



Judge Overturns 2002 Murder Conviction Based on New Evidence of Innocence

SANTA CLARA, Calif., March 13, 2020 — On March 3, 2020 the Superior Court of California of Sacramento County overturned the murder conviction of Jeremy Puckett, who has spent the last 19 years wrongfully incarcerated for murder and today the Sacramento District Attorney’s office dropped all charges and Mr. Puckett walked free.

Puckett, a client of the Northern California Innocence Project (NCIP) and the global law firm Simpson Thacher & Bartlett, was freed after six years of work by a team including two NCIP volunteers (a retired Santa Clara County Assistant District Attorney and a retired San Jose Deputy Police Chief), Santa Clara Law School students, and lawyers from Simpson Thacher. They unearthed suppressed evidence, a confession by an accomplice, and an alibi that the jury never heard.

In reversing the conviction, Sacramento County Superior Court Judge Steve White said, “This was not a strong prosecution case. No physical evidence tied Petitioner to the crime or the crime scene.”

“Not only was it not a strong case for the prosecution,” notes Simpson Thacher partner Buzz Frahn, “but we proved Jeremy was innocent. The prosecution’s original theory -- that the events happened on a Friday night -- completely crumbled under the facts we proved, and the DA ultimately stipulated that it wasn’t Friday, but Thursday. And we proved that on Thursday, Jeremy was at a family barbeque and spent the night at home with his sick baby, so he could not have been the perpetrator.” Frahn also noted that with all charges dropped, Jeremy -- like all of us under the Constitution -- is innocent.

The background

In March 1998, Anthony Galati was found murdered on the side of a road in Sacramento County, with two gunshot wounds to the head and his body covered in abrasions.

Puckett, who had no ties to the victim other than a brief visit to the same acquaintance’s apartment on the day of the murder, was implicated in the murder one year later when the true perpetrator—an incarcerated man named Israel Sept—became fearful that he was going to be discovered through DNA testing. Sept approached a prison guard claiming to have information about Galati’s murder. He partially confessed while also implicating Puckett, in hopes of gaining sentencing and other personal benefits.

Even as Sept was charged with the murder and robbery of Galati in 2000 and pled guilty in exchange for an 11-year sentence, police investigators continued pursuing Puckett. Based on a vague identification and despite no physical evidence tying him to the crime, police arrested Puckett in April 2001.

There were numerous glaring problems with Puckett’s prosecution—none of which would be presented at trial.

- **A recantation** - Sept recanted his original story before Puckett’s trial, telling Puckett’s defense counsel that Puckett was blameless. The jury did not hear the recantation.
- **An alibi** - At an evidentiary hearing, Puckett’s sister testified that Puckett was at a barbecue at the time of the murder. This alibi was given to Puckett’s trial attorney but the jury never heard it.

- **Evidence** - Significant evidence implicated others besides Sept in the murder-robbery, but not Puckett. The jury did not hear that evidence.
- **An accomplice** - An accomplice to Sept confessed participation to his estranged wife and said that Puckett had not participated. Also, NCIP was able to establish with newly discovered evidence that the accomplice had possessed a gun matching the description of a gun used to pistol whip the victim as well as other items likely stolen from Galati. Puckett's jury heard none of this.

Nonetheless, Puckett was convicted of murder and robbery in a jury trial in which deliberations lasted almost as long as the trial itself. On March 14, 2002, 18 years ago almost exactly, he was sentenced to life without the possibility of parole. Throughout his incarceration, he has always steadfastly maintained his innocence.

Through gumshoe detective work, NCIP uncovered 700 pages of materials which the government had withheld from Puckett, all of which corroborated Sept's recantation, implicated others in the murder-robbery, and documented impeachment evidence against the prosecution's trial witnesses.

"The wrongful conviction of Jeremy Puckett was a perfect storm which resulted from perjury, the government suppression of evidence, and inadequate legal representation," said retired Santa Clara County Assistant District Attorney Karyn Sinunu-Towery, who working as a volunteer for NCIP, helped win Puckett's exoneration.

"The fact that justice has been done at long last is the result of the stellar legal work of NCIP and the Simpson Thacher law firm, a Superior Court judge who painstakingly evaluated the newly discovered evidence, the hard work of retired San Jose deputy police chief Don Anders, as well as the work of many Santa Clara Law School students. Mr. Puckett has stayed strong in large part due to his large, supportive family. Our hearts go out to Mr. Galati's family."

"This case demonstrates the critical importance of prosecutors' complying with the constitutional mandate that they turn over to defense counsel all potentially exculpatory and impeaching information," said NCIP Executive Director Linda Starr. "Had the jury heard this information, Jeremy would not have been convicted and lost 18 years of his life."

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 victories for 30 wrongfully convicted individuals. Learn more at www.ncip.org.

About Simpson Thacher & Bartlett LLP

Simpson Thacher & Bartlett LLP is an international law firm headquartered in New York City, employing over 900 attorneys in eleven offices worldwide. The firm specializes in high-profile engagements in its litigation and corporate practices. See www.stblaw.com.

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