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## 15-YEAR-OLD HONOR STUDENT SERVING THREE LIFE SENTENCES FOR CRIME HE DID NOT COMMIT

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### INTRODUCTION

As unimaginable as it may sound, March 15, 2006, will mark seventeen complete years of wrongful imprisonment Efren Paredes, Jr. has served for a murder and armed robbery he did not commit, and to which others have pled guilty. At the time the crime occurred Efren was at home with his mother, step-father, and two younger brothers. After being waived to adult court at age 15—and never once appearing in juvenile court—Efren was tried, found guilty of the crimes he was charged with, and sentenced to three Life sentences<sup>1</sup> in prison; a virtual death sentence in the state of Michigan. Efren is now 32-years-old.

Efren's travesty of justice is a result of the cowardice of an individual who said Efren did something that he, along with a group of people, did themselves. But to save themselves from facing life in prison for first degree murder charges, they manufactured an elaborate story incriminating Efren and clearing themselves of any blame, or minimizing their participation. Rather than telling the truth and admitting to their actions, they used Efren as a scapegoat.

Three others were charged for their admitted participation in the same crime Efren was convicted of. All three entered guilty pleas to armed robbery and one pled guilty to murder. A White youth, Jason Williamson, age 16, received a sentence of six months in a juvenile correctional center. Another White youth, Steve Miller, also age 16, who admitted involvement in the planning of the crime, was not charged at all. Both went on to commit subsequent crimes in unrelated cases.

Two Chinese-American youths, Alex Mui and Eric Mui, ages 16 and 17, respectively, received sentences of 18 to 45 years in adult prison. Alex plead guilty to armed robbery and Eric plead guilty to both second-degree murder and armed robbery. As of February 1, 2005 both have been released from prison. Efren plead his innocence and received three life sentences in adult prison. He is the only person who remains in prison who was arrested for alleged involvement in the crime.

In recent years three persons have signed sworn affidavits stating that Eric Mui, Alex Mui, and/or Jason Williamson told them Efren did not commit the crime he was convicted of. These statements were made after Efren's conviction. We have also discovered additional statements made by Eric Mui and Alex Mui to various state employees—including a letter written by Alex Mui to a youth group—which each contradict previous versions of the crime they made to police and/or testified to at trial.

When he went to prison, Efren was a child with great hopes and dreams of a promising future. He was an honor student in high school with no prior criminal history, and was very active in school programs. He sought to be all he could be and believed that one day he would grow up to be in a position to help people in

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<sup>1</sup>Two Life sentences without parole and one Life sentence. Efren's sentencing guidelines for the armed robbery charge were 3 to 12 years.

society.

Unfortunately, all his dreams and aspirations were shattered when he was tried and convicted of false charges by a justice system he had faith in and believed would exonerate him.

## THE POLITICS OF WRONGFUL INCARCERATION

During the course of Efren's incarceration, both Efren and his family have fought vigorously to acquire his freedom by appealing his conviction through the criminal justice system. However, over the past several years, it has become painfully obvious that if Efren doesn't secure the support needed to grasp the attention of the courts and those of the public who can help correct this injustice, he will die in prison an innocent man.

Congress continues to pass laws under the guise of "getting tough on crime," and is making it increasingly difficult to seek relief from wrongful convictions. This, in spite of recent revelations that 23 innocent people in this nation have been executed this century.

In Michigan, since 1910, at least 14 people have been wrongly convicted of first degree murder alone. At least 150 people on death row across America have narrowly escaped execution after their innocence was established.<sup>2</sup> In recent years, several people have been released from prisons across the country—with a few of the individuals barely escaping execution by only two days.

According to attorneys Barry Scheck and Peter Neufeld, authors of the book *Actual Innocence*, of the first 18,000 DNA test results at the FBI and other crime laboratories, at least 5,000 prime suspects were excluded *before* their cases were tried. "Overall, more than 25 percent of the prime suspects could not be implicated because many, if not most, were innocent."

