains Trump Trials*, WALL ST. J. (Sept. 23, 2012, 10:30 PM), <http://www.wsj.com/articles/SB10000872396390443589304577637610097206808>.

4. John L. Kane, *Plea Bargaining and the Innocent*, MARSHALL PROJECT (Dec. 26, 2014, 1:05 PM), <https://www.themarshallproject.org/2014/12/26/plea-bargaining-and-the-innocent>.

B. Lesson Two: Lady Liberty Has 20/20 Vision

The second lesson that I took from Adnan's case is that Lady Liberty is not blind and not all men are actually created equal. We each hope that if anybody encounters the criminal justice system it impacts us equally. That is a completely flawed theory. It certainly does not work that way in the real world for two major reasons.

The first is resource disparity. I have known Adnan since he was thirteen and as such, his case has been a personally traumatic burden that I've carried all these years. I knew I had to do something, I still have to do something, but what can I do? Adnan says he is actually one of the lucky ones in prison because he has a family that visits him and people he can call and write letters to. There are people who put money in his commissary and his community and family has again and again raised money for the appeals and for all this stuff.

After *Serial*, tens of thousands of people donated money and teams of independent investigators like Collin, Susan, and Bob Ruff from the *Serial Dynasty* podcast, are all independently and collaboratively working the case. All of these people are helping Adnan, but this is not the case in most criminal cases. Most people have very little financial and social resources. Adnan told me about prison mates he's known for many years who have never received a single visit. After they were locked up, they've sat in there for decades, they've never gotten a visit, they don't have anybody to call—they're literally forgotten people. Resources define a suspect's experience with the criminal justice system.

The second factor leading to this disparity in terms of how we encounter the criminal justice system is implicit biases within the system itself. This includes human biases, systematic biases, and even scientific biases. I don't know how many of you are familiar with some of the statistics concerning people of color when they're charged in this country, but they're really shocking.⁵ One in three black men—I literally get chills just saying it out loud—one in three black men in this country will be arrested at least once in their life.⁶ Sixty percent of the population in prison is black even though African Americans make up 30% of the U.S. population. People of color get longer sentences. On average, black defendants get 10% longer sentences

5. Leah Sakala, *Breaking Down Mass Incarceration in the 2010 Census: State-by-State Incarceration Rates by Race/Ethnicity*, PRISON POL'Y INITIATIVE (May 28, 2014), <http://www.prisonpolicy.org/reports/rates.html>.

6. THE SENTENCING PROJECT, REPORT OF THE SENTENCING PROJECT TO THE UNITED NATIONS HUMAN RIGHTS COMMITTEE 1 (2013), http://sentencingproject.org/doc/publications/rd_ICCPR%20Race%20and%20Justice%20Shadow%20Report.pdf.

than white defendants, and black defendants are 21% more likely to get maximum sentences under the sentencing guidelines than white defendants.⁷

In the context of Adnan's case, and some of the other work that I do, I track pretty closely the outcome and procedures of terrorism cases in this country. There's an overwhelming public perception that most terrorism cases involve Muslim perpetrators. That's not true. FBI statistics show that Muslim perpetrators are responsible for around seven or eight percent of terrorist acts.⁸ In some years it might vary, but the highest percentage of terrorism cases—cases actually charged as terrorism—are brought against right-wing militia groups and sovereign citizens groups. But this is not reflected in the media and our perception is skewed on that. It only follows that when you have a young man who is a Muslim defendant, as in Adnan's case, if he is charged with a crime of terrorism in any way related—material support, he was on the wrong website, whatever—he *will* be convicted. There has never once been an acquittal. That means our government is getting it 100% right. Is that how we're supposed to interpret it? Not only are these suspects convicted, they get the maximum sentence. There's no way around it.

Just yesterday, there was a story out of Dallas of a 14-year-old Muslim boy who is kind of a geek.⁹ He's a maker—he likes to make gadgets and his house is full of all this stuff, but he made a little clock to show his teachers, and he was very proud of it. He took it to school and they accused him of trying to make a bomb. The school called the police. They cuffed him, and they took him away. This is all driven by these existential fears that we have about Muslims as terrorists. Hopefully he's able to overcome that and continue his geekiness and his ingenuity and not let that stop him in his work.

