

Keker and Van Nest LLP: Partner in Promoting Justice

In July 2007, NCIP received a letter seeking help from Michael Berger, trial counsel for John Smith.* Mr. Berger wrote that he believed Mr. Smith was an innocent man who had been wrongfully convicted of attempted murder and sentenced to life in prison.

Mr. Smith's jury returned a guilty verdict based solely upon eyewitness testimony uncorroborated by any physical evidence. Mindful of the fact that mistaken eyewitness identification is by far the leading cause of wrongful convictions, NCIP reviewed the case. After extensive review, NCIP strongly believed the eyewitnesses were mistaken and that Mr. Smith, who had no history of violence, was innocent.

NCIP sought assistance from Elliott Peters of Keker and Van Nest LLP, who in 2003 helped secure the freedom of John Tension—a San Francisco man who spent 13 years in prison for a

murder he did not commit. Mr. Peters reviewed Mr. Smith's case with Keker associate Jo Golub, and they agreed to help NCIP challenge John Smith's conviction. Keker and NCIP developed a strategy for the challenge, conducted legal research, consulted with expert witnesses, and Keker funded the work of investigator Keith McArthur. As a result of this collaboration, Mr. Smith's legal team discovered new exculpatory evidence and is drafting a petition for writ of habeas corpus that seeks to set aside Mr. Smith's conviction.

In addition, in 2006 NCIP enlisted the help of Keker and Van Nest attorneys Daniel Purcell, Eric MacMichael, and Zachary Bookman to work on the case of Caramad Conley, who had been unlawfully imprisoned for 18 years based on a wrongful double murder conviction. While investigating the case, the Keker team uncovered evidence that the San

Francisco Police Department had suppressed the fact that they paid the key prosecution witness thousands of dollars and then knowingly allowed the witness to lie about the payments during Conley's trial. The revelation of this discovery compelled Judge Marla Miller to issue a writ of habeas corpus in December 2010, vacating the unconstitutional murder



Keker and Van Nest associate attorney Jo Golub

conviction of Caramad Conley. Mr. Purcell reflected on the victory saying, "Caramad is an innocent man who lost 18 years of his life to false testimony and deliberate and inexcusable police misconduct. Nothing can give him back that lost time, but we know he's looking forward to spending time with his family and resuming his life."

For their commendable pro bono effort on these cases, as well as their contribution to promoting NCIP's principles of justice, we would like to extend our warmest appreciation to the Keker and Van Nest attorneys. ♦

If your firm would like to assist with an innocence case, please contact NCIP attorney Rhonda Donato at rdonato@scu.edu.

* Name has been changed



Free after 18 years, Caramad Conley (left) talks with his attorneys, Daniel Purcell and Zachary Bookman from Keker and Van Nest.

The Northern California Innocence Project would like to extend its thanks to the following firms which have provided thousands of pro bono hours and resources to pursue justice for all:

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