In a recent *Associated Press* examination of what happened to 110 inmates after their convictions were overturned by DNA tests, it was learned that nearly two-thirds were convicted with mistaken testimony from victims and eyewitnesses and about 14 percent were imprisoned after mistakes or alleged misconduct by forensics experts.<sup>3</sup> Across the nation, approximately 328 people have been exonerated since 1989, with 172 of those freed thanks to DNA evidence that later emerged.<sup>4</sup>

Citing numerous recent instances in which innocent persons on death row have been declared innocent and released, the U.S. District Court for the Southern District of New York said April 25, 2002 that the federal death penalty statute appears to be unconstitutional.

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<sup>2</sup>Source: "Tell the Michigan Legislature that pro-death penalty bills are wrong" by Kary Moss, executive director for the American Civil Liberties Union of Michigan. Article featured in *The Detroit Free Press*, Thursday, March 11, 1999.

<sup>3</sup>Source: "1,000 Years In Prison: Wrongful Convictions Destroyed Inmates' Lives" by Sharon Cohen and Deborah Hastings. Article featured in *The Detroit Free Press*, Sunday, June 9, 2002.

<sup>4</sup>Source: "Bill Would Pay Falsely Imprisoned: Wrongly Convicted Would get \$50K Year of Jail Time, Plus Other Compensation" by Chad Selweski. Article featured in *Macomb Daily*, January 22, 2006.

In a habeas corpus case decided almost a decade ago, *Herrera v. Collins*, 506 U.S. 390 (1993), the U.S. Supreme Court considered remote the possibility that an innocent person might ever be executed, given all the procedural safeguards in death penalty cases. "That assumption is no longer tenable," Judge Jed S. Rakoff recently declared. He further stated:

*"In just the few years since Herrera, evidence has emerged that, despite all the aforementioned safeguards, innocent people—mostly of color—are convicted of capital crimes they never committed, their convictions affirmed, and their collateral remedies denied, with a frequency far greater than previously supposed ... proof of their innocence often does not emerge until long after their convictions.*

*"DNA testing has established the factual innocence of no fewer than 12 inmates on death row [not to mention the dozens of others not on death row], some of whom came within days of being executed and all of whom have been released. This alone strongly suggests that more than a few people have been executed in recent decades whose innocence, otherwise unapparent to either the executive or judicial branches, would have been conclusively established by DNA testing if it had been available in their cases."*

Another 20 capital defendants have been exonerated and released on other evidence, the court noted. These examples strengthen the inference that "numerous innocent people have been executed whose innocence might otherwise have been similarly established, whether by newly-developed scientific techniques, newly-discovered evidence or simply renewed attention to their cases," Judge Rakoff said.

The court also cited a Columbia University study launched by James S. Liebman released in 2000 titled "A Broken System: Error Rates In Capital Cases," that found a 68% rate of error in the capital punishment system in the United States. These indications that innocent persons have been and will continue to be executed led the court to observe:

*"Just as there is typically no statute of limitations for first-degree murder—for the obvious reason that it would be intolerable to let a cold-blooded murderer escape justice through the mere passage of time—so too one may ask whether it is tolerable to put a time limit on when someone wrongly convicted of murder must prove his innocence or face extinction. In constitutional terms, the issue is whether—now that we know the fallibility of our system in capital cases—capital punishment is unconstitutional because it creates an undue risk that a meaningful number of innocent persons, by being put to death before the emergence of techniques or evidence that will establish their innocence, are thereby effectively deprived of the process that is reasonably due them in these circumstances under the Fifth Amendment."*

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The errors which have been identified in criminal cases and investigations through various studies are indicative of the errors that abound in the criminal justice system at large.

## INTERNATIONAL LAW VIOLATIONS

Sentencing children under 18 to death for crimes they commit, or are accused of committing, is also prohibited by international law. It violates the United Nations International Convention on Civil and Political Rights, the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty, and the United Nations Standard Minimum Rules for the Administration of Juvenile Justice ("The Beijing Rules"), that demand imprisonment must provide some scope for rehabilitation, especially in the case of juveniles.

Article 37(a) of the United Nations Convention On the Rights of the Child specifically prohibits Life sentences without parole for crimes committed before age 18. The Article states:

*"No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offenses committed by persons below eighteen years of age."*

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One hundred ninety-two countries ratified the Convention; only the United States and Somalia have not.<sup>5</sup> The terms of the Convention went into effect September 2, 1990.