Adnan's case occurred before 9/11 and some claim that there was no discrimination or bias before 9/11. But we have been afraid of Muslims for a long time. Before 9/11, the most salient cultural reference in the United States about the dynamics between a man and a woman was a movie called *Not Without my Daughter*.¹⁰ It was a movie that came out in the 1990s and really set the tone for how people understood Muslim male–female dynamics. The World Trade Center was bombed before, there was the Gulf War, there were lots of reasons. Therefore, when it came to Adnan, the police were a little bit confused. There's a reason the prosecution did not just frame

7. Bill Quigley, *Fourteen Examples of Racism in Criminal Justice System*, HUFFINGTON POST (May 25, 2011, 5:10 PM), http://www.huffingtonpost.com/bill-quigley/fourteen-examples-of-raci_b_658947.html.

8. See *Non-Muslims Carried Out More Than 90% of All Terrorist Attacks on U.S. Soil*, WASHINGTON'S BLOG (May 1, 2013), <http://www.washingtonsblog.com/2013/05/muslims-only-carried-out-2-5-percent-of-terrorist-attacks-on-u-s-soil-between-1970-and-2012.html>.

9. Manny Fernandez & Christine Hauser, *Handcuffed for Making Clock, Ahmed Mohamed, 14, Wins Time With Obama*, N.Y. TIMES (Sept. 16, 2015), <http://www.nytimes.com/2015/09/17/us/texas-student-is-under-police-investigation-for-building-a-clock.html>.

10. NOT WITHOUT MY DAUGHTER (MGM Studios 1991).

this as dating violence. They easily could have said this was a case of domestic violence or dating violence. It happens in this country all the time. They didn't. They said it was an honor killing.¹¹

To bolster the case, the prosecution spent a lot of time in the courtroom asking witnesses—Muslim witnesses from the community—about their prayer rituals. Why? Why is that relevant in a murder case? It was because their narrative of the motive was informed by the fact that Adnan was a young, Muslim male. They needed the story framed as an honor killing, even though that's not what honor killings are.¹² That narrative had to really impact how the jury perceived Adnan and how the judge perceived Adnan.

Adding to the problem: ironically, when people went out to support Adnan from the community, it was women wearing hijabs and old, bearded uncles sitting in the courtroom. This did not help Adnan. It hurt him. His friends who would have looked much more like him (Americanized) were not there because they were in school. Trials happen during the week, when most of Adnan's younger supporters could not attend. I think that is one of the major reasons why Adnan, who was a 17-year-old juvenile with no priors, got life plus thirty years. It was because they were afraid of who he was and what he represented, the idea he represented. In any other case this would not have happened. They didn't even offer him a plea. As I discussed, it's highly unusual not to offer a plea.¹³ I think all these biases worked to Adnan's detriment.

There were also what I call scientific biases in Adnan's case and in the system at-large. Juries are trained to think that if there's some kind of scientific evidence produced, that it's legitimate. But there are countless proven cases of flaws in DNA testing resulting from cross-contamination or other human error.¹⁴ But beyond the scientific flaws that occur from human error, there are actually cognitive factors. There have been numerous studies establishing that forensic experts who receive the exact same sample, but are given different information related to that sample, will often achieve different results and reach different conclusions.¹⁵

This proves that there is a personal filter in which each scientist is engaging in their own analysis. This is problematic. As you attorneys go

11. Conor Friedersdorf et al., *Serial Episode 10: Did Racism Help Put Adnan in Prison?*, ATLANTIC (Dec. 4, 2014), <http://www.theatlantic.com/entertainment/archive/2014/12/serial-episode-10-cristinas-world/383432/>.

12. *Honor Killing*, MERRIAM-WEBSTER, <http://www.merriam-webster.com/dictionary/honor%20killing> (last visited Dec. 2, 2015) (defining *honor killing* as "the traditional practice in some countries of killing a family member who is believed to have brought shame on the family").

