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6 **BEFORE THE VICTIM COMPENSATION BOARD**
7 **OF THE STATE OF CALIFORNIA**

8
9 In the Matter of the Claim of:
10 **Richard Williams**

Proposed Decision
(Penal Code § 4900 et seq.)

11 **Introduction**

12 On March 7, 2016, Richard Williams (Williams) applied to the California Victim Compensation
13 Board (CalVCB) for compensation as an erroneously convicted person pursuant to Penal Code
14 section 4900. Williams requests payment of \$976,640 for the 6976 days he served in custody from
15 the day of his arrest on September 28, 1996, until his release on November 3, 2015.

16 On April 17, 2017, a hearing was conducted by Jasmine Turner-Bond, the Hearing Officer
17 assigned to hear this matter by the Executive Officer of the CalVCB. Williams appeared in pro per
18 and presented oral argument in support of his claim. The California Department of Justice, Office of
19 the Attorney General (AG), was represented by Deputy Attorney General Kevin Quade (DAG).

20 As explained below, Williams has not proven by a preponderance of the evidence that the
21 crime for which he was convicted and incarcerated was not committed, or if committed, was not
22 committed by him. Accordingly, the Hearing Officer recommends that his claim for compensation be
23 denied.

24 **Procedural Background**

25 On August 12, 1996, Marvel Chase (Chase) was shot while driving his Mercury Cougar in South
26 Sacramento. Soon thereafter, he succumbed to his injuries at a nearby AAMCO station. The Cougar
27 had three occupants: Chase, Jacoby Spratling (Spratling), and Marquelle Dedmon (Dedmon).
28

1 According to Spratling and Dedmon, the perpetrators were the occupants of an old, green Ford
2 Mustang. Dedmon told law enforcement the driver of the Mustang was Richard.

3 Following a law enforcement investigation, the Sacramento County District Attorney charged
4 Williams with murder under Penal Code section 187, subdivision (a),¹ and alleged the special
5 circumstance that the murder was committed “by means of discharging the firearm from a motor
6 vehicle, intentionally at another person outside the vehicle with the intent to inflict death.”² The District
7 Attorney also charged Williams with two counts of attempted murder.³ With respect to counts one, two,
8 and three, the District Attorney alleged that Williams was personally armed with a firearm.⁴
9

10 A jury convicted Williams of all three counts, and found true the special circumstance and
11 firearm enhancement. On October 16, 1998, the trial court sentenced Williams to life without the
12 possibility of parole, followed by two life sentences, and three years for the personal arming
13 enhancements.

14 Williams appealed. On September 11, 2001, the Court of Appeal affirmed the conviction as to
15 count one, but remanded for resentencing on counts two and three due to an error in the charging
16 documents. On August 2, 2002, following remand, the trial court sentenced Williams on counts two and
17 three, to an aggregate term of 10 years and eight months, consecutive to term of life without parole plus
18 one year.
19

20 Williams filed a petition for writ of habeas corpus (petition) in the United States District Court for
21 the Eastern District of California (district court) in which he argued the following grounds for reversal:

- 22 (1) The trial court violated the constitutional guarantee against double jeopardy by
23 unjustifiably dismissing the first jury selected;

24
25 ¹ All further statutory references are to the Penal Code unless otherwise noted.

26 ² § 190.2, subd. (a)(21).

27 ³ §§ 664/187, subd. (a)

28 ⁴ § 12022, subd. (a).

- 1 (2) The State violated his right to equal protection when it impermissibly challenged a
minority juror;
- 2 (3) An eyewitness identification was unduly suggestive;
- 3 (4) The trial court violated the Confrontation Clause and Due Process by admitting into
4 evidence prior inconsistent statements for substantive purposes made by declarants
5 who did not testify at trial;
- 6 (5) The trial court permitted fundamentally unfair testimony about threats to and
intimidation of a key witness;
- 7 (6) The trial court permitted the introduction of overly prejudicial, uncharged character
8 evidence when it allowed testimony about .25 caliber shell casings found in Williams'
9 car;
- 10 (7) The evidence against Williams was insufficient;
- 11 (8) The trial court erred in its instruction to the jury regarding the elements of first degree
murder;
- 12 (9) The evidence at trial was insufficient to support the true finding as to the special
13 circumstance of discharging a firearm from a vehicle; and
- 14 (10) Habeas relief is warranted as a result of the cumulative impact of the errors and
15 irregularities committed by the trial court and prosecutor during the trial.⁵

16 On December 19, 2006, the district court denied Williams' petition which he appealed to the
Ninth Circuit Court of Appeal.

17 The sole issue on appeal before the Ninth Circuit was ground two in Williams' petition: did the
18 trial court violate *Batson v. Kentucky* (1986) 476 U.S. 79 (*Batson*), by striking the only eligible African-
19 American juror during the jury selection process. The Ninth Circuit found that the district court's *Batson*
20 three-step inquiry was erroneous for two reasons: first, the trial court failed to reach the third part of the
21 *Batson* inquiry that addresses whether the striking party's rationale for the strike is credible and not the
22 product of discrimination. Second, the district court erred in conducting its limited comparative juror
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27 ⁵ *Williams v. Plier*, No. CIV S-03-0721 DFL JFM 2006 U.S. Dist. LEXIS 92101(E.D.Cal. December 19,
28 2006).

1 analysis.⁶ Consequently, the district court's decision to deny Williams' petition was reversed and
2 remanded for an evidentiary hearing consistent with the Ninth Circuit's findings.

