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**BEFORE THE VICTIM COMPENSATION AND GOVERNMENT CLAIMS BOARD
OF THE STATE OF CALIFORNIA**

In the Matter of the Claim of:
Obie Steven Anthony III

**Proposed Decision
(Penal Code § 4900 et seq.)**

Introduction

This claim for compensation as an erroneously convicted person was decided based on the written record by considering all the evidence submitted to date and without a hearing. Kyle Hedum was assigned to this matter by the Executive Officer of the California Victim Compensation and Government Claims Board (Board). Obie Steven Anthony III (Claimant) was represented by Caitlin S. Weisberg, attorney at law. The California Department of Justice, Office of the Attorney General (AG), was represented by Craig Meyers.

In this matter, the Los Angeles Superior Court, South Central District, determined after hearing that Claimant had proven by a preponderance of the evidence that he was innocent pursuant to Penal Code section 1485.55, subdivision (b). According to Penal Code section 1485.55, subdivision (d), when a court makes such a finding, the Board shall, without a hearing, recommend to the Legislature that an appropriation be made and the claim paid pursuant to Penal Code section 4904. Therefore, it is recommended that Claimant receive compensation pursuant to Penal Code

1 section 4900 et seq. in the amount of \$581,600.00. This sum is calculated from the date Claimant
2 was sentenced to state prison up to the date of his release from state prison for a total of 5,816 days.¹

3 History

4 On March 27, 1994, three men drove to a house of prostitution. One of the men (Gonzalez) left
5 the car to enter the building but was turned away. As he was walking back to the car, three or four men
6 attempted to rob Gonzalez and his friends. Shots were fired and Gonzalez was killed and his friends
7 were injured.

8 Claimant came to the attention of police because he had previously been arrested for an alleged
9 robbery and carjacking that appeared to be similar to the Gonzalez shooting. On August 1, 1995,
10 Claimant was convicted of one count of murder and two counts of attempted murder. He was
11 sentenced to life-in prison-without-parole on November 2, 1995. On February 24, 1997, the California
12 Court of Appeal affirmed Claimant's judgment and sentence. On May 8, 1997, the California Supreme
13 Court denied Claimant's Petition for Review.

14 On April 2, 2010, Claimant filed a petition for writ of habeas corpus in Los Angeles Superior
15 Court, and on September 30, 2011, Claimant's murder conviction was reversed on the grounds of
16 ineffective assistance of counsel, false and misleading testimony, and prosecutorial misconduct.
17 However, the judge determined that Claimant had not met his burden of proving actual innocence.

18 On October 4, 2011, Claimant was released from prison. On September 30, 2013, Claimant
19 filed a claim for compensation as an erroneously convicted person. On May 30, 2014, the Los Angeles
20 Superior Court, South Central District, determined that there was a preponderance of the evidence that
21 the offenses perpetrated on March 27, 1994, resulting in the death of Gonzalez and the injuries to two
22 others were not committed by the Claimant and it was determined that the claimant had no involvement
23 in those offenses or the events surrounding them. The judge thus determined that Claimant had

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26 ¹ Claimant requests that the Board grant him compensation for the time he spent in local custody after
27 conviction but prior to being sentenced to prison. This pre-sentence time consists of 93 days which
28 correlates to \$9,300.

1 proven by a preponderance of the evidence that he was innocent pursuant to California Penal Code
2 section 1485.55, Subdivision (b).

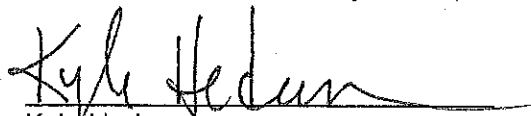
3 **Determination of Issues**

4 A finding of factual innocence from the court under Section 1485.55 of the Penal Code is
5 sufficient grounds for payment of compensation of a Penal Code section 4900 claim. If the provisions
6 of Section 1485.55 apply in any claim, the California Victim Compensation and Government Claims
7 Board shall calculate the compensation for the claimant pursuant to Section 4904 and recommend to
8 the Legislature payment of that sum.² The claimant needs to show no more than the court's
9 declaration of his factual innocence for the Board to recommend to the Legislature that compensation
10 be paid under Penal Code section 4900 et. seq.

11 The Los Angeles County Superior Court granted Claimant's petition for writ of habeas corpus
12 on September 30, 2011; and overturned his 1995 conviction. The court subsequently found Claimant
13 factually innocent pursuant to Penal Code section 1485.55 on May 30, 2014.

14 Claimant was incarcerated in state prison for 5,816 days. It is recommended to the Legislature
15 that an appropriation be made to pay the claim of Obie Steven Anthony III in the sum of \$581,600.00.

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17 Date: August 14, 2015

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19 Kyle Hedum
20 Hearing Officer
21 California Victim Compensation and
22 Government Claims Board
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27 ² Pen. Code, § 4902, subd. (a).
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BEFORE THE VICTIM COMPENSATION AND GOVERNMENT CLAIMS BOARD
OF THE STATE OF CALIFORNIA

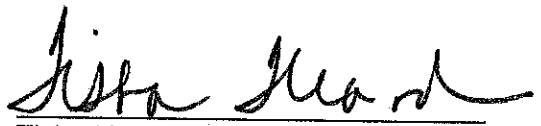
In the Matter of the Claim of:

Notice of Decision

Obie Steven Anthony III

On September 17, 2015, the California Victim Compensation and Government Claims Board adopted the attached Proposed Decision of the Hearing Officer as its Decision in the above-referenced matter.

Date: September 18, 2015



Tisha Heard
Board Liaison
California Victim Compensation and
Government Claims Board