As of June 1998, 70 people in the United States were on death row for crimes they committed when they were children. Since 1990, only five other countries have put people to death for crimes committed when they were children: Iran, Nigeria, Pakistan, Saudi Arabia, and Yemen.

Though Michigan doesn't sanction the death penalty, it *does* allow children to be sentenced to Life without parole. Life without parole is a sentence equivalent to the death penalty in Michigan. People receiving this sentence in Michigan will die in prison regardless of their behavior while incarcerated or the length of time they are imprisoned.

Michigan laws ignore a large corpus of research which has found that juveniles are not adults and their behavioral immaturity mirrors the anatomical immaturity of their brains. Researchers also contend that the human brain is not fully mature before reaching adulthood, and that furthermore the brain regions that are the most important for regulating impulse control, planning, consideration of consequences, abstract reasoning and, most probably, moral judgment, are the very regions that mature last.

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For more on this issue, we encourage you to view the link "Juvenile Life Without Parole Information" on our site. The link includes information about new studies that have been released regarding juvenile life without parole, a petition being drafted for submission to the Inter-American Court of Justice regarding sentencing juveniles to life without parole, and a new Wayne State

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<sup>5</sup>That countries such as China, Iraq, Sudan, Afghanistan, etc.—arguably the world's most flagrant violators of human rights—have ratified the Convention, and the United States has not, speaks volumes about this country's disregard for the rights of its children.

University poll of Michigan residents which found that 72% of respondents believe adolescents under the age of 18 who commit violent offences are strong candidates for rehabilitation.

## CORRECTING EFREN'S WRONGFUL INCARCERATION

**W**e live in a democratic society where the control of our government and system of jurisprudence is vested in the people. If there is a problem with that system it is the duty of each and everyone of us to demand there be changes, and that justice be restored in dealing with people accused of crimes—especially crimes they did not commit. The system must be quicker to question than accuse. After all, the philosophy of the justice system is "innocent until proven guilty," not vice versa.

In this country, justice is represented by a woman holding a scale with a blindfold over her eyes. This is to proclaim that we are all equal before the law. But when justice does not follow this course, it begins to stray and becomes corrupt. The end result is a justice system whose foundation has been eroded by injustice. We then must work to restore righteousness to the system so that it may once again blossom with justice when dealing with its citizens accused of crimes.

If America allows its precious young to be victimized by an unjust and corrupt judicial system, and permits the victimization to go unchecked by not going to their aid, not only will its actions reflect a lack of regard for the future of its young, but it also will demonstrate a lack of concern with its own future.

If people do not demand a just system of jurisprudence, they or their loved ones may one day fall victim to a similar injustice. But then, it may be too late. Not only is Efren's future at stake right now, but the future of America and its citizens is at stake as well.

Efren is not seeking to be featured in a movie, on television talk shows, offered book deals, or anything else to be used for the purpose of someone's entertainment. There isn't a single thing entertaining about what happened to him March 15, 1989, or the injustice that continues to this day. What he wants is his freedom! All the money in the world could never replace the nearly fifteen years he has spent in prison convicted of a crime he did not commit. It simply must not be allowed to continue.

It isn't every day that a 15-year-old honor student with no prior criminal record goes to prison with a Life sentence for a crime he did not commit. But, it does happen, and it did happen. Efren is living proof of that truth! A grave injustice has continued for over a decade now. With the proper assistance we can bring an end to this travesty.

## HOW YOU CAN HELP

**Y**ou are highly encouraged to circulate this information and share it with others. If you have any suggestions about who may be able to assist Efren's cause, we ask that you send us names and e-mail addresses (including postal addresses). This might include attorneys, civil rights organizations,

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advocates of juvenile justice reform, government officials, law schools, law professors, experts on issues regarding juvenile waivers from juvenile to adult court, think tanks, organizations that assist innocent people in prison prove their innocence, church leaders, businesses, newspaper and magazine writers, people who can help disseminate information about Efren's wrongful incarceration via the Internet, print media, and other avenues; or anyone else you feel could be of assistance to Efren.

