

IN THE COURT OF SPECIAL APPEALS OF MARYLAND

ADNAN SYED, *
Appellant, *
v. * Application for Leave to Appeal
(Post-Conviction)
STATE OF MARYLAND, * No. 2519
Appellee. * September Term, 2013
* * * * *

**MOTION FOR LEAVE TO FILE A SUPPLEMENT TO
APPLICATION TO APPEAL THE DENIAL OF POST-CONVICTION RELIEF**

Appellant, Adnan Syed, by and through his attorney, C. Justin Brown, pursuant to Md. Code Ann., Crim. Pro. Section 7-109 and Md. Rules 8-204 and 8-431, hereby submits his Motion for Leave to File a Supplement to his Application for Leave to Appeal the Denial of Post-Conviction Relief. In support, Appellant states the following:

1. On January 27, 2014, Appellant filed a timely Application for Leave to Appeal the Denial of Post-Conviction Relief (the “ALA”), arguing that the post-conviction court erred when it rejected his claims that his trial counsel was ineffective for (1) failing to investigate an alibi witness, Asia McClain, and (2) failing to seek a plea offer.

2. On January 20, 2015, Appellant filed a Supplement to his ALA (the “Supplement”) to request that this Court remand his case to the Circuit Court in light of material evidence that has emerged since the closure of his Post-Conviction proceedings and since the submission of his ALA because “justice will be served by permitting further proceedings.” Md. Rule 8-604(d). Specifically, the new evidence is contained in an Affidavit by alibi witness Asia McClain, dated January 13, 2015. (Supp. to ALA Ex. 7 at 3 (McClain Affidavit)). In the

Supplement, Appellant also requested that, in the alternative, this Court consider both issues raised in his ALA because the issues are meritorious and inextricably intertwined.

3. The Supplement raises the same legal issues as those raised in the ALA.

4. This Court has not yet ruled on the ALA.

5. Appellant requests that this Honorable Court enter an Order allowing him to file the Supplement to his ALA, which was previously submitted to this Court.

WHEREFORE, Appellant respectfully requests that this Honorable Court sign the attached Order and grant this Motion for Leave to File a Supplement to his Application for Leave to Appeal the Denial of Post-Conviction Relief.

Respectfully Submitted

/ S /

C. Justin Brown
THE LAW OFFICE OF C. JUSTIN BROWN
231 East Baltimore Street, Suite 1102
Baltimore, Maryland 21202
Tel: 410-244-5444
Fax: 410-934-3208

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing documents, Appellant's Motion for Leave to File a Supplement to his Application for Leave to Appeal the Denial of Post-Conviction Relief, and proposed Order, were sent via first-class mail, postage prepaid, this 3rd day of February, 2015, to the following:

Edward Kelley
Office of the Attorney General
Criminal Appeals Division
200 St. Paul Place
Baltimore, MD 21202

/ S /

~~C. Justin Brown~~