

**Keker & Van Nest LLP and The Northern California Innocence Project  
Successfully Exonerate Innocent Man Ronald Ross**

*Ronald Ross Exonerated of Attempted Murder Charge After Serving Nearly Seven Years of 25-to-Life Sentence*

*Defense Attorneys Persuade Alameda County District Attorney to Agree to  
Overturn Conviction and Dismiss Case*

**Oakland, CA**, February 22, 2013 –Keker & Van Nest LLP and the Northern California Innocence Project at Santa Clara University School of Law today announced they have successfully petitioned the Alameda County Superior Court to overturn the wrongful conviction of their client, Ronald Ross, for premeditated attempted murder. Mr. Ross’s attorneys argued that newly discovered evidence and proof of false testimony at his original 2006 trial entitled him to a new trial. After three days of evidentiary hearings, the Alameda District Attorney Nancy O’Malley joined Mr. Ross’s petition asking the Court to set aside Mr. Ross’s conviction. On February 20, 2013, Alameda Superior Court Judge Jon Rolefson signed an order granting Mr. Ross’s habeas petition and vacating the prior convictions and sentence. On February 22, 2013, the Alameda District Attorney formally dismissed the charges, after which the court ordered Mr. Ross’s release from custody. Mr. Ross served nearly seven years of a 25 years to life sentence.

Mr. Ross was represented jointly by pro bono attorneys Elliot Peters, Jo Golub, Reid Mullen and David Rizk of Keker & Van Nest LLP and Linda Starr and Seth Flagsberg of the Northern California Innocence Project at Santa Clara University School of Law. Keith McArthur of McArthur Investigations led the team’s factual investigation of the case and made the key evidentiary discoveries that led to Mr. Ross’s exoneration.

“We are tremendously grateful that Ronald is coming home,” said Elliot Peters, partner at Keker & Van Nest LLP. “He is truly innocent. And we express our gratitude to District Attorney O’Malley for agreeing with us that Ronald should be freed, and for her dedication to fairness and the pursuit of justice.”

“We are thrilled to celebrate Ronald’s freedom,” added Linda Starr, Legal Director of the Northern California Innocence Project. “Eyewitness misidentification is a leading reason for the wrongful convictions of innocent people. With the wrong man behind bars, the true perpetrator was able to continue his violent attacks. Ronald’s case is yet another example of the tragic ramifications mistaken identifications can have for both individuals and the community as a whole. We hope that Mr. Ross’s case will highlight the great need for reform of eyewitness identification practices.”

On November 8, 2006, Mr. Ross was convicted of the attempted murder of Renardo Williams, who was shot on the front porch of his West Oakland apartment on April 15, 2006. The previous day, Williams had confronted a neighbor, Nikisha Stuart, about an alleged fight between Stuart’s 14-year old son, Steven Embrey, Jr, and Mr. Williams’s daughter. Ms. Stuart told Mr. Williams she would “send her man” to talk to him. The next evening, two men, accompanied by Mr. Embrey, Jr., came to Mr. Williams’ apartment. After a brief confrontation, one of the men shot Mr. Williams in the ribs and they fled.

Mr. Ross lived in the Oakland neighborhood where the shooting occurred, but had never met Mr. Williams or Mr. Embrey, Sr., and no physical evidence linked him to the crime. Mr. Ross was drawn into the investigation, however, when Oakland Police included his picture in a routine photographic line-up shown to witnesses, who identified him as the shooter. At the time, Oakland Police did not believe Mr.

Ross was involved in the shooting, and included him in the line-up merely because his mother had once lived in the same apartment building as Ms. Stuart. Police never investigated Mr. Embrey, Sr.

Through more than four years of investigation, Mr. Ross's legal defense team uncovered evidence of false testimony by key trial witnesses, including the victim, and tracked down exculpatory evidence from several new witnesses. Kecker & Van Nest LLP attorneys presented this evidence and the case for Mr. Ross's innocence to the Alameda County District Attorney and the Alameda County Superior Court over three days of hearings.

During those proceedings, Mr. Embrey, Jr. recanted his trial testimony and identified his father, Steven Embrey, Sr. as the shooter, explaining that he feared repercussions from his father, who was known to be violent and had a criminal history. Mr. Williams testified that he could not be certain about his trial identification of Mr. Ross as the shooter and apologized to Mr. Ross for implicating him. Mr. Embrey, Sr., who is currently facing attempted murder charges for an unrelated shooting in Oakland, admitted in an interview with Mr. Ross's legal defense team that he was present at the shooting, and acknowledged Mr. Ross was not there and had nothing to do with the incident. Other witnesses located by Mr. Ross's team corroborated Mr. Embrey, Jr.'s account of the shooting.

Kecker & Van Nest LLP and NCIP will host a press conference on Monday, February 25, 2013 at 11 a.m. at the offices of Kecker & Van Nest LLP, located at 633 Battery Street, San Francisco, California. For those unable to attend, the press conference will be available live via conference call at:

Toll-free: (877) 699-4804

Passcode: 780142

#### **About Kecker & Van Nest LLP**

Kecker & Van Nest LLP is a 79 lawyer San Francisco litigation firm, whose attorneys are dedicated to the pursuit of justice and the performance of pro bono work. Ronald Ross is the fourth California man serving a life sentence freed by Kecker & Van Nest lawyers. Ross now joins John Tennison, Antoine Goff and Caramad Conley as men whose exonerations are the result of Kecker & Van Nest's representation in habeas corpus proceedings. More information is available at <http://www.kvn.com>.

#### **About the Northern California Innocence Project**

The Northern California Innocence Project (NCIP) at Santa Clara University School of Law is a pro bono legal clinical program where law students, attorneys, pro bono counsel, and volunteers work to free wrongfully convicted prisoners. NCIP exonerates the innocent, educates future attorneys, and reforms the criminal justice system to prevent wrongful convictions. NCIP promotes substantive legislative and policy reform through data-driven research and policy recommendations aimed at ensuring the integrity of our justice system. For more information, please visit <http://law.scu.edu/ncip/>.

#### **About the Veritas Initiative**

The Veritas Initiative is NCIP's policy center devoted to advancing the integrity of our justice system through research and data-driven reform using the work of our preeminent experts in the field. The Veritas Initiative is currently conducting research and issuing critical data-driven reports in four areas significant to wrongful convictions: prosecutorial misconduct; eyewitness identification; post-conviction DNA access and testing; and compensation for the exonerated. The Veritas Initiative aims to shed light on how these common causes of wrongful convictions have affected the outcomes of actual cases and

how these injustices could have been prevented. To learn more, please visit <http://www.veritasinitiative.org/>.

**About Santa Clara University School of Law**

Santa Clara University School of Law, founded in 1911 on the site of California's oldest operating higher-education institution, is dedicated to educating lawyers who lead with a commitment to excellence, ethics, and social justice. One of the nation's most diverse law schools, Santa Clara Law offers its 975 students an academically rigorous program, including graduate degrees in international law and intellectual property law; combined J.D./MBA degree; and certificates in intellectual property law, international law, and public interest and social justice law. For more information, see [law.scu.edu](http://law.scu.edu).

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