



San Joaquin DA Concedes Conviction Reversal, Dismisses Case After 12 Years

SANTA CLARA, Calif., June 24, 2021— Juan Bautista, a 31-year-old man who was wrongfully incarcerated for 12 years for a 2009 Lodi shooting he did not commit, had his conviction reversed and all charges dismissed today. The Northern California Innocence Project (NCIP), Covington & Burling LLP, and Sidley Austin LLP, teamed up to present newly discovered evidence and secure his freedom. Bautista was released from the San Joaquin County Jail and is finally free to live with his loved ones, including his 12-year-old daughter.

Bautista was 19 years old in 2009 when he was arrested for misdemeanor trespass at an apartment complex in Lodi. A shooting had occurred during a party at the same location 24 hours earlier. Based on what his attorneys believe was his coincidental misdemeanor arrest, Bautista's photo was included in a photo lineup shown to seven witnesses of the shooting. No physical evidence connected him to the crime and only two of the witnesses identified him from the photo lineup. He was convicted of attempted murder and sentenced to 40 years to life.

Weeks after his sentencing, Bautista's brother, who is a near-twin in appearance, confessed that he was the actual perpetrator of the shooting. Based on the brother's confession, in June 2012, Bautista filed a writ of habeas corpus in San Joaquin County Superior Court. The Court denied Bautista's petition, citing the suspicious timing of the brother's confession soon after Bautista was convicted and the lack of corroboration of the confession.

Bautista's wrongful conviction spotlights problems with over-reliance on eyewitness identification, which has emerged as a key factor in wrongful convictions. All too often, as is believed to have happened here, witnesses focus on the weapon rather than the face of the perpetrator, and have poor ability to identify suspects across races.

"This case really highlights the risk of relying heavily on eyewitness identification to deprive someone of their freedom," said Kelley Fleming, NCIP attorney who worked on the case. "This is why NCIP, as a member of the California Innocence Coalition, works to reform the criminal legal system, resulting in a more just and fair system that protects the rights of the innocent."

The assistance of Bautista's previous criminal defense attorneys was invaluable to NCIP's investigation of the case. Dorothy Mead, the trial attorney, asked for NCIP's assistance with the case immediately after his wrongful conviction. The appellate attorney, Jeffrey Kross, provided NCIP a copy of the brother's taped confession and told NCIP that he had kept the tape on his desk for years in hope that, "someday, someone would want to use the tape to help Mr. Bautista."

With help of such evidence and assistance, investigators from Sidley Austin, Covington, and NCIP were able to unearth credible and material exculpatory evidence including the statement and testimony of a female friend of the brother who witnessed the brother commit the shooting

at the party and the fact that witnesses were never shown a photo of the brother during the investigation.

Based primarily on this witness's testimony, the San Joaquin Superior Court and District Attorney's Office agreed that the newly discovered evidence met the requirements for post-conviction reversal because it was "credible, material, ... and of such decisive force and value that it would have more likely than not changed the outcome of the trial." The Court determined that, had the jury heard this newly discovered evidence in the course of Juan's trial, it was more likely than not that at least one juror would have had a reasonable doubt as to Juan Bautista's guilt.

"We are pleased that the Court found our newly discovered evidence was credible and reversed Mr. Bautista's conviction on that basis," said Saurabh Prabhakar, an attorney with Sidley Austin. "Mr. Bautista is a soft-spoken, cheerful young man, and a doting father. Sidley is delighted to have played a role in securing his freedom and we are elated that Mr. Bautista will be reunited with his family as a free man once again."

While incarcerated, Juan Bautista completed his GED and began pursuing a degree in psychology. He has a wife and young daughter and an extended family waiting to support him as he adjusts to his new life outside of prison.

"Making the transition from wrongful incarceration to freedom is often difficult for our exonerated clients," said Fleming. "However, with Mr. Bautista's strong family support and demonstrated ability to rise above the hardships in his life, I have every confidence that he will be able to successfully make that transition."

About the Northern California Innocence Project (NCIP)

NCIP is a non-profit clinical program of Santa Clara University School of Law whose mission is to promote a fair, effective, and compassionate criminal justice system and protect the rights of the innocent. Since its inception in 2001, NCIP has processed over ten thousand requests for inmate assistance, investigated hundreds of cases, pursued litigation or collaborative resolution in dozens, and obtained the freedom of 33 wrongfully convicted individuals. Learn more at www.ncip.org.

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