



NCIP Client Miguel Solorio Freed After 25 Years of Wrongful Incarceration

LA District Attorney Concedes Conviction Reversal and Dismisses Case

SANTA CLARA, Calif., November 10, 2023 — After 25 years in prison for a murder he didn't commit, Miguel Solorio had his conviction reversed yesterday.

Solorio was arrested in 1998 for a fatal drive-by shooting in Whittier, Calif. and was sentenced to life without the possibility of parole. His conviction was based on faulty eyewitness identification practices and false testimony by law enforcement, who had zeroed in on Solorio as the lone suspect despite available evidence to the contrary.

"This case is a tragic example of what happens when law enforcement officials develop tunnel vision in their pursuit of a suspect," said NCIP Staff Attorney Sarah Pace. "Once a witness mentioned Solorio's name, law enforcement officers focused solely on him, disregarding other evidence and possible suspects, and putting their own judgment about guilt or innocence above the facts," she added.

Mishandled Eyewitness Evidence and False Testimony

The case against Solorio relied heavily on a method of obtaining eyewitness identifications that results in contaminating the witnesses' memory by repeatedly showing the same suspect until law enforcement obtains an identification. In Solorio's case, four eyewitnesses shown his photograph before it was in the news did not identify him, and some even pointed to a different suspect. But rather than pursue any other leads, law enforcement continued to present the witnesses with photos of Solorio until some of them identified him.

At trial, a police investigator testified falsely that Miguel's alibi witness, his then-girlfriend Silvia, did not provide the investigator with critical information regarding the perpetrator vehicle and its driver during an investigative interview. The truth was that she had. The prosecutor, who knew or should have known the testimony was false, failed to correct it.

The police investigator's false testimony undermined Silvia's credibility at trial, and therefore diminished the power of her testimony that Miguel had been with her all night the night of the crime.

Solorio spent the next 22 years in state prison trying, with help from his now-wife Silvia, to find a lawyer to help prove his innocence. In 2020, he connected with experienced defense attorney Ellen Eggers, who reached out to Santa Clara University School of Law's Northern California Innocence Project (NCIP). Eggers and NCIP put together evidence from several people who identified the actual perpetrators, establishing Solorio's innocence. The attorneys also discovered that the lead detective had lied on the stand.

Eggers and NCIP also consulted with noted UC San Diego eyewitness and memory expert Dr. John Wixted. Dr. Wixted provided a powerful declaration to the court about new scientific consensus in his field, which revealed that the repeated showing of Solorio's face to eyewitnesses caused their memories to be irreversibly contaminated. The fact that they did not identify him initially, moreover, actually pointed to his innocence.

After reviewing all of the evidence Solorio's attorneys presented, and conducting their own independent investigation, the Los Angeles District Attorney's Office agreed that Solorio is innocent and should be freed. Yesterday, the Los Angeles County Superior Court Judge William Ryan agreed. Solorio was exonerated and ordered released.

First Christmas Home in 25 Years

"Miguel was the first in his family to graduate from high school. He was working and enrolled in community college when his life was turned upside down by this ordeal," said Eggers. "Had it not been for his main alibi witness, Silvia, who knew he was innocent, stood by him and married him after his conviction, he might never have seen this day."

"This nightmare started when I was 19 years old," said Solorio. "I'm now 44. This was going to be my 25th Christmas in prison. Being home this year will be the best present ever."

This is the third case in which the Los Angeles District Attorney's Office has agreed that clients represented jointly by Eggers and NCIP should be exonerated. The most recent case was that of Arturo Jimenez, exonerated three years ago after being convicted in 1995 at age 18 years for a murder he did not commit.

All three cases involved Latinx men, each convicted at a young age and sentenced to life in prison, who each spent more than 20 years incarcerated before finally being exonerated. In all three cases, the eyewitnesses did not initially make positive identifications, but were allowed to later make positive identifications in front of the jury, at which point their memories had already been contaminated.

"The law needs to be changed to reflect the new consensus: a witness's memory should be tested only once," said Pace. "Lives are at stake."

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

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