3 On November 20, 2013, the district court granted Williams' petition on the basis of *Batson* error.

4 On May 14, 2014, Williams filed a second petition writ of habeas corpus, *pro se*. In his petition,
5 Williams argued that under section 1445,⁷ the trial court erred in not sentencing him for all lesser
6 included offenses including:

- 7 • Section 246, shooting at an inhabited dwelling;
- 8 • Section 17512, vehicle driver or owner knowingly permitting any other person to bring a
9 firearm into the vehicle;
- 10 • Section 12034, subdivision (b) or (c), discharging a firearm from a vehicle, and willfully
11 and maliciously discharging a firearm from a motor vehicle at another person other than
12 an occupant of a motor vehicle; and
- Section 12500, subdivision (a), driving a motor vehicle without a valid driver's license.

13 The superior court denied the request, finding that the request was "successive and untimely" and
14 sought to increase Williams' sentence by including charges that were not charged or found true.

15 The Sacramento County District Attorney's Office retried Williams. The jury, after deliberating
16 for approximately five days, acquitted Williams of all charges.

17 **Summary of the Evidence**

18 **A. Pre-trial Investigation**

- 19 1. August 12, 1996 Interview with Marquelle Dedmon—Occupant of Marvel Chase's
20 Mercury Cougar

21 On the evening of August 12, 1996, Detective Dean interviewed Dedmon. Dedmon told Dean
22 that earlier in the day he was riding with Chase and Spratling in Chase's Cougar, headed to the
23 hospital. As they turned on Wesley Avenue, they noticed a large group of people standing outside a
24

25 ⁶ The proper comparison is between the struck juror and jurors who were allowed to serve. (*Miller-El v.*
26 *Dretke* (2005) 545 U.S. 231, 241.) Here, the district court compared the one eligible African-American
27 juror with one other *struck* juror.

28 ⁷ When the defendant pleads guilty, or is convicted, either by the court, or by a jury, the court shall
render judgment thereon of fine or imprisonment, or both, as the case may be.

1 duplex. Two men were entering a green, dusty Mustang parked in front of the duplex. The Mustang, a
2 1965 or 1966, did not have hubcaps. Dedmon, Chase, and Spratling stared at the Mustang because
3 they were interested in buying and repairing old cars.

4 Chase continued driving down Wesley Avenue. The Mustang's occupants drove in the opposite
5 direction. It did not appear to Dedmon that the Mustang's occupants noticed him and his friends.
6 Moments later, the Mustang pulled next to Chase's Cougar. The two cars were side by side. The
7 occupants of the Mustang yelled, "What's up? What's up? Blood what's up?" Dedmon turned his head
8 and saw the driver pointing a gun through the window. The gun was a revolver with a brown handle,
9 possibly a .357 Smith & Wesson with a regular sized barrel.

10 Dedmon told Spratling and Chase to duck as the Mustang's driver and passenger shot more
11 than 10 rounds at them. The windows in both cars were rolled down. Dedmon believed the first two
12 bullets went straight into Chase's body because they were shot from a range that was "too close to
13 miss."

14 Dedmon described the driver as a 6'2", 18-year old, African-American male, with light brown
15 skin and approximately 30 single braids. He had seen the driver before: several times at Sunnyslopes
16 Market, a store at Florin mall, and multiple times walking along Chandler Street. In fact, Dedmon had
17 seen the driver about two days before the shooting. His name was Richard. Dedmon knew his name
18 because he overheard a woman referring to the driver by that name. Because Dedmon had seen
19 Williams so often, he thought Williams pulled next to them to say hello. Dedmon had seen Williams
20 wearing the color green, which signified membership of a gang in Strawberry Manor, a suburb of North
21 Sacramento.

22 Dedmon described the passenger of the Mustang as "fat," wearing a red t-shirt, having a dark
23 complexion, and bald. He did not see the passenger's gun, but he knew there were two guns used
24 because Spratling saw the passenger holding a .38 caliber.

25 Dean began to conclude the interview. He left the interview room briefly to find out how
26 Dedmon and Spratling would be getting home. During this time, Spratling was allowed to enter
27 Dedmon's interview room. Dedmon and Spratling discussed the following in summary:

1 Dedmon told Spratling that the driver's name was Richard and that he had seen him at
2 Sunnyslopes Market. Dedmon also stated he attended Grant High School with Richard. Dedmon and
3 Spratling discussed retaliation by shooting the perpetrators of the crime and their associates.

4 The break ended and Spratling returned to a separate interview room. Detective Dean resumed
5 questioning Dedmon. Dedmon asserted Chase had no known enemies who wanted to kill him and
6 there had not been a prior altercation between Chase and the shooters. Dedmon surmised the
7 shooters were foolish teenagers.

8 Detective Dean asked Dedmon again about the Mustang's rims. Dedmon said the Mustang had
9 no rims, but "they could throw hubcaps on it."

10 2. Corey Schuler—Resident of Wesley Avenue

11 Schuler was interviewed on September 4, 1996. He recalled being outside when he heard a
12 couple of shots down the street from his house. Schuler saw a green Mustang earlier in the day,
13 sometime around 1:00 pm, at the "big guy's house." Several men were standing outside the house
14 visibly upset. Schuler overheard one of the men saying he was going home to get something. Soon
15 after, the Mustang drove past his house. It was "going fast," but slowed as it got close to the corner.
16 Schuler had seen the Mustang in his neighborhood almost every other day, the month before the
17 shooting.

18 3. Photographic Lineup of Driver and Suspect Vehicle

19 On August 13, 1996, Dedmon was shown a photographic lineup, which included a photograph
20 of Williams in position number four. Dedmon immediately identified the driver of the Mustang as the
21 person in position four, Richard Williams. After being shown photographs of the impounded Mustang,
22 Dedmon told officers that it looked like the same vehicle, with the exception of the rims.

