

The National Registry
of
EXONERATIONS

2,690 EXONERATIONS SINCE 1989
MORE THAN 24,350 YEARS LOST

ANDREW REYES



At about 11 p.m. on October 12, 1991, 22-year-old Andrew Reyes and a friend, 17-year-old Glen Santoyo, were walking away from a neighborhood party in Blue Island, Illinois when a man, later identified as Paul Smith, walked toward them and uttered the word “spick.”

When Reyes asked who he was talking about, Smith, who appeared to be intoxicated, said, “You two” and stumbled into Reyes, who pushed him away. As Smith stepped back, he reached for his belt and Reyes saw something shiny that was in fact a knife. Santoyo grabbed Smith’s wrist and the two of them pushed Smith, who was in his 30s, to his knees.

At that point, about six other young men arrived, all having left the same party. In addition, a car pulled up and stopped about 35 or 40 feet away. Two men emerged from the car. Reyes and Santoyo then left.

The group of other men converged on Smith—beating and kicking him savagely. Smith survived, but ultimately emerged from a coma in a vegetative state. Police recovered an empty knife sheath at the scene.

On October 25, 1991, Reyes was arrested, as were several other young men. Reyes was charged with attempted murder and aggravated battery. By the time he went to trial on April 6, 1992 in Cook County Circuit Court, two others had been convicted of attempted murder. Antulio Esparza, who was one of the two men who got out of the car, was sentenced to nine years in prison. Brian Parker, who came from the party, was sentenced to 15 years in prison.

Reyes chose to have his case heard by a judge without a jury. The primary witnesses for the

State:	Illinois
County:	Cook
Most Serious Crime:	Attempted Murder
Additional Convictions:	Assault
Reported Crime Date:	1991
Convicted:	1992
Exonerated:	2010
Sentence:	12 years
Race/Ethnicity:	Hispanic
Sex:	Male
Age at the date of reported crime:	22
Contributing Factors:	Perjury or False Accusation, Official Misconduct
Did DNA evidence contribute to the exoneration?:	No

prosecution were Rita Mendez and Patty Mendoza, who were passengers in the car that pulled up near where Smith was beaten.

Both testified that they did not see Reyes beating or kicking Smith. Both were impeached with their grand jury testimony when they said they did see Reyes taking part in the attack on Smith. Both said their earlier testimony was false.

The prosecution also called an assistant Cook County state's attorney, Dan Reedy, who interviewed Reyes on the day of his arrest. Reedy testified that Reyes said he knocked Smith down and that others then joined in the beating before Reyes walked away. However, on cross-examination Reedy admitted that his summary of that interview said, "Mr. Reyes admits being at the scene, pushing the victim down with Glen Santoyo and began walking away from him as he sat on the ground. As he walked away, he saw" the others arrive and surround Smith.

While Reedy insisted that Reyes had told him he was there during the beating, Reedy also conceded that such information would have been important to include in his report.

Reyes, who was married with two children and worked as a tow truck driver, testified that after the verbal confrontation, he pushed Smith in the chest with an open hand. When Smith "pulled a knife," Reyes said he and Santoyo pushed Smith the ground and they both left.

"I didn't figure it was necessary for me and [Santoyo] to stay there as there were six people running up with the intention...to do something," Reyes said. "Because I figure I had a family to take care of and if the police arrived, I was going to catch a case."

He added, "I didn't know that they were going to beat him up to that extent. I had no idea—They had the intention of beating him up, but I didn't have any idea that they were going to do that much damage to him...I figured they were going to beat him up and let him go."

He said he voluntarily went to the police station when he learned that police were looking for him. He denied that the men were his friends and came to help him. He said he only knew two of them and "They weren't going to help me do nothing."

On April 10, 1992, Judge Thomas Condon convicted Reyes of attempted murder and aggravated battery. The judge said he believed the grand jury testimony of Mendoza and Mendez rather than their in-court recantations. Judge Condon sentenced Reyes to 12 years in prison.

On August 5, 1993, the Illinois Appellate Court reversed the conviction based on insufficient evidence.

"At trial, both Mendoza and Mendez testified that they could not remember seeing Reyes kick Smith or hit him when he was on the ground," the appeals court said. "They both admitted that Reyes may not have been on the scene during the entire incident. The witnesses' testimony suggests that from a less than ideal vantage point, they observed a general melee in which people were coming and going. Mendoza testified that she did not watch for the entire duration of the incident. Mendez admitted she had consumed 15 beers at the party."

The appeals court ordered the charges dismissed and Reyes was released.

Reyes's appeals attorney, Leonard Goodman, subsequently sought a certificate of innocence for Reyes, who had no convictions prior to being charged in the assault of Smith. On October 28, 2010, Reyes was granted a certificate of innocence. His claim for state compensation was dismissed.

– *Maurice Possley*
