



Justice for Joseph

Joseph Fuentes has served 25 years behind bars for a crime he did not commit

The Arizona Justice Project (AJP) has filed a federal clemency application on behalf of Joseph Nicholas Fuentes, a federal inmate who was sentenced to life imprisonment for a crime he did not commit. AJP is asking President Biden to grant Joseph's request for a commutation to address his wrongful conviction and allow him to come home.

Joseph pleaded guilty to a marijuana offense and went to federal prison in 2000. While in custody at federal prison, Joseph obtained a job and earned his GED. He was working toward improving himself so that he would be able to productively reenter society after completing his sentence for the drug charge.

But just over a year later, in May 2001, an inmate, Mr. Lopez-Rocha, was killed on the same prison yard where Joseph was housed. The individual who stabbed Lopez-Rocha was quickly identified, but prison officials began a larger investigation into the reason for the killing. Other inmates, some of whom were actually involved in the murder plot, pointed the finger at Joseph. These individuals testified against Joseph in exchange for reduced charges or sentences for themselves. Joseph testified in his own defense at trial and has always maintained that he was not involved in the murder. Unfortunately, a jury convicted Joseph, and he was sentenced to life in prison.

Joseph contacted AJP requesting help on his case, and, since 2013, AJP has been investigating Joseph's claim of innocence. AJP's multi-year investigation revealed that the murder was actually retribution against inmate Lopez-Rocha for sexually assaulting the niece of another inmate—Mr. Thomas. AJP uncovered police records documenting that Lopez-Rocha committed the assault and confirmed via family members that the teenage victim was Thomas's niece. AJP also obtained statements from other inmate witnesses who said that they overheard Thomas discussing retaliating against Lopez-Rocha for having assaulted his family member.

Back at the time of Joseph's trial, Mr. Thomas pointed the finger at Joseph as the organizer of the murder in exchange for a plea deal for himself and a vastly reduced prison term. And, Joseph's defense lawyer failed to uncover this evidence or to interview these witnesses, so the jury never heard information on the true motive for the murder and who was behind it.

In 2021, AJP filed a petition asking the court to reopen Joseph's case and consider all of the new evidence.

Unfortunately, citing procedural barriers to further review, the court denied this request, which means **clemency is now the only avenue available for Joseph to regain his freedom.**

Joseph remains in prison at the United States Penitentiary Atwater (USP-Atwater), having served over 25 years. Of those who planned and executed the hit, all but one, who has another murder conviction, are free.

Joseph has been a model prisoner, displaying his readiness for life outside of prison. The Federal Bureau of Prisons has concluded that he is a low risk for recidivism and has given him a zero dangerousness score. Unfortunately, Joseph's health is in decline, with brain lesions that have gone untreated. Without proper medical treatment, he is at risk of suffering a fatal stroke.

Joseph is requesting that President Biden grant him a commutation to correct the injustice of his continued wrongful incarceration. A commutation would allow him to seek treatment for his health issues and to be united with and provide for his family. If Joseph is not granted a commutation, he will spend the rest of his life in prison.

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The Arizona Justice Project was founded in 1998 and is dedicated to exonerating the innocent and correcting cases of manifest injustice in Arizona. We have helped 51 individuals regain their freedom through the courts or the Arizona Board of Executive Clemency.

For more information about the work of the Arizona Justice Project, go to:
<https://azjusticeproject.org/>