23 Spratling was shown the same photographic lineup. He selected the photographs in positions
24 three and four. He then selected the photograph in position three because he thought number four
25 looked "too small." When shown photographs of Williams' Mustang, Spratling stated it was not the
26 same vehicle he had seen on the 12th. When he was questioned further, Spratling stated that it was
27 the right body style, however, it was too "shiny and clean" and had different wheels than the one he
28 saw on the 12th.

1 4. Affidavit in Support of Arrest Warrant

2 In his affidavit dated August 15, 1996, Deputy Sheriff Stan Reed referenced the interviews
3 conducted with Spratling and Dedmon, as well as their identification of Williams in the photographic
4 lineups, in support of an arrest warrant for Williams. On the evening of the 12th, Deputy Reed and
5 Detective Minter went to Williams' home. Reed and Minter contacted Williams' neighbors, who wished
6 to remain anonymous for fear of retaliation. They told Reed they saw Williams and another person
7 earlier that day at around 4:30 p.m. in a green Mustang parked in front of the complex. They saw him
8 later that evening around 8:15 p.m. in his backyard near the rear fence.

9 5. September 28, 1996 Interview of Richard Williams

10 Williams was aware a warrant had issued for his arrest for the murder of Chase; however, he
11 did not turn himself in until September 28, 1996.

12 Williams told officers he was in Oakland at the beach with his girlfriend, Christine Feemster at
13 the time of the murder. According to Williams, he and Feemster left Sacramento around 1:00 p.m. and
14 returned around 10:00 p.m. His Mustang was parked in the back of his apartment complex while he
15 was out of the city. Only he and his uncle had keys to the Mustang. Williams borrowed his friend
16 Myron Meadow's Camaro to drive to Oakland because his car was in need of repair. Meadows
17 reported his car stolen on August 13, 1996, though Williams was authorized to use it on August 12th.

18 Williams realized his Mustang had been towed when he returned home from Oakland; however,
19 he did not contact law enforcement because he was afraid. He eventually contacted a female officer
20 who told him he may not get his car back.

21 Regarding Aaron Struthers, a local Sacramento rapper, Williams stated he knew him but they
22 were not close friends.

23 6. January 14, 1997, Interview of Myron Meadows—Owner of the Camaro.

24 Meadows reported that only he and his girlfriend, Stevesha, were permitted to drive his Camaro.
25 Meadows corroborated Williams' story that he allowed Williams to borrow the Camaro at 1:00 p.m. on
26 August 12, 1996. Meadows allowed Williams to use the Camaro because it was a "good looking" car
27 that could be used to impress women.
28

1 **B. First Jury Trial (1997)**

2 This summary of the first trial, which began on November 6, 1997, is taken from the opinion of
3 the California Court of Appeal, Third Appellate District, in *People v. Williams* (Case No. # C031377,
4 (September 11, 2001.):

5 Late on the afternoon of August 12, 1996, 17-year old Marvel Chase was shot to death at the
6 wheel of his 1977 Mercury Cougar while stopped at the intersection of 48th Avenue and Martin
7 Luther King Boulevard. Chase's passengers, 16-year old Jacoby Spratling and 20-year old
8 Marquelle Dedmon escaped injury. A few moments earlier, Chase had driven slowly passed a
9 group of African-American males standing in front of a duplex on Wesley Avenue. One young
10 man wore a green shirt, and the rest wore red. The group looked at the Cougar as it drove by,
11 and Spratling looked back at them as if to say, "What are you guys?"

12 As the Cougar drove down 48th Avenue toward Martin Luther King Boulevard, it met a green
13 Mustang coming from the opposite direction. The Mustang's driver and passenger looked "real
14 hard" at Chase, Dedmon, and Spratling. The three young men looked back. The Mustang
15 continued toward Wesley Avenue, and the Cougar continued toward Martin Luther King
16 Boulevard.

17 As Chase pulled up to the stop sign at Martin Luther King Boulevard, the Mustang, which
18 apparently circled around, slowly pulled alongside. Once again, the drive [*sic*] and the
19 passenger in the Mustang gave everyone in the Cougar a "hard look." Within seconds, the
20 passenger pulled out a long semiautomatic handgun. Everyone in the Cougar ducked down
21 when the shooting started. Chase jumped in the back seat, yelling that he was hit. Spratling
22 and Dedmon managed to get the Cougar to the parking lot of a nearby AAMCO Transmission
23 Center where they summoned paramedics. Chase died on the way to the hospital from a bullet
24 through his heart.

25 Trial testimony also revealed additional information about events that took place at the Wesley
26 Avenue duplex the afternoon of the shooting. In 1996, defendant was friends with Aaron
27 Struthers and Ramsey Franklin. All three were rappers. Investigators found Franklin's
28 fingerprints on the exterior chrome trim of the Mustang's passenger door. Lacking sufficient
evidence to charge Franklin, the prosecution nonetheless theorized that he was the passenger
in the Mustang.

Struthers lived with his mother Christine Jordan and sister Odessa Sanders at the Wesley
Avenue duplex where Spratling saw the gathering of young men a few minutes before the
August 12 shooting. Jordan testified at trial that she and Struthers were home that afternoon.
She confirmed there had been a group of boys outside the duplex at that time. According to
Jordan, Franklin came inside and went to Struther's bedroom. He left after Jordan told her son
she did not want to hear any rapping that day. Franklin was already gone when Struthers left the
duplex around 4:00 p.m. with two other friends. Jordan testified that she was unaware any of
her son's friends owned a green Mustang.

