

**For Immediate Release**  
**July 11, 2018**

**LOYOLA PROJECT FOR THE INNOCENT, HUESTON HENNIGAN LLP SECURE  
RELEASE OF CLIENT IMPRISONED 11 YEARS ON FAULTY CONVICTION**

**LOS ANGELES** – Loyola Law School, Los Angeles' Project for the Innocent (LPI) and Hueston Hennigan LLP have secured the release of their client Maria Mendez, a grandmother wrongfully convicted of causing the death of her grandson while he was in her care, following a hearing during which Mendez's post-conviction attorneys presented new evidence. Mendez has reunited with her family in Mexico after serving 11 years of a 25-years-to-life sentence.

The release is the culmination of three years of research and investigation by the LPI, which worked to establish that Mendez's conviction relied on what has been determined was false testimony. Armed with newly acquired exculpatory evidence, the LPI in 2016 filed a petition for a writ of habeas corpus, which is used to bring a prisoner before the court to determine if the person's imprisonment or detention is lawful. Lawyers from the LPI and Hueston Hennigan argued at a recent evidentiary hearing that Mendez did not receive a fair trial. After hearing testimony from medical experts, on June 27, 2018, the court ordered that Mendez be immediately released from prison, based on a deal reached with prosecutors.

The LPI's investigation uncovered critical evidence, including CT scans and autopsy photos of the child's brain, which were never turned over to defense counsel at the time of trial. This newly acquired material showed the prosecution presented faulty evidence by Dr. Carol Berkowitz, who told police, the coroner and the jury that Mendez's grandson suffered from "Abusive Head Trauma" (AHT), formerly referred to as "Shaken Baby Syndrome" (SBS), while he was in the care of his grandmother. Additionally, the new evidence showed that Deputy Medical Examiner Dr. Yulai Wang testified falsely at trial that no autopsy photos were taken of the internal injuries.

The suppressed evidence undermined the conviction because it showed the child's injuries were consistent with an accidental fall, the LPI and Hueston Hennigan attorneys argued. Mendez, a mother of 10 children, has always steadfastly denied any role in the injuries that led to her grandson Emmanuel's death. She continues to proclaim her innocence and accepted the deal only to avoid further prison time.

"There was no reliable medical evidence supporting the coroner's determination that this was a homicide. No crime was committed here," said LPI Legal Director Paula Mitchell. "Mrs. Mendez should never have been charged with a crime at all. She was unable to defend herself at trial in part because the coroner's office suppressed the most important evidence in the case: the autopsy photos showing that the child's injuries were consistent with an accidental fall that happened two days earlier. The medical evidence presented against Mrs. Mendez at trial was nothing more than smoke and mirrors."

Mendez's petition was supported by notable experts from around the country, including Dr. Paula Brill of Cornell Medical College; Dr. William Wallace, Chief of Pulmonary Pathology at

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David Geffen School of Medicine at UCLA; Dr. Julie Mack of Penn State University; Dr. Ronald Auer at the University of Saskatchewan; and Dr. Frank Sheridan, former Chief Coroner of San Bernardino County. All of these medical experts offered their assistance on a pro bono basis and all agreed that the medical evidence showed that the child's death was accidental, not inflicted.

"We are happy that Maria walked out of prison a free woman and able to once again see the most important thing in her life: her family. We just wish it could have been under different circumstances," said Professor Laurie Levenson, founder of the LPI.

Brian Hennigan, partner at Hueston Hennigan, concurred. "We have an obligation to our community, to our profession and to ourselves to fight for justice. We have been proud to join the Loyola Project for the Innocent in that fight for Maria Mendez."

Adam Grant, LPI program director, added: "This family has experienced tragedy upon tragedy, first with the accidental death of baby Emmanuel and then the wrongful conviction of their beloved mother and grandmother, Maria. Maybe now the Mendez family can begin to rebuild their lives."

### **About Loyola's Project for the Innocent**

The Loyola Project for the Innocent (LPI) pursues claims of actual innocence on behalf of those wrongfully convicted of crimes. Students work under the supervision of founder Laurie Levenson, David W. Burcham Professor of Ethical Advocacy; Legal Director Paula Mitchell; Program Director Adam Grant; and other supervising attorneys. Since 2011, the LPI has secured the release of six other clients seeking justice after wrongful convictions. They include Jaime Ponce (2017 release after 19 years in prison); Marco Contreras (2017 release after 20 years in prison); Andrew Leander Wilson (2017 release after 32 years in prison), Kash Delano Register (2013 release after 34 years in prison), and Obie Anthony (2011 release after 17 years in prison). Learn more at [www.lls.edu/ProjectfortheInnocent](http://www.lls.edu/ProjectfortheInnocent).

### **About Loyola Law School, Los Angeles**

Located on an award-winning Frank Gehry-designed campus in downtown Los Angeles, Loyola Law School is home to prominent faculty, dedicated students and cutting-edge programs. The Law School strives to instill in students the knowledge they need to excel on their chosen paths. It dedicates itself to preparing students for the rigors of practice with an extensive portfolio of practical-training opportunities, an 18,000-strong alumni network and a focus on social justice. Learn more at [www.lls.edu](http://www.lls.edu).

### **About Hueston Hennigan LLP**

Hueston Hennigan LLP is a trial and litigation boutique, specializing in complex commercial disputes and white-collar defense. The firm is nationally recognized for achieving successful results in high-stakes litigation, and its clients include Fortune 500 companies, municipalities, universities, individuals and entrepreneurs in the health, media and entertainment industries. With a commitment to intensive client advocacy, Hueston Hennigan, which has offices in downtown Los Angeles and Newport Beach, takes a rigorous approach to trial readiness from the outset of a case.

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