

## DECARCERAL PATHWAYS

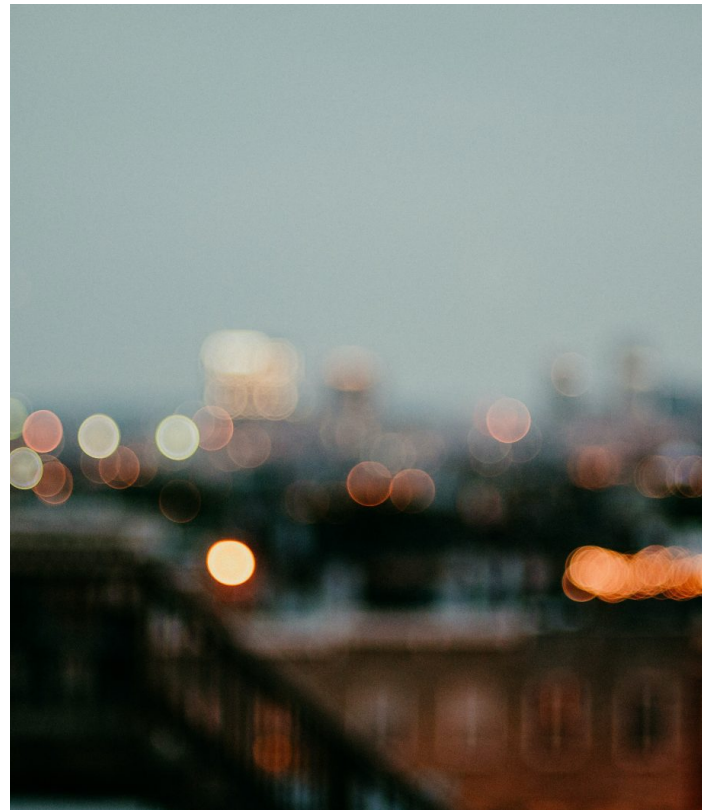
# Serial Injustices

*Millions rallied behind Adnan Syed, whom the system gave a second look.*

*Many others serving extreme sentences deserve a second look, too.*

By **Cecilia Bruni & Destiny Fullwood-Singh**

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In September, Adnan Syed, the man at the center of the widely popular first season of the podcast *Serial*, was released from prison after a Maryland judge vacated his conviction. He served 23 years of a life sentence. Last month, prosecutors announced that they had dismissed all charges against him. The state's attorney for Baltimore City said that Adnan was "wrongfully convicted," but has not yet confirmed his factual innocence.

The specter of innocence has loomed large in the case. *Serial* creator and host, Sarah Koenig, investigated Adnan's case and was among the first to call into question Adnan's conviction for the 1999 murder of Hae Min Lee, which occurred when Adnan was 17 years old. Millions of listeners were gripped by the podcast as they learned both of Hae Min Lee's tragic death and the humanity of the man convicted of her murder. Through the podcast, listeners — many of whom were not knowledgeable about the criminal legal system — were able to bear witness to the problematic nature of a system focused on convictions rather than harm reduction and justice. *Serial* invited young people, celebrities, and legal professionals alike into a national conversation about the need for courts to take a second look at Adnan's case, conviction, and life sentence.

After 12 episodes, Koenig ended her investigation by admitting that she, like the rest of us, might never know whether Adnan is guilty or innocent, leaving listeners grappling with what to do with the information they had just learned about not just Adnan, but the many flaws in America's criminal legal system. Adnan, for his part, has steadfastly maintained his innocence throughout his incarceration. Yet his guilt or innocence should not bear on whether his case deserved a second look — that is, whether he deserved a second chance at life outside of prison. When Adnan's story is reduced to one about innocence or guilt, what gets lost is disturbing: that he was sentenced to die in prison as a teenager. Even with his release, Adnan remained in prison longer than he has ever lived in the free world.

It is all too easy to rally behind efforts to free those who are in prison convicted of crimes they did not commit, and all the more when the state acted egregiously in pursuit of those convictions. Yet it is just as necessary to admit that sentencing people to die in prison for crimes they committed in their youth is unjust and contravenes what we know to be true about the immaturity and impulsivity of young people and their capacity for growth. These people, as much as Adnan, deserve a second look. Our crisis of mass incarceration, after all, isn't just a crisis of too much punishment for too many people; it is also a crisis of too little effort and too few options to free those incarcerated long ago. Of forgetting about those whose past conduct is but a shadow of the people they are today.

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Beginning in 2005, the Supreme Court of the United States acknowledged this fact in a series of cases holding that “children are constitutionally different from adults for

purposes of sentencing,” given the fundamental differences between the minds of juveniles and adults. Neuroscience now recognizes that our brains continue to develop well into our mid-20s, making it difficult for young people to properly weigh the consequences of their actions and stand firm in the face of negative influences. Because their brains are not fully developed, young people also exhibit the greatest potential for change, maturation, and rehabilitation despite the seriousness of their actions as youth. This research reflects something we all intuitively know: that people change as they age, and that this is especially true of children.