When Sanders returned home on August 12, Jordan told her that someone had been shot
around the corner. According to Sanders, her mother said that "[Franklin] had come over ... to
rap ... And then when he was coming over, the people down the street was calling them names,

1 and he came back and told my brother, ... that ... they was trying to jump him or something. My
2 brother went around there with him, and then they came back and then [Franklin] had called
3 some other boys to - they had went around there, and that's when I heard some boy had got
4 shot." Sanders also indicated in a prior hearing that her mother told her that "[Franklin] had
5 come over there and ... started some mess or something ... P ... P ... She had told me that
6 something happened around the corner. Somebody got shot. I don't think we knew he was killed
7 until later, but [Franklin] had ... something to do with it." At trial, Jordan denied making the
8 statements to Sanders.

9 Someone shot at Jordan's duplex two nights after Chase was killed. Jordan believed the attack
10 was in retaliation for the August 12 shooting, because one of the victims had pointed out her
11 residence to police. She told the investigating officer that "the guys that were in the green
12 Mustang had done the shooting," and the people in the Mustang "were at the house and had left
13 and had done the shooting." Jordan denied those statements at trial.

14 Jordan admitted at trial that she had talked with her son Struthers about what happened while
15 he was with Franklin on August 12. She was aware that Struthers had exercised his Fifth
16 Amendment privilege and refused to testify.

17 Jury selection began in defendant's first trial on Thursday, November 6, 1997. Shortly
18 thereafter, the court determined that Dedmon refused to testify in the prosecution's case. The
19 court continued trial to December 15, 1997, and excused the unsworn jury over defense
20 objection. The court ultimately declared a mistrial when the jury selected in the first trial was
21 unable to reach a verdict. Defendant's retrial - the subject of this appeal - began on July 7,
22 1998.

23 **C. Second Jury Trial (1998)**

24 1. Jacoby Spratling—Occupant of Chase's Cougar

25 On August 12, 1996, Spratling, Dedmon, and Chase were riding in Chase's Cougar in South
26 Sacramento. They turned on Wesley Avenue. Spratling noticed approximately eight African-American
27 men standing outside a blue duplex. Spratling did not notice a green Mustang parked in front of the
28 duplex. The Cougar continued on Martin Luther King, Jr. Boulevard. A green Mustang pulled
alongside the Cougar. Spratling described the Mustang as dusty, with dull paint and no hubcaps.

The Mustang was approximately seven to eight feet away from the Cougar. The occupants of
the Mustang were looking at Dedmon, Chase, and Spratling "real hard." Spratling had a clear view of
the driver and described him as being a "light-skinned" African-American male, with at least eight braids
hanging from one side of his head, and wearing a green Nike Air t-shirt. Spratling stared at the driver
for approximately eight to 10 seconds. Spratling was certain he did not see a gun in the driver's hand.
The passenger, however, was holding a long, chrome gun in his right hand. Spratling opined the gun

1 was a semi-automatic .38 or 9 mm gun and not a revolver because the gun had no cylinder. Spratling
2 ducked down when he saw the passenger holding a gun. However, he did not actually see the
3 passenger fire the gun. He heard six to seven gunshots fired.

4 Spratling participated in a photographic lineup on August 13, 1996, one day after the shooting.
5 Spratling selected numbers three and four.⁸ Spratling thought number three had a similar skin color
6 and hairstyle as the driver. Spratling thought number four had a similar face as the driver, but he was
7 “skinny” and “too small” to be the driver. Ramsey Franklin was one of men in the photographic lineup.⁹
8 Spratling knew Franklin prior to the shooting and knew that he was not the driver of the Mustang.

9 Detectives showed Spratling photographs of a Mustang they believed belonged to the
10 perpetrator. Spratling noted that the Mustang he saw was “dusty and dull,” and the photographed
11 Mustang appeared shiny and had rims. Spratling told the detectives on duty that the body style and
12 color of the Mustang were “good,” meaning that the photographed model was the same model as the
13 car used in the crime, and it would be the same car if the paint was duller.

14 Spratling was shown one last photograph of a Mustang. He affirmatively identified the Mustang
15 in the photograph as the Mustang used in the commission of the crime. The only difference is that the
16 Mustang had rims on it the day it was photographed, but not at the time of the crime.

17 2. Corey Schuler—eyewitness who lived on 48th Street and Wesley Avenue

18 Schuler testified that in 1996 he lived at 48th Street and Wesley Avenue, approximately 20
19 yards from where he first saw the green Mustang on August 12, 1996. The Mustang was dirty and had
20 what Schuler characterized as either stock rims or no hubcaps or wheel covers. Schuler described the
21 Mustang as having “outverted” taillights, although he originally told law enforcement the lights were
22 inverted. He believed this discrepancy was the product of a misunderstanding.

23 Schuler was certain that the rims shown on the Mustang in the photograph were not the same
24 rims he saw on the Mustang on the day in question. Schuler recalled later that the Mustang had some

26 ⁸ A 1995 photograph of Richard Williams was in position four.

27 ⁹ Additional testimony regarding Ramsey Franklin’s possible involvement in this shooting is on pages 8-
28 9; 15-16.

1 front end damage and a missing Mustang label. Schuler did not tell law enforcement about the front
2 end damage until later in the investigation.

