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

In the Matter of the Claim of:

Luther Ed Jones, Jr.

**Proposed Decision
(Penal Code § 4900)**

Introduction

This claim for compensation as an erroneously convicted person was decided based on the written record by considering all the evidence submitted and without a telephonic or in-person hearing. Kevin Kwong was assigned to hear this matter by the Executive Officer of the California Victim Compensation and Government Claims Board. The claimant, Luther Ed Jones, Jr., was represented by attorney Angela Carter. The California Attorney General’s Office was represented by Larenda Delaini, Deputy Attorney General (AG).

In this matter, the trial court granted Jones’ writ of habeas corpus and made a finding of factual innocence pursuant to Penal Code section 1485.55(b). According to Penal Code section 1485.55(b), when a court makes a finding of factual innocence, 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 Jones receive compensation pursuant to Penal Code section 4900 et seq. in the amount of \$936,880 for being wrongfully imprisoned for 6,692 days from October 22, 1997, until February 17, 2016.

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2 **Procedural Background**

3 On October 22, 1997, Luther Ed Jones, Jr. was arrested and charged with committing lewd
4 and lascivious acts on a child under the age of 14, intimidating a witness or victim, and battery. On
5 June 10, 1998, Jones was found guilty and sentenced to 27 years in prison.

6 Approximately 18 years after his conviction, the alleged victim came to the Lake County
7 District Attorney's Office and stated that she lied at Jones' trial. The alleged victim stated that Jones
8 never molested her and that she had been coerced by her mother to testify against Jones in order to
9 resolve a custody issue. The alleged victim stated that she was molested but that the perpetrator
10 was a different boyfriend of her mother. The District Attorney's Office, after a thorough investigation,
11 concluded that Jones was innocent and he did not commit the crimes that he was charged with. The
12 District Attorney's Office filed a petition for a writ of habeas corpus on behalf of Jones. The court
13 granted the petition on February 16, 2016, and Jones was released from custody on February 17,
14 2016.

15 In March 2016, Jones filed his claim for compensation with the Board as an erroneously
16 convicted person. On April 26, 2016, Jones received from the Lake County Superior Court a finding
17 of factual innocence pursuant to Penal Code section 1485.55(a), based on new evidence that points
18 unerringly to innocence.

19 **Determination of Issues**

20 If the provisions of Penal Code section 1485.55 apply, the California Victim Compensation and
21 Government Claims Board shall calculate the compensation for the claimant pursuant to Penal Code
22 section 4904 and recommend to the Legislature payment of that sum.¹ The claimant needs to show no
23 more than the court's declaration of his or her factual innocence for the Board to recommend to the
24 Legislature that compensation be paid.

25 Jones received a finding of factual innocence and the court stated that the evidence points
26 unerringly to his innocence. The court's determination was based on the alleged victim stating that she
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¹ Pen. Code § 4902(a).

1 lied at trial and that she was not molested by Jones. Thus, the Board will recommend payment to the
2 Legislature as required by statute.

3 Jones was incarcerated for 6,692 days and it is recommended to the Legislature that an
4 appropriation be made to pay the claim in the amount of \$936,880.

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6 Dated: April 27, 2016

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8 Kevin D. Kwong
9 Hearing Officer
10 California Victim Compensation and
11 Government Claims Board
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