

## Clark County judge overturns Las Vegas man's murder conviction

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Mauricio Melendez, offender no. 1042405. (Courtesy Nevada Dept. of Corrections)

[image](#)

A district judge has overturned the first-degree murder conviction of a Las Vegas man after ruling that he received ineffective assistance from his trial lawyers.

“Taken as a whole, the performance of trial counsel fell below any objective standard of reasonableness to such an extent that it rendered the verdict unreliable and the trial unfair,” District Judge Abbi Silver wrote in her decision.

Prosecutors are appealing the April ruling, which grants the petition for writ of habeas corpus filed by Mauricio Melendez. Such a petition asks a judge to determine whether a person’s imprisonment is lawful.

Melendez, now 40, has been serving a life sentence for fatally shooting his wife, Chennel, in August 2008 and will remain in custody while the Clark County district attorney’s office appeals Silver’s decision. Lawyers in the district attorney’s office declined to be interviewed for this story.

At his July 2009 trial, Melendez was represented by Christy Craig and Scott Coffee from the Clark County public defender's office.

Melendez was convicted of first-degree murder with a deadly weapon, and the Nevada Supreme Court affirmed his conviction in August 2011.

He later filed the petition alleging he had received ineffective assistance of counsel, and attorney Karen Connolly was appointed to represent him.

Connolly released the following statement this past week:

"Overturning a first-degree murder conviction is not something any judge does lightly. Given the facts and circumstances of this case, taking my client's constitutional rights into consideration, the judge had to reverse the conviction under the law."

Clark County Public Defender Phil Kohn said Craig and Coffee were prepared for the trial.

"The fact is, we make judgment calls in trial, and we had two excellent lawyers involved in that case," Kohn said.

Las Vegas police were called on Aug. 7, 2008, to an apartment near Maryland Parkway and Tropicana Avenue. When they arrived, they found the 33-year-old victim on a couch with a bullet wound to her head.

Melendez claimed his trial attorneys were ineffective for conceding his guilt at trial.

"In her opening statement, Ms. Craig assured the jury that the death of Chennel Melendez was an accident, and that there would be absolutely no evidence of motive or evil intent," according to Silver's ruling. "(Melendez) proclaimed his innocence, testifying that the shooting was accidental. However, Mr. Coffee, in his very last statement to the jury, conceded his client's guilt, telling the jury they should convict him of manslaughter."

Melendez was not consulted prior to the concession of guilt by Coffee, according to the judge's decision. Telling the jury that Melendez was guilty of manslaughter "undermined the credibility of the entire defense," Silver concluded, and amounted to ineffective assistance of counsel.

Coffee said lawyers must be able to alter their strategy during a trial if they think doing so is appropriate.

"We always maintained the position that the shooting was unintentional, but during the course of the trial it became apparent that the jury may not be willing to accept a theory of non-criminal accident," he wrote in an email to the Review-Journal.

The lawyer said he has spent about two decades in the Clark County public defender's office and has worked on the homicide team for the past 12 or 13 years.

Silver, a former prosecutor, also found fault with several other decisions made by Melendez's trial lawyers. For instance, she concluded that they were ineffective for stipulating to the admission of the victim's autopsy report.

According to the judge's ruling, Dr. Jacqueline Benjamins performed the autopsy but was no longer employed by the Clark County coroner's office at the time of trial and did not testify.

Silver concluded that the report was prejudicial to Melendez because it listed the manner of death as "homicide."

"But for counsel's error in stipulating to the admission of the autopsy report, it would not have been admissible, and there is a reasonable probability the result of the trial would have been different," the judge wrote.

Silver also concluded that Melendez's trial lawyers "should have consulted with or presented an expert at trial in light of the defense theory that this was an accidental shooting."

Then-District Judge Donald Mosley presided over the trial.

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