



Wrongfully Convicted San Francisco Man Exonerated After 32 Years

San Francisco DA, Northern California Innocence Project, and Innocence Commission Aligned to Right a 32-Year-Old Wrong

SANTA CLARA, Calif., April 18, 2022— Joaquin Ciria, a 61-year-old man who has spent the last 32 years wrongfully incarcerated for the murder of his friend in the SOMA district in 1990, was exonerated of the crime today in San Francisco Superior Court.

NOTE: At 2 p.m. today, District Attorney Chesa Boudin will hold a press conference on this case at his office 350 Rhode Island Street, North Building (between 16th and 17th Streets) in San Francisco.

The ruling reversing his conviction, by Judge Brendan Conroy, came 32 years to the day after Ciria was arrested for murdering Felix Bastarrica—who had actually been killed by a mutual acquaintance of the two men. The ruling was supported by District Attorney Chesa Boudin after the Northern California Innocence Project and attorney Ellen Eggers brought the case to the DA's Innocence Commission for review.

"We are delighted for Joaquin, who fought for so long to clear his name," said NCIP Attorney Paige Kaneb, who joined Eggers in representing Ciria in 2020. "He can now spend time with his 32-year-old son, who was a baby when his father was wrongfully taken away from him."

Ciria was convicted of the 1990 murder after the actual killer started rumors that Ciria was guilty of the crime. Relying on the rumors, police immediately targeted Ciria and coerced George Varela—the man who drove the actual shooter to the crime—to falsely name Ciria as the shooter. Although he originally told the truth of Ciria's innocence, when police told him he could either implicate Ciria or be charged with the murder, Varela succumbed to the pressure. In a recorded interview, Varela agreed to be a witness against Ciria and testify to "whatever (police) said."

Based primarily on Varela's perjured testimony, Ciria was found guilty and sentenced to 31 years to life.

Ciria's exoneration was enabled due to "newly discovered evidence" of Ciria's innocence that NCIP and Eggers presented to the court. Among the new evidence:

- Testimony by a family friend and Varela's sister that Varela had admitted to them both that Ciria was innocent.
- An eyewitness who had been imprisoned for an unrelated crime finally came forward in 2020 to say that he saw and heard another man, Candido Diaz, arguing with the victim at the scene. After the gunshots, the eyewitness ran into the alley and saw Diaz get into

Varela's car and flee the scene of Bastarrica's murder. Thirty years later, after the eyewitness was released from prison, he finally revealed the truth. He sought out Ciria's and Bastarrica's families to reveal for the first time that Diaz had killed Bastarrica. The witness begged Ciria's family for forgiveness for letting their loved one stay in prison for decades for a crime he didn't commit.

Ciria's reversal was also bolstered by a candid declaration from Ciria's former defense attorney admitting to mistakes, such as not playing the coercive portions of Varela's recorded interview during the trial and failing to call Ciria's alibi witnesses—who have maintained for over three decades that he was at home with them and his newborn son.

Unusual Legal Path

The case has taken unusual turns along the way, including when a judge ruled last September that—despite District Attorney Boudin's determination in June 2021 that Ciria was innocent—there was no legal precedent requiring a judge to overturn a conviction on that basis. That led to long delays in Ciria's petition challenging his conviction, and then a highly unusual evidentiary hearing on March 21 at which both the parties—prosecution and defense—argued for Ciria's release.

“This tragic case shows us once again why our system of justice needs robust checks and balances, as well as meaningful reform,” said Linda Starr, executive director of NCIP, which is part of Santa Clara University School of Law. “Joaquin could have been freed one year ago, if our system mandated that District Attorney findings of innocence must result in conviction reversals. Or he might never have been wrongfully convicted 32 years ago— if police didn't take shortcuts or if the legal system were forced to seriously confront the ways in which suspects of color don't truly get the presumption of innocence. ”

Judge Conroy also noted in his ruling the importance of science-based eyewitness-identification procedures which NCIP has championed and were passed in California in 2018. Those laws were not in effect at the time of Ciria's conviction.

Once freed, Ciria intends to spend quality time with his son, his wife, and his longtime friends and supporters.

“As a result of this wrongful conviction, the State stole 32 birthdays, 32 Christmases, 32 years in which he could not be with his son for all the special moments,” said Kaneb. “Yet Joaquin has kept his big heart and easy smile and is full of joy as he looks forward to starting his life again.”

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 34 wrongfully convicted people. Learn more at www.ncip.org.

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