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Tony Jeff

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CROWDSOURCING JUSTICE

*Tony Jeff**

During a five-day period in February 2016, an amazing thing happened: Millions of people followed updates on Twitter and Periscope in anticipation of daily podcasts about a legal hearing. The hearing was neither televised nor about a celebrity. Instead, the hearing related to a murder that occurred seventeen years prior. The fact that so many people followed the hearing was not even the amazing part. The truly amazing part of the story was that some of the evidence—and even some of the theories—presented by the prosecution were investigated, revealed, and vetted by everyday people on the Internet.

To understand how the post-conviction relief (“PCR”) hearing for Adnan Syed in Baltimore, Maryland, came to be so closely followed, we need to go back to October 2014 and Season 1, Episode 1 of the podcast *Serial*. When Sarah Koenig of *This American Life* fame introduced the world to the story of Hae Min Lee’s murder, the story was already fifteen years old and being produced for a platform—podcasting—that seemed relegated to a niche audience. Thus it was probably a big surprise when *Serial* became the most popular podcast in history with more than 80 million downloads. It not only brought the conviction of Adnan Syed to the forefront but also revived and rejuvenated podcasts in general.

Several podcasts have spun off from *Serial*, with *Undisclosed—The State v. Adnan Syed* and *Truth & Justice* being the most popular. These podcasts not only discuss the story but also give a deeper analysis of the legal issues, evidence, overreaching by the police and prosecutors, and many other details. Although they have not exactly solved the case, the podcasts have led most everyone I know to be convinced that the 2000 conviction of Adnan Syed was a miscarriage of justice. Personally, I am now completely convinced that he is innocent.

The fascinating part has been the role these podcasts have played in revealing and analyzing actual evidence in the case. While there have been

* Tony Jeff is the current president and CEO of Innovate Mississippi. Prior to joining Innovate Mississippi, Mr. Jeff gained corporate experience leading teams in finance, sales, engineering and operations. Additionally, he started two businesses—one around a patent he co-invented and successfully brought to market. Mr. Jeff graduated from Mississippi State University with a Bachelor of Science in industrial engineering. He earned an MBA from the Kellogg School of management, as well as a Masters of Engineering from the McCormick School of Engineering at Northwestern University. Mr. Jeff participated as a panelist at the Mississippi College Law Review’s 2016 symposium “Innovation, Entrepreneurship and the Law: The ‘Real World’ Effects of Mississippi Law on Business and Entrepreneurial Endeavors.”

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continuous pockets of Reddit discussions where the contributors believe Adnan is guilty, there have been many online discussions proclaiming his innocence and providing alibis and evidence to prove it. Although the Internet is rife with crazy conspiracy theories and completely fictional stories, it is a great place to gather even the most obscure and hard-to-find information. Do you want to know someone who worked at Best Buy in Woodlawn, Maryland, in 1999? Need a copy of an actual timecard or employee ID from LensCrafters? There is no better place than the Internet to find this information, as long as you have millions of people willing to help you look.

The *Serial* podcast was not just a backdrop to the PCR hearing—it was mentioned in court testimony, and transcripts from the podcast were read into evidence. One of the key witnesses testified that she did not even know she mattered very much to Syed's defense until she was told of her importance while being interviewed for the podcast. It also seemed amusingly clear that the prosecutor for the State seemed to have gotten many of his ideas—and even alternate scenarios for how Syed could have committed the crime—from reading posts on Reddit. The primary reason the prosecutor's ideas did not seem to have much legal sway, however, was because he had not been able to mobilize a virtual army to gather evidence for his side, so he mostly offered those theories without any evidence.

Through instant Twitter updates and frequent live Periscope videos, the proceedings within the hearing were quickly relayed to those interested, despite the hearing not being televised. This led several lawyers to create briefs for use in later arguments within the hearing, and one affidavit seems to have been produced as a result of word getting to a potential witness that the situation was being misrepresented in the hearing.

As groundbreaking as *Serial* was to the Adnan Syed case, I cannot help but feel that there is something even bigger going on. The spin-off podcasts, like *Undisclosed* and *Truth & Justice*, and spin-offs of the spin-offs, like *Real Crime Profile*, are moving on to other cases but likely to use the same virtual army to investigate some of them. With Netflix's successful *Making a Murderer* documentary being compared by many to *Serial*, more and more people are now able to gather their own evidence and opinions based on more than just the normal soundbites of news coverage. Who knows what impact those efforts will bring on different cases, but the phenomenon of crowdsourcing information and even crowdsourcing usable evidence for active trials and hearings is no doubt going to have an important bearing on legal proceedings going forward.¹

1. On July 1, 2016, Judge Martin P. Welch of the Baltimore City Circuit Court, who presided over the PCR hearing, vacated Adnan Syed's conviction and granted the petition for a new trial.