13. See Fields & Emshwiller, *supra* note 3.

14. Maura Dolan & Jason Felch, *The Peril of DNA: It's Not Perfect*, L.A. TIMES (Dec. 26, 2008), <http://articles.latimes.com/2008/dec/26/local/me-dna26>.

15. See Matthew Clarke, *Crime Labs in Crisis: Shoddy Forensics Used to Secure Convictions*, PRISON LEGAL NEWS (Oct. 15, 2010), <https://www.prisonlegalnews.org/news/2010/oct/15/crime-labs-in-crisis-shoddy-forensics-used-to-secure-convictions/>.

forward and begin representing clients, try to be aware of the client's situation. I represent a lot of undocumented immigrants and you have to really understand that if you're representing Latino clients, the biases against them are different. If it's an African American client, it's different. You should be aware of these things and you should try to mitigate those as much as you can.

C. Lesson Three: You Are Not an Expert

One way to help your clients is implicit and it's lesson number three: No one is an expert on everything. Remember that. Adnan's case would have looked so different if his attorney (Cristina Gutierrez) had hired even a single expert. Let's talk about the kinds of experts she could have employed in this case. First, a cultural competency expert would have been beneficial because Gutierrez had no idea how to deal with the religious narrative forwarded by the prosecutors. She was floundering. She basically knew that Pakistan is a country on the tip of Asia, but I still cannot tell you why that's important. She could have easily found people in the community to help her paint a different picture, or at least, help her understand what the prosecution was talking about.

Gutierrez did not hire a medical expert. The State's theory was that Hae Min Lee left school around 2:30–3:00 p.m. She was buried by 7:00 p.m. I only very recently saw the crime-scene photos because our defense files didn't have them. From the photos, it is very clear she was buried on her side. She was twisted up in a very odd way, so it was not that somebody simply laid her down. It looks more like she was dumped. Her legs were twisted behind her, one arm was twisted, but she was definitely on her side.

Her lividity—which is the phenomenon of gravity causing a person's blood to pool after death—was all on the front of her body. It wasn't until Susan got the documents that we ever had a medical expert look at the case. Susan asked medical pathologists to look at the file and they said because the victim's lividity is fixed in the front, the only way that could have occurred was if she was laid out flat on her front for 10 hours—before she was buried. Therefore, this is wholly inconsistent with being buried on her side at 7:00 p.m., which is the state's theory. Lividity does not fix like that. Had she been buried at 7:00 p.m. on her side, lividity would have set in on her side. According to the experts, her lividity was completely symmetrical and was only on her front.

This is information we have now because of experts. We did not have this sixteen years ago because Gutierrez did not hire a medical expert, so the flawed narrative forwarded by the State was the only scientifically backed story the jury heard. This obviously raises the question: Where was Hae Min Lee for ten hours? We have to figure this out. We're going to figure this out.

Cell tower: Adnan's case was, to my knowledge, the first case in Maryland that turned on cell tower evidence, and Gutierrez did not hire a cell tower expert. The State was able to get their cell phone expert to say what they wanted, which was only that their theory was possible, not that that's where he was. And Gutierrez wasn't able to counter the story because she didn't get the evidence. She didn't understand it. I can promise you the jury didn't understand it. I remember being there, I didn't understand what was going on. It's all very technical and can be complicated and very difficult to understand. Even the judge seemed to be having trouble understanding because it was the first time she was encountering this stuff also.

Forensic experts were needed to take a look at the crime scene. Just a couple of months ago I took a soil scientist out to Leakin Park where Hae was found. I told her the story that the witness told at trial: that he helped dig for 15, 20, or 30 minutes, and the location that he said he dug before getting rid of the shovels. This soil scientist, who did the soil survey for the entire city and knows the city very well, said the area I showed her has never been dug out. She said the hollow where the body was found has always existed because there's a flood plain. She then took a shovel and started hitting the dirt over about a ten-foot area. She kept telling me: "Look, it's rock." There was only an inch-and-a-half of loose soil on top. Looking at the crime scene pictures now, you can tell that she wasn't buried, she was dumped and covered up with dirt and leaves. There might be a reason the police didn't look for those shovels for six weeks. Perhaps they probably figured out that the witness's story was not plausible. But again, Gutierrez never took anybody—no forensic specialist, no soil scientist—out to that site.