3 On the day of the shooting, Schuler was in his backyard when he heard a commotion near his
4 front lawn. Peering through the gate, he saw a green Mustang parked outside with two occupants;
5 however, when interviewed by law enforcement on the day of the crime, he stated he was unsure of the
6 number of occupants. Schuler believed the men had attended a barbecue at a neighboring home.
7 Schuler described the passenger as a “skinny” African-American male, between ages 18 and 25,
8 weighing between 100 and 140 pounds, wearing a red shirt, with short/shaved hair and dark-brown
9 skin. The driver was a “light-skinned” African-American male with braids. A “larger” man was standing
10 outside the Mustang, listening as the enraged passenger said he was going home to get his “gat “or
11 “strap.” The passenger got out of the car and walked with the “larger” man towards the barbecue.

12 Approximately 20 minutes later, Schuler observed the green Mustang driving westbound on
13 Martin Luther King, Jr. Boulevard. Schuler heard five to six gunshots shortly after.

14 Detectives showed Schuler the same photographic lineup presented to Spratling. Schuler
15 identified photograph numbers two, four, and five as possibilities for the driver of the Mustang. Schuler
16 could not identify Williams at trial, but stated he fit the general description of the person he saw.

17 Schuler testified his children were bullied because of his testimony against Williams. His seven-
18 year-old son was battered and his three-year-old was bullied relentlessly. While attending church
19 services, Aaron Struthers, who Schuler thought to be one of the perpetrators of the crime, made
20 menacing gestures towards him while performing in front of the congregation. Schuler testified that
21 Williams had not personally threatened him.

22 3. James Witherspoon—Sacramento resident and owner of a green 1964 Ford Mustang

23 In 1996, Witherspoon owned a green, 1964 Ford Mustang, with a black vinyl top. Witherspoon
24 worked for a state agency. He parked his Mustang near the Sacramento County Jail every day. At
25 some point, investigators took photographs of his Mustang without his permission. He was later told his
26 car may have been used in the commission of a crime. In 1996, his hair was either bald or closely
27 “faded.” He had never visited the duplexes where law enforcement believed the suspects resided.
28

1 Witherspoon testified he heard of the Sacramento rapper called “Scandalous,” also known as Ramsey
2 Franklin.

3 4. Dr. Gregory Reiber—Forensic Pathologist

4 Dr. Reiber confirmed, after performing an autopsy, that Chase died of a gunshot wound to the
5 heart. Chase was hit by two bullets; the first bullet grazed his shoulder. The second bullet, .a 38
6 caliber, entered the lower left-side of his back, traveled through his lower left lung, entered the
7 pulmonary vein, penetrated the top of his heart, bounced off of his sternum and back into his heart,
8 finally lodging in the aorta. One of the bullets had green paint residue.

9 5. Deputy Victor Jones—Sacramento Sheriff’s Department

10 On August 12, 1996, around 4:00 p.m., Deputy Jones was dispatched to the AAMCO station
11 where Chase died. Jones noted the Cougar had bullet holes through the front driver’s side door. He
12 went to the corner of 48th Street and Martin Luther King Jr. Boulevard, where the shooting took place.
13 He found bullet fragments, broken pieces of glass, and green paint chips on the pavement. Gathered
14 together, the pile of glass was slightly larger than a golf ball.

15 According to Jones, semiautomatic guns and revolvers are different; a revolver retains casings
16 in its cylinder, or chamber, while a semiautomatic gun expels shell casings.

17 6. Detective Marci Minter, Sacramento Sheriff’s Department

18 Detective Minter was one of the investigating officers at the scene on August 12, 1996. She
19 examined Chase’s Cougar and found six bullet holes in the driver’s door near the handle and below.
20 The paint around some of the bullet holes was missing. Detective Minter also found two whole bullets;
21 one in the passenger door between the exterior and the inside door panel and one in the backseat on
22 the driver’s side. A bullet casing was found in the backseat area, on the floor, and bullet fragments
23 were in the backseat. The Cougar had only two side windows, both of which were rolled down. The
24 driver’s side window was broken.

25 Minter received information regarding the location of the suspect and the suspect’s vehicle. She
26 conducted a record search and found that Williams was the registered owner of a green Mustang. It
27 was later determined that Williams lived in an apartment complex near Chandler Drive. Law
28 enforcement obtained a warrant to search the Mustang.

1 Later in the evening, Detective Minter went to Chandler Drive, a residential area with a number
2 of single family homes near Florin Road. She found a 1968 dark green Ford Mustang parked in a
3 covered parking space. The Mustang was dirty and had a bad paint job. There appeared to be mud
4 spattered behind the tire and the passenger door. She was present when photographs were taken of
5 the Mustang. Law enforcement did not alter or wash the Mustang before taking the photographs used
6 in the lineup.

7 The driver's side wing-window was broken and it seemed that a bullet was shot from inside the
8 car. Minter found two bullet casings: one .25 caliber casing wedged in the middle of the backseat and
9 one .25 caliber casing under the backseat on the passenger side. Minter could not determine when the
10 casings were placed in the Mustang: the bullets could have fallen behind the backseat when the seat
11 was loose. She did not find other physical evidence in the Mustang (although there was evidence that
12 larger bullets had been shot at the Cougar). Based on her firearm experience, Minter believed it was
13 virtually impossible for casings from bullets fired from the passenger seat to land underneath the rear
14 seat of the Mustang. However, because the backseat was loose, any movement in the back could
15 have caused the bullets to fall under the seat.

16 Minter opined that the bullets found in the Mustang seemed to be different colors and therefore
17 were made by different companies. According to Minter, the bullet fragments found in the Cougar were
18 determined to come from a mid-range bullet. However, there was a difference of opinion between
19 Minter and her partner regarding the size of the bullet fragments. Minter's partner believed the
20 fragments came from a .38 caliber bullet, while Minter believed the fragments came from a smaller
21 bullet, such as a .22 or .25 caliber.

