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A crime I did not commit

by Mario Rocha

For more than 10 years the idea of dying in prison for a crime I did not commit was not merely a random thought, it was a nightmare. I was serving two consecutive life sentences in the California Department of Corrections and Rehabilitation. There is no rehabilitation.

Like the 3,200-plus prisoners on death row and the thousands more serving life without the possibility of parole, my death by degrees in a California prison was almost guaranteed. I was a model prisoner, horrified when Gov. Arnold Schwarzenegger denied a stay of execution for Stanley "Tookie" Williams, one of the strongest cases of "redemption" the state of California has ever seen. Ironically, when Tookie died at the hands of the state Dec. 13, 2005, I was approaching the final months of my unlawful detention. I just didn't know that.

All I knew was that on Feb. 23, 1996, detectives from the Los Angeles Police Department stormed into my family's home, drew their guns on my mother and brother, kicked me in the back of the head as I lay on the floor and arrested me for murder and attempted murder. It was 6 a.m. Normally I would have gotten up one hour later and made my way to school, being that I was only 16 years old. Instead, after several hours of intense interrogation, I was booked on the false charges and sent to Central Juvenile Hall in L.A. There, I would spend the following two years locked up while my case was pending in adult court.

The charges stemmed from a shooting that occurred one week prior to my arrest, on a Friday night exactly 13 years ago today, the day I'm writing this.

I was at a party in the backyard of a house in the neighborhood where I grew up, Highland Park. Two friends, Carlos and Damien, who were close to my family, invited me earlier in the day. They explained that the party was being hosted by a fellow classmate from Cathedral High School, an all-boys Catholic school located near downtown, and that fliers had been distributed to promote the party. They said there

would be lots of people, mostly students from Cathedral, a DJ spinning records, free keg beer and, since they knew what I wanted to hear, lots of girls.

I invited two of my closest friends to attend the party with me. Gabriel and Anthony had grown up across the street from the apartment building where I lived from ages 1 to 15, and I knew them for seven years. Later that night, my older brother, Danny, would arrive with his girlfriend, Candice, and two of their friends, a couple who lived only a few houses from Gabriel and Anthony.

Also at the party were a handful of young men who I knew belonged to the gang that my brother Danny was from, the Highland Park gang. Though I did not consider them "my" friends, their faces were familiar, but I paid them little attention. I was there to smoke weed, drink beer and meet girls.

Approximately one hour after I arrived at the party, a fight suddenly broke out involving some of my brother's friends and my friend Carlos' classmates. It quickly turned into a brawl, escalating to the driveway area of the backyard. I was running toward the crowd I was with that night when, suddenly, somebody fired a gun. It was too dark to see who was shooting or the direction the shots were coming from. All I saw were flashes toward the driveway. I, like everyone else in the backyard, instantly ducked -- others dropped to the ground. Seconds later, my crowd of friends and I found ourselves hunched behind a Volkswagen bus that was parked in the deepest part of the backyard as more shots were fired.

When the noise finally settled, we rose to our feet, walked out of the party through the driveway, got in two separate vehicles and drove home. Though I vaguely remember noticing a small group of people surrounding a person on the floor near the driveway, I did not know that somebody had died. And I certainly never expected to be accused of the killing.

There was absolutely no physical evidence linking me to the crime. None whatsoever. However, two days after the murder, detectives obtained statements from three witnesses implicating me as a shooter. When I finally was put on trial in December 1998, I was 18 years old, and, though I was smart enough to understand that being innocent would not guarantee a successful outcome, I was confident that my innocence would be proven.

The prosecutor was able to portray me as a gang member who participated in the incident. That was because my inadequate private attorney never requested that my case be severed from the other two men charged, who were documented gang members and ex-felons. I was convicted based on the possibility that two of us had fired guns, though the police did not know which two of the three.

How I came to be freed, due to the tireless efforts of others over a 12-year period, is a story for another day. This one is about the helplessness of those who will die in prison, whether on death row or not. Guilty or not. While people in society are often fixated on *when* they are going to die, what tortured me throughout my journey was my awareness of *where* I was supposed to die -- alone in a cell.

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On Aug. 24, 2006, the doors of the Los Angeles County Men's Central Jail closed behind me. On Jan. 11, 2008, the doors of my college dorm closed behind me. The next day I would start classes. I was 28, a freshman, free, and alone with memories I can never erase.

Mario Rocha writes from Washington.

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