Interrogation expert Jim Trainum, a retired police detective who studies interrogation techniques, also appeared in *Serial*.¹⁶ He has been talking to one of our colleagues about the case. He is now very aware of the issues in the case. He is kind of flabbergasted. But he also says we need to have an interrogation specialist look at Jay's testimony and his plea statements, because these experts are trained to figure out if this guy is being coerced. Of course we had nothing like that at the initial trial. Lawyers need more than one set of eyes working on a case like this. For example, I am heavily invested in this case and looked over the documents countless times over the years. But almost immediately after the others got involved, Susan started catching things, Colin began catching things that she missed, and Bob caught things that we all missed. It might sound crazy, but you have to have other people to show this stuff to because you can't catch everything by yourself. You need colleagues that can take a look at documents, and tell you what they see and what the documents mean. Because it's amazing how people process things differently and it can be really helpful.

16. *Serial: Episode 8—The Deal with Jay*, SERIAL (Nov. 13, 2014), <http://serialpodcast.org/season-one/8/the-deal-with-jay>.

D. Lesson Four: Be a Zealous Advocate

Lesson four is to be an advocate. In other countries, like Pakistan where I was born, lawyers are called advocates. They're not called attorneys or lawyers. They're called advocates. But here, *advocate* and *advocacy* each mean something else. It has a different flavor in the United States. If you're an advocate, you fight in a very vocal and public way for your client, whereas lawyers generally make their case in very technical ways and are kind of confined by that strategy. We need to bring more advocacy to the legal profession and to the legal practice. That requires telling stories.

I have learned first hand the power of storytelling. The reason people love *Serial* is because it was a really amazing story. And Sarah Koenig does it so well. She keeps you on that precipice all twelve episodes—is he guilty, is he not guilty, is he crazy, is he a wonderful person? This was masterful story telling. The reason this really struck me was because I've worked for many years doing grassroots work against anti-Muslim bigotry and trying to help elevate a Muslim-American narrative that is a more authentic narrative. In the past, that narrative has been overshadowed by crazy people like ISIS and others. We can't seem to get over it and I realize it is because we don't tell stories. We just say Islam is a religion of peace but that is not enough. We have failed, because we don't know how to tell stories.

This failure goes back to advocacy. Juries and judges need these stories. In my last couple years of practice when I was doing immigration work, before I left due to my cynicism and frustration with the immigration system, I could file three of the exact same cases with the exact same circumstances and get three different results. This means it all depends on the person who is making the decision. And that frustrated me because I felt like I couldn't make legal arguments. The only thing that mattered was that person on the other end reading the brief, who I would never know or see. I started adding more dramatic components into my briefs and motions. I would write about my clients like they were human beings. I would refer to them by first name. We don't do enough of that in the law. We refer to people by their last names. We're very sanitized. Instead of saying "this person is going to suffer," I would say "their child, Claudia, is going to suffer." I did my best to emote and it honestly made a difference because at the end of the day the person reading your briefs on the other end is still a person.

Learn to be an advocate. And advocacy is not just telling stories, but an assortment of tools at your disposal. As lawyers, you can't break confidences, but if there's going to be media coverage of one of your cases and clients, how do you make sure that media coverage benefits your client? You should be aware of these things, you should know how to put out sound bites that are good. It should be part of your strategy.

E. Lesson Five: The Power of One

Lastly, what I've really learned in this case, and I will warn you that it's kind of horrifying, but it's also in a way hopeful in a sense, is that it really just takes one. It takes one person in an entire chain of events to stop a train wreck. In Adnan's case, if the cops had done it right, if they had done their investigation properly, none of this would have happened. If the state's attorney had done his job correctly and not withheld a number of things—and we are actually still uncovering more *Brady* violations—but if he hadn't offered Jay a plea and provided him an attorney, it might have prevented this from happening. If Gutierrez had done her job properly, if she had been competent in her defense, none of this would have happened. It just took one person.

