

Second Chance at Life

Pro Bono
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Foster Garvey Newsroom

Contact

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In 1992 in Oakland, California, Kevin* was arrested and found guilty of the second-degree murder of Daniel*, who was shot in the back while in a car with his brother and nephew at a street intersection. Kevin was 20 years old at the time and was sentenced an indeterminate amount of time between 15 years and life.

Kevin has steadfastly maintained his innocence throughout his 26 years in prison and has presented strong evidence that he is not guilty. More than a dozen alibi witnesses testified at his trial that he was at home during the time of Daniel's shooting. He took a polygraph test in 2010 that found no evidence of deception in his assertion of his innocence. And in 2017, one of the three eyewitnesses to the shooting recanted their testimony that Kevin was the man who shot Daniel.

In addition, Kevin has acknowledged and regrets his negative lifestyle prior to his incarceration. He rebelled against his family's values and began using and selling drugs as a teenager, and was expelled from high school for fighting. Even though he maintains his innocence, he has given substantial thought to how his behavior fueled the culture that led to Mr. Smith's tragic death and is remorseful for his drug-filled past. In the last decade, Kevin has made significant efforts toward improving himself by completing several selfevaluation classes and regularly attending Alcoholics Anonymous and Narcotics Anonymous meetings.

Foster Garvey attorney Kelly Mennemeier represented Kevin in his petitions for habeas corpus to the California Superior Court and Appellate Court, his seventh time being considered for parole. Kelly and Kevin were able to gain traction with the parole board, which actually paused the parole hearing partway to do some further investigation. Upon reconvening, the parole board agreed to release. Kevin was released on May 18, 2020, and was greeted by several members of his family. He is currently in a

reentry facility in San Francisco and plans to reconnect with his family and look for employment.

**Names have been changed to protect identities.*