22 Detective Minter left a card in the parking space where the Mustang had been towed. Minter did
23 not receive a call from Williams between August 12, 1996, and his arrest on September 28, 1996, even
24 though his car had been towed.

25 On August 13, 1996, after determining that Williams was the registered owner of the Mustang, a
26 1995 photograph of him was used in a six-person photograph lineup. Williams' photograph was
27 number four in the lineup. Spratling agreed to participate and he eliminated one of the six photographs
28 immediately. He then stated that the driver of the Mustang was either the person in photograph three

1 or four; however, the person in photograph four seemed “too small.” She could not get Spratling to
2 articulate in more detail what he meant by “too small.”

3 Spratling was also shown photographs of Williams’ Mustang. Spratling believed the body style
4 and the color of the photographed Mustang was “good.” However, the paint job was “too shiny.”
5 According to Spratling, if the paint was “more dull” it would have been the same Mustang.

6 Corey Schuler and Spratling were shown an identical photographic lineup. Of the six
7 photographs presented, Schuler identified photographs two, four, or five as the possible driver of the
8 Mustang. Schuler was shown photographs of the Mustang registered to Williams. Schuler noted that
9 the tires of the car were different and the car in the photograph was cleaner than the one he saw on the
10 day of the incident. He further noted that the taillights of the vehicle were inverted, like the one he saw
11 on the day of the incident.

12 Detective Minter never mentioned to Schuler or Spratling that bullets were found in the car, nor
13 were they told the wing-window of the Mustang was broken. Neither Spratling nor Schuler were told
14 that the owner of the Mustang was in the photographic lineup.

15 7. Faye Springer—Criminalist for the Sacramento County Forensic Services Laboratory

16 On August 19, 1996, Springer examined the Mustang registered to Williams. She noted the
17 Mustang’s wing-window was broken. The window was fractured in a conchoidal or shell shape with a
18 long, sliver-like fracture, which is typical when a pointed object, such as a BB, enters glass. It was her
19 opinion that the fracture was consistent with a projectile passing from the inside of the wing-window to
20 the outside surface of the window. In addition to the fracture itself being consistent with a projectile or
21 bullet passing through the window, Springer observed gun powder residue inside the surface of the
22 glass. According to Springer, gunshot residue does not dissipate over time; it takes moisture, washing,
23 and cleaning to eradicate gunshot residue from a surface.

24 Springer was unable to offer an opinion as to the size of the projectile that caused the hole due
25 to the amount of damage to the glass. It was Springer’s opinion, however, that the projectile that
26 passed through the Mustang’s wing-window could not have made any of the six bullet holes found in
27 the Cougar if the vehicles were side by side. She reasoned that the height of the bullet holes in the
28 Cougar and the bullet hole in the wing-window of the Mustang were incompatible.

1 Springer was unable to determine from the evidence how many guns were used in the
2 commission of the crime. The three to four bullets recovered were large enough to determine that they
3 came from a .38 or .357 revolver type of weapon. As far as the victim's vehicle is concerned, Springer
4 testified there was no evidence of a .25 caliber projectile. However, there were two rounds of bullets
5 missing, and as a result, she could not determine whether the missing bullets were .25 or .38 caliber.

6 8. Michael Dunbar—Sacramento Deputy Sheriff's Department.

7 Deputy Dunbar was investigating a shooting that occurred on August 14, 1996, on Wesley
8 Avenue near the home of Christine Jordan. Dunbar interviewed Jordan who told him that on the 12th,
9 two days before the shooting on the 14th, her son, Aaron Struthers, had a few friends at her house.
10 Jordan did not know Struthers' friends. Struthers asked his friends to leave because they were causing
11 a commotion. Moments later, the shooting that killed Chase occurred. Immediately before the
12 shooting, Jordan saw a green Mustang parked outside and the owner of that Mustang was in her home.
13 It was her opinion the occupants of the Mustang were also the perpetrators of the drive-by shooting that
14 killed Chase. Dunbar did not ask her for a description or name of the driver of the Mustang because he
15 was not investigating the August 12, 1996, crime. Jordan reiterated to Dunbar that she did not know
16 Struthers' friends.

17 9. Geve Williams— Richard Williams' Brother

18 Geve Williams presented a photograph of Williams' Mustang which was not presented at the
19 first trial. Geve claimed he had not presented the photograph earlier because the owner of the
20 photograph was unavailable. The photograph showed Williams' Mustang with rims. Geve testified the
21 Mustang has always had rims on its tires. Geve admitted to riding in the Mustang once or twice. It did
22 not run well.

23 Geve testified that Williams was a rapper. Williams performed with Aaron Struthers and
24 Ramsey Franklin. Geve testified that Williams went to Struthers' house approximately one month
25 before the shooting occurred. Struthers lived at 48th Street and Martin Luther King, Jr. Boulevard.

26 10. Interviews of Odessa Sanders read into the record

27 On November 8, 1997, Sanders reported the following in summary:
28

1 Sander's brother, Aaron Struthers, is a friend of Ramsey Franklin. On August 12, 1996,
2 Ramsey came over for rap practice with her brother. Ramsey told Struthers he was being harassed by
3 someone on the street. Ramsey and Struthers left the house and walked around the corner. When
4 they returned to the house, Sanders overheard Ramsey calling other people and they all went around
5 the corner. That is when she heard someone was shot.