The thing I remember about listening to *Serial* is when Dana said Adnan has to be one of the unluckiest people in the world. It was one of two times that I got really upset listening to the podcast. Because not only do I think that's completely inaccurate and kind of snarky, I also thought it was highly irresponsible. According to the Innocence Project, there are at least 20,000 wrongfully convicted people in this country.¹⁷ We can either say they're all really unlucky, or we can say people failed them, systems failed them. But to dismiss it all as being unlucky is really irresponsible. And as I say this right now, in a couple of hours, the state of Oklahoma is getting ready to execute Richard Glossip.¹⁸

This is another one of those cases that should keep you up at night and make your stomach turn. It's similar to Adnan's case in that there was one witness, there is no physical evidence, the witness's story changed, and the witness got a deal in exchange for testifying against Glossip. Over time this particular witness told other people that he just made it up to save himself. And by the way, the witness himself is the one who admits to the murder but says Richard made him do it. Richard has lost all of his appeals because this witness, even though he's told other people and his own daughter has come forward to say her father originally lied, has not publicly recanted because he's afraid. He's sitting in prison serving his term.

People who have analyzed Richard's case have said that Richard was doomed by bad lawyering. He was convicted twice in two different trials. In both trials his attorneys failed. His attorneys failed to do something as basic and simple as bringing into evidence the witness's interrogation tape. In that videotape, the witness confesses to the crime and then is literally egged on by law enforcement to blame it on Glossip. In both trials his lawyers failed

17. See *How Many Innocent People Are There in Prisons?*, INNOCENCE PROJECT, <http://www.innocenceproject.org/faqs/how-many-innocent-people-are-there-in-prison> (last visited Dec. 3, 2015).

18. Ariane de Vogue, *Richard Glossip Death Penalty Case Takes Another Turn*, CNN (Oct. 2, 2015, 9:36 AM), <http://www.cnn.com/2015/10/01/politics/richard-glossip-oklahoma-death-penalty/>.

to bring that videotape into evidence. But now it is probably too late, because this behemoth of a system is stacked against him, and it is nearly impossible to reverse.

III. CONCLUSION

Before I wrap up, I would say that I know this is difficult, heavy stuff. But your charge as an attorney is to imagine each one of those clients as somebody who is like a family member—it could be you. For me, this idea was so emotionally overwhelming—it is the main reason I left practice. Lives are ruined or made because of your work. It's an incredibly important responsibility. Another thing I want to say goes back to the idea of being an advocate. A lot of people who have looked at this case, and we heard this with Jim Trainum, said the investigation was above average. And Gutierrez didn't even call an alibi witness. This tells me our standards for the justice system are too low. We must demand better of our system. We cannot dismiss poor lawyering or poor advocacy simply because something is precedent, or because something is on average, a good investigation. We should not accept that. Being an advocate means not just measuring your client's case against all other cases, but thinking about the systematic processes that are impacting each individual case and trying to make changes.

We need to demand accountability for prosecutors and state officials who withhold evidence. There should never be such a thing as bad evidence. That should not exist in law enforcement's lexicon. Evidence is evidence. Facts are facts, and all facts are good. The police should never be able to ignore a piece of evidence because it is unfavorable to their theory of the case. In Adnan's case, during DNA testing, the state took swabs of different parts of her body, but they held it and never got it tested. Why? I'm guessing because they were afraid of bad evidence. That's not fair. It's not just. This is a *justice* system.

Look for alternatives. Adnan's case is extremely important to me personally, but I know it's not just about him. There's a lot of other people out there facing the same circumstances. For example, North Carolina is the only state in the country that's established something called an Innocence Commission, which is an independent body that looks at cases of people who maintain their innocence. Most of these people don't have the resources to go through the system, and even if they did, they would probably lose anyways. The establishment of these independent bodies can help reduce the burden on the system and can help provide outlets for people who don't have the resources. We need to think outside the box. We have to think like advocates.