Adnan would not be free today if he was not given a second look. That second look began when Adnan’s legal team brought evidence of his maturation, non-dangerousness, and possible innocence to the Baltimore city prosecutors, in preparation to file a petition under Maryland’s Juvenile Restoration Act. This law, which became effective in Maryland only a year ago, provides a sentence reduction mechanism that allows individuals who have served at least 20 years for a crime committed when they were under the age of 18 to seek a reduction of their sentence. Although Adnan’s lawyers never actually filed a motion under this new avenue for relief, Baltimore prosecutors began reviewing Adnan’s case as a potential case that may qualify for that relief. Once prosecutors determined that new evidence and Brady violations destroyed their “confidence in the integrity of the conviction,” they moved to vacate Adnan’s conviction.

Adnan is now free because Maryland provided him with a mechanism to have a court take a second look at him, his case, and lengthy sentence, and the prosecutor’s office took its job to review his case seriously. Adnan’s release and the press coverage that his case received are rare. But Adnan, his case, and the extreme sentence imposed on him are far from it. The United States continues to rely on lengthy sentences under the guise of deterring crime and keeping people safe, despite overwhelming research that extreme punishment is not an effective means to those ends. Countries similar to the U.S. have forgone their reliance on overly punitive sentences, but the so-called leader of the free world has stayed far behind, incorrectly conflating punishment with harm prevention.

## More from our decarceral brainstorm

Every week, *Inquest* aims to bring you insights from people thinking through and working for a world without mass incarceration.

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As of 2019, over 770,000 people in United States prisons were serving sentences of 10 years or more, despite evidence showing that lengthy prison sentences do not significantly deter crime, instead diverting resources proven to increase true public safety — all while exacerbating health problems and destroying the families of those incarcerated. Long sentences are particularly harmful to Black communities, whose members the criminal legal system disproportionately targets, incarcerates, and sentences to draconian sentences.

Second look legislation, like the Juvenile Restoration Act in Maryland and the Incarceration Reduction Amendment Act in Washington, D.C., provide the much-needed opportunity for courts to *increase* public safety by releasing from incarceration people who long ago stopped being dangerous. Research establishes that the vast majority of individuals who commit even the most egregious offenses when young age out of violence as they get older, and that recidivism rates fall significantly after approximately

a decade of incarceration.

Second look legislation also has the potential to increase the overall safety of communities through the cultivation of hope. By creating the opportunity for release, this type of legislation gives incarcerated people permission to dream of a future with their families and friends — a future free from the violence and despair that comes with lifelong captivity in prison. This hope incentivizes incarcerated people to engage in beneficial activities like education, rehabilitative programming, and workforce development, which will allow them to pursue sustainable and fulfilling employment upon release, explore their interests, and discover their passions. This hope encourages them to rebuild positive, prosocial relationships with family and friends, many of whom they believed they would never see again outside prison walls. This hope inspires people to reach out to their children and other young people in their communities to share their stories, with the goal of redirecting paths and changing lives. And this hope motivates people to avoid violence and increase peace within their institutions, helping members of their community who are not yet free. Hope is a valve for safety for both the incarcerated and their communities. Adnan's story and his eventual release are testaments to the power of this kind of hope.

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But Adnan is one of many. Through *Serial*, he was given a platform on which the world saw his humanity instead of just his criminal conviction. We were able to hear his voice, listen to his story, and get to know him personally. People grew to like him, to root for him, and to care about what happens to him, helping us all recognize the humanity of those relegated to lifelong captivity behind bars and cinderblock walls. This is often only possible when you give people a second look. It forces us to continue to recognize the humanity of people who, like Adnan, are serving extreme sentences but have continued to grow and change during their time in prison. Often for the first time, petitioners under second look laws can tell their stories, like Adnan did, in the hopes that decision-makers will really hear and see them and will remember that the person who was sentenced decades ago to die in prison is just that — a person, with loved ones, children, friends, hopes, dreams, and fears. Centering humanity is why taking a second look is so important.

Millions of people tuned in to listen to Adnan’s story and, in doing so, learned about the harsh reality of the criminal legal system. We tuned in, too, and were thrilled to hear that Adnan had been released from incarceration after spending more than half his lifetime in prison. But there are so many other people who were sentenced to die in

prison like Adnan, whose stories remain unheard. Many of these people live in jurisdictions that offer no kind of second look mechanism, and where opportunities for compassionate release, clemency, and parole are next to nonexistent. Our hope is that those who heard Adnan's voice — those who were captivated by his story and outraged by his sentence despite the question of his innocence — will continue to speak up for people whose stories have not been amplified by chart-topping podcasts and may never have the privilege of a similar platform. Because those people deserve a second look, too.

*Editor's note: Premal Dharia, a member of the Inquest editorial board, serves as a volunteer member of Second Look Project's board of directors.*

Image: [Yianni Mathioudakis/Unsplash](#)

## CONTRIBUTORS

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