6 Sanders was interviewed a second time on January 15, 1998. During this interview, Sanders
7 reported that her mother, Christine Jordan, was near the area where the shooting occurred. Jordan
8 told Sanders that Ramsey Franklin had gone over to start "some mess." Ramsey was picked up in
9 someone's vehicle after making a phone call. Jordan told Sanders someone was shot around the
10 corner from their home. Sanders believed Ramsey had something to do with the shooting.

11 11. Randy Banks—a family friend

12 Banks lived in Strawberry Manor, a neighborhood near Del Paso Heights. He admitted to riding
13 in Williams' Mustang approximately 20 times. He never paid attention to the rims. He believed the rims
14 were "regular" and did not recall the car having the "fancy" rims photographed on August 12, 1996.

15 12. Ellen Gannon—Identification Technician

16 Gannon, an identification technician with the Sacramento Sheriff's Department, testified that she
17 compared latent fingerprints lifted from Williams' Mustang. The fingerprints matched the prints of
18 Ramsey Franklin, Williams, and Randy Banks.

19 13. Atra Flemmons—Mother of Richard Williams

20 Flemmons testified that she located a photograph of Williams' Mustang with the rims. According
21 to Flemmons, the Mustang had rims on it when Williams first purchased it in 1995. Counsel examined
22 the photograph. It was noted that the back of the photograph was covered up, concealing the words
23 "Strawberry Manor Bloods" and "January 3, 1996."

1 **D. October 2, 2015 Interview of Marquelle Dedmon¹⁰**

2 Nineteen years after his first interview, Dedmon was interviewed by Detective Garverick.
3 Dedmon explained that he refused to testify at trial because he was afraid for his safety and the safety
4 of his large family who still live in Del Paso Heights. Dedmon has known Williams' family for many
5 years. He and Williams were teammates on a local youth football team and attended Grant High
6 School together. Soon after Chase's murder, Dedmon was labeled a "snitch" in the neighborhood and
7 his sister's home was vandalized in an effort to intimidate him.

8 Dedmon recalled the details of August 12, 1996, almost as vividly as he did at his first interview.
9 Williams' Mustang and Chase's Cougar were window-to-window. Dedmon saw multiple guns pointed
10 at the Cougar. The driver's gun was pointed directly into the Cougar's window. Dedmon believed the
11 passenger of the Mustang was Sacramento recording artist "Scandalous."

12 Dedmon believed the shooting was a case of mistaken identity. Dedmon lamented not
13 identifying himself to Richard. He is certain that had he called Richard's name, Richard would have
14 realized he was shooting the wrong person. In fact, Dedmon knew the true target of the shooting and
15 the resemblance between him and Chase was "astonishing." Dedmon admitted he and Chase were
16 gang members in 1996.

17 Towards the end of the interview, Dedmon reiterated his reluctance to testify against Williams.
18 It was clear from this interview that Dedmon did not want to testify at the 2015 trial.

19 **E. Third Jury Trial 2015**

20 At the third trial, the three occupants of the Mercury Cougar testified. This trial was the first trial
21 at which Dedmon testified. During his testimony, Dedmon agreed that he was testifying against his will
22 and that the only reason he testified was because he was subpoenaed and had been removed from a
23 dependency court proceeding involving his children in order to testify. Dedmon explicitly stated he
24 would not testify if given a choice.

27 ¹⁰ After a successful petition for writ of habeas corpus, Williams was released from custody. The
28 Sacramento County District Attorney opted to retry Williams. Dedmon was re-interviewed in
preparation for the 2015 trial.

1 Dedmon's testimony at the third trial differed vastly from the interviews he gave on August 12,
2 1996 and in 2015. For instance, Dedmon testified he did not know Jacoby's last name, despite
3 previously testifying that he knew Spratling's entire family. Dedmon testified that he did not know the
4 color of the car that shot at him on Martin Luther King Jr., Boulevard. Dedmon testified he could not
5 remember whether he had seen the driver at Sunnyslopes Market or Florin Mall. In fact, Dedmon
6 testified that during the August 12, 1996 interview, Detective Dean was reading from an old report as if
7 he already had the facts. Dedmon further testified he had never seen the green Mustang before and he
8 did not know the driver's name at the time of the shooting.

9 Dedmon remembered telling the DA's investigator that prior to the shooting he knew the driver
10 of the Mustang, and that his father had given the driver of the Mustang a ride home from football
11 practice.

12 Dedmon testified he was unfamiliar with "all that gang stuff" and did not know which color
13 signified membership of the Strawberry Manor gang. This contradicted Dedmon's statements during
14 the 2015 interview, wherein he stated he once was a member of the "Bloods" and that the Strawberry
15 Manor gang wore green.

16 Jacoby Spratling presented substantially the same testimony as he did at the first two trials. He
17 believed the driver of the Mustang was pictured in photograph four in the photographic lineup. During
18 the first trial, when Spratling saw Williams walk into the courtroom, his immediate thought was that he
19 was the driver of the Mustang.

20 Corey Schuler's testimony was similar to the testimony he gave at the two previous trials. At the
21 third trial, Schuler emphasized he and his family were intimidated by people in the neighborhood
22 because of his testimony. Schuler's son was bullied because his father was labeled a "snitch." Schuler
23 felt intimidated at church; he no longer attends. It also came to light during this trial that Schuler was
24 uncertain whether Williams was the driver he saw. In fact, when asked whether Williams was the
25 driver, Schuler said no.

1 **Penal Code section 4900 Hearing**

2 **A. Claimant's Position**

3 Initially, Williams was represented by Stanley H. Green, Esq., for his section 4900 hearing.
4 Green attached a four-page memorandum to the "Erroneously Convicted Person Form." In this
5 memorandum, counsel attacked Spratling, Schuler, and Dedmon's identification of Williams. Counsel
6 argued that initially Dedmon described a driver who did not fit Williams' description, and failed to
7 identify Williams as the driver of the Mustang in the photographic lineup. Counsel further argued that
8 Spratling's in-court identification of Williams was suggestive because a person who was not a witness
9 to the crime suggested that Williams was the driver.

