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September 30, 2022

By electronic mail

Madeleine O'Neill
The Daily Record

Dear Ms. O'Neill:

This letter responds to your request submitted to the Office of the Attorney General under the Maryland Public Information Act ("PIA"), Md. Code Ann., Gen. Prov. ("GP") §§ 4-101–4-601, seeking copies of "any document, scrap of paper, miscellaneous note, etc." in the Adnan Syed case file that "might go to" the statements made by the Baltimore City State's Attorney's Office in its motion to vacate the conviction of Adnan Syed that the file includes "handwritten notes that, according to the [State's Attorney's Office], reference another possible suspect who may have said he would kill Ms. Lee and who may have had a motive to commit the crime."

We wrote to State's Attorney Mosby, and she objects to production of the requested information by our Office on the ground that it would interfere with her office's active investigation. Copies of our letter and hers are attached. When, as here, an agency like ours is in possession of information from another law enforcement agency's investigatory file, we have recommended that the agency withhold the information if the investigating agency "would itself deny access under the [PIA's] investigatory files exemption." 89 *Opinions of the Attorney General* 31, 44 (2004); *see also* Maryland Office of the Attorney General, *Public Information Act Manual* at 3-43 (17th ed. 2022). For that reason, at least at this time, we are withholding the requested records under the investigatory records exemption. *See* GP § 4-351; *see also* *Public Information Act Manual* at 3-44 (explaining that "[w]hile an investigation is ongoing . . ., the justification for why disclosure would be contrary to the public interest is obvious"). Finally, we note that we are not able to provide unredacted portions of the requested documents because the State's Attorney's Office has expressed concern that disclosing any portion of those records could interfere with its pending investigation.

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If you have any questions about this response, please feel free to contact me. Pursuant to GP § 4-362, you are entitled to seek judicial review of this decision. Alternatively, you may file a request for mediation with the Public Access Ombudsman and, if the Ombudsman is unable to resolve the matter, you may subsequently seek a resolution from the Public Information Act Compliance Board for those matters within the Compliance Board's jurisdiction. *See GP §§ 4-1A-01 et seq. and 4-1B-01 et seq.*

Sincerely,

A handwritten signature in black ink, appearing to read "Brian E. Frosh". The signature is fluid and cursive, with a large initial "B" and "F".

Brian E. Frosh
Attorney General of Maryland