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ACQUITTAL IN MISTAKEN I-PHONE THIEF CASE

San Francisco, CA — A young man who was accused of theft of an iPhone was acquitted on November 16, 2011, San Francisco Public Defender Jeff Adachi announced.

Ronnie Morrisette, 26, was acquitted of robbery, assault, false imprisonment, and four lesser charges. After a week-long trial, the jury deliberated for less than a day before reaching unanimous acquittals on all seven charges. If convicted, Morrisette faced up to six years in state prison.

In a chaotic scene, Morrisette was standing on the stairs to get off the 14-Mission Muni bus around 2:00AM on August 11, 2011. As the bus approached the stop at 9th and Mission, a never-identified young man snatched an iPhone out of passenger Rebecca Olarte's hands and ran off the bus. In the thief's haste, he bumped into Morrisette, knocking Morrisette's phone and iPod to the ground. Olarte ran to chase after the thief and crashed into Morrisette, who was reaching down to pick up his items. Olarte, in the confusion, reached toward Morrisette's phone and iPod and appeared to be holding something in her hands. Morrisette, who did not know that Olarte's iPhone had been stolen, believed that Olarte took his phone and iPod, so he struggled to get his own property back.

Olarte, who admitted that she was intoxicated that night, believed that Morrisette was somehow involved in the theft of her iPhone. She testified that Morrisette was saying something to her during the struggle, but she could not remember what he said. Mr. Morrisette testified in his own defense. The only independent witness saw Morrisette struggling with Olarte *over an object in her hand* and corroborated everything Morrisette said happened.

Witnesses testified that Morrisette was dressed in bright flashy clothing, in happy mode, making friends, and was sharing drinks while on the bus. The actual thief went unnoticed, not speaking to anyone on the bus and dressed in dark clothing. There was never any evidence that Morrisette had ever spoken to the thief or got on the bus with him.

Public Defender Investigator Jill Schroeder testified that when she retrieved Morrisette's property held by the jail, it included headphones, cell phone charger, and an iPod charger, proving he did have these items, although during the struggle Morrisette's cell phone and iPod were lost and not recovered.

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"Ronnie was a student at Wyotech College studying to be a motorcycle technician when he was wrongly arrested in connection with the theft of Ms. Olarte's iPhone on Muni. Ronnie didn't know the thief who took Ms. Olarte's phone and had nothing to do with it. But because he was young and black, just like the thief, Ronnie was accused of involvement. After three months of sitting in jail, waiting for justice, an innocent man was finally vindicated by the jury and granted his freedom. Ronnie, his family, and his 7-year-old daughter are greatly relieved." said his attorney, Deputy Public Defender Peter Santana.

On the day of the acquittal, Ronnie Morrisette was released from the jail after midnight and went home. Thanks to the work of the Public Defender's Office team of attorneys, investigators, paralegals and interns, an innocent man was kept out of prison.

Adachi said the first impressions of the incident were not borne out by further examination of the evidence.

"This case shows how easy it is for an innocent person to find themselves charged with a crime. Studies have shown that mistaken identification is the greatest cause of wrongful convictions." Adachi said.

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