College professors, researchers, lawyers, organizations, and members of the media can request a CD of information related to Efren's case — or a DVD containing television news media footage of Efren at the time of his arrest and trial — free of charge. We invite researchers to use Efren's case in any future studies they conduct regarding wrongful convictions, juveniles in the criminal justice system and adult prisons, or the imposition of life without parole sentences on juveniles.

We are very interested in information and suggestions regarding appellate strategies in the state and federal courts, and information regarding juvenile waivers from juvenile to adult court. Any newspaper or magazine articles, law reviews, appellate brief excerpts, court opinions, etc., regarding these issues could be extremely helpful. No information or suggestions are trivial when it comes to saving someone's life. Even something seemingly insignificant could very well be the key to unlocking the prison doors holding Efren captive.

We would also like to hear from people who may have helpful information about Efren's wrongful conviction or those who may know people with knowledge about the Rick Tetzlaff murder/*Vineland Foods* robbery.

We are interested in hearing from people who lived near *Vineland Foods* on March 8, 1989 who were interviewed by police and reported seeing something suspicious around *Vineland Foods* on the night the store was robbed and Rick Tetzlaff was murdered.

According to police reports about that evening only two people interviewed by police indicated seeing anything suspicious at that time. We believe there were other witnesses who may have seen something suspicious as well and would like to hear from those persons.

Efren's family and supporters have hired internationally renown private investigator, Paul J. Ciolino, to commence an extensive investigation into his wrongful conviction. Ciolino has carefully reviewed Efren's case and, in his expert opinion, believes that Efren is innocent of the crime he was convicted of. To read about Ciolino's impressive credentials you are encouraged to review the link on our web site, "Paul J. Ciolino Fund Raiser."

**I**t is our prayer that you will consider assisting us in our concerted efforts to exonerate Efren so he can once again become a free and contributing member of society. Efren shouldn't spend the rest of his life in prison (i.e., die in prison) for a crime he played no role in and did not commit. Together we can send a clear message to the judicial system of this country that we will not tolerate innocent people being sent to prison.

If you are unable to assist us in Efren's cause, hopefully the information contained herein will serve to enlighten you about wrongful incarcerations and injustices imposed on juveniles in adult court systems across America. No one deserves to be abused and robbed of their life. It is our hope that your increased awareness of this matter will help guard you against any future potential abuses by the judicial system such as those imposed on Efren.

Anyone wishing to assist us end this injustice can contact The Injustice Must End (T.I.M.E.) at one of the following addresses:

**T.I.M.E.**  
**P.O. Box 858**  
**Battle Creek, MI 49016**  
E-mail: [eparedes@aol.com](mailto:eparedes@aol.com)

Or, you can write Efren directly at:

**Efren Paredes, Jr.**  
**#203116**  
**3510 N. Elm Road**  
**Jackson, MI 49201**

Efren can not receive e-mails. All communications directly to Efren must be sent via U.S. Postal Service. To learn more about Efren's wrongful conviction, send an e-mail to [eparedes@aol.com](mailto:eparedes@aol.com) and list the information you are interested in receiving. To ensure your e-mail is read please put "Efren" in the subject line.

Thank you for taking the time to read our message.

Sincerely,

***Friends, Family and Supporters of  
Efren Paredes, Jr.***

*Last updated 2/3/06*

## THE PERPETUAL NIGHTMARE

by Rosh Holmes

*This poem is dedicated to Efren and his freedom from wrongful incarceration.*

Have you ever been accused—shackled, battered and abused—taken hostage as a child—paraded, degraded—then made to stand trial?

Have you ever been innocent, a single blame none can find, perplexed beyond measure—told justice is blind?

You ever wish she could see, then maybe she'd know, nightmares which I live, forbidden to grow?

Have you ever counted tears, while others count sheep, had every tear run dry, and you still aren't asleep?

Have you ever kissed lips of despair in their grip, gestured for aid, just to watch your life fade?

Of these dreams which I speak, I live every week, nightmare of stark horrors, still not at their peak.

Have you ever held hands with an innocent man, punished with sheer malice, you can't comprehend?

You ever screamed out loud, like a voice from the fog, till your vocals have failed, and none answers your calls?

Have you ever been pure, such an innocent look, then falsely convicted, where foundations are shook?

Of these dreams which I speak, I live every week, nightmares of stark horrors, still not at their peak.