10 Counsel noted that none of the three witnesses identified the suspect vehicle as Williams'
11 vehicle because the photographed Mustang's paint condition, rims, and taillights were different than the
12 vehicle seen on the day in question.

13 Counsel later informed CalVCB he would no longer be representing Williams.

14 Williams filed a second pre-hearing brief in which he argued the prosecutor never charged him
15 with discharging a firearm into an occupied motor vehicle under section 246,¹¹ which Williams believed
16 was the only way to charge the crime that caused Chase's death. Williams asserted it was necessary
17 for the jury to be instructed on the underlying offense, section 246, which was "routinely referred to" but
18 not alleged in the information.

19 Williams further argued that because the underlying section 246 offense was not charged by the
20 Sacramento County District Attorney, he was never charged with the crime that actually occurred on
21 August 12, 1996, and it was legally impossible to commit the crime as charged.

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24
25 ¹¹ Section 246 reads: "Any person who shall *maliciously* and *willfully* discharge a firearm at an
26 inhabited dwelling house, occupied building, occupied motor vehicle, occupied aircraft, inhabited
27 housecar, as defined in Section 362 of the Vehicle Code, or inhabited camper, as defined in Section
28 243 of the Vehicle Code, is guilty of a felony, and upon conviction shall be punished by imprisonment in
the state prison for three, five, or seven years, or by imprisonment in the county jail for a term of not
less than six months and not exceeding one year. As used in this section, inhabited means currently
being used for dwelling purposes, whether occupied or not." (Emphasis added.)

1 In his post-hearing brief, Williams reiterated his oral argument at the section 4900 hearing and
2 refined the arguments presented in his second pre-hearing brief. First, Williams argued that he lacks
3 “the irrefutable evidence to prove he is innocent of the charged crime.” Instead, his argument is one
4 that he characterizes as purely legal: the crime, as charged, never occurred. It is Williams’ belief that
5 section 190.2, subdivision (a)(21), requires that the firearm be discharged at pedestrians, not occupants
6 of another car, and that if the crime had been correctly charged, it would be charged as a violation of
7 section 246, which makes it a general intent crime to discharge a firearm at occupants of a motor
8 vehicle.¹²

9 Under this reasoning, Williams argues that the correct charge under the facts is second degree
10 felony murder. Citing *People v. Chun* (2004) 45 Cal.4th 1170, 1182, Williams defines second degree
11 murder as “a killing in the course of the commission of a felony that is inherently dangerous to human
12 life but is not included among the felonies enumerated in section 189.” Williams further clarifies that a
13 “murder committed by deliberately performing an act dangerous to human life with conscious disregard
14 for human life would not result in first degree murder and a special circumstance finding pursuant to
15 sections 189 and 190.2(a)(21), but would instead be second degree murder.” (*People v. Rodriguez*
16 (1998) 66 Cal.App.4th 157,164, fn. 5, Claimant’s Post-Hearing Brief, p. 3.) Discharging a firearm at an
17 occupied motor vehicle is an act that is “clearly inherently dangerous.” (*Chun, supra*, 45 Cal.4th at pp.
18 1188; Claimant’s Post-Hearing Brief, p. 3.) And a death that results from discharging a firearm “at an
19 occupied motor vehicle is second degree murder.” (*Id.* at p. 1202; Claimant’s Post-Hearing Brief.)

20 Williams concluded that the absence of the section 246 charge is significant in that, without
21 placing Chase, Dedmon, and Spratling within the confines of a motor vehicle, an accurate depiction of
22 the events and circumstances that led up to the murder was not presented.

23 **B. AG’s Position**

24 At the hearing, DAG Quade submitted his pre-hearing brief indicating that Williams had put forth
25 no evidence affirmatively establishing that he did not commit the crime. According to DAG Quade,
26

27 ¹² Williams cites *People v. Overman* (2005) 126 Cal.App.4th 1344, 1357, in support of his argument
28 that section 246 is a general intent crime.

1 relevant evidence strongly indicated Williams drove the suspect Mustang and fired the shots that killed
2 Marvel Chase.

3 DAG Quade argued that Williams was identified as the driver of the green Mustang by both
4 surviving occupants of the Cougar. Spratling narrowed the photographs of the driver to two
5 photographs; Williams was in one of the photographs chosen by Spratling. Upon seeing Williams at a
6 pretrial hearing, Spratling affirmatively identified Williams as the driver.

7 Dedmon made multiple identifications of Williams as the driver. On the afternoon of the
8 shooting, Dedmon made clear that he recognized the Mustang's driver as someone he knew. The
9 driver fired a black revolver with a brown handle; a gun akin to a .357. Dedmon told the detective that
10 he could easily identify the driver if he saw him again. When shown the same photographic lineup as
11 was shown to Spratling, Dedmon pointed to Williams' picture and identified him as "Richard."

12 According to DAG Quade, it is undisputed that Williams owned a vehicle that generally matched
13 the suspect-vehicle description given by Spratling, Dedmon, and Schuler. Despite the general
14 similarities between the suspect-vehicle and Williams' Mustang, the record establishes that Williams'
15 Mustang had special after-market rims when found and impounded by law enforcement. All witnesses
16 testified that the suspect-vehicle had rims covered by dirt. DAG Quade argues this dissimilarity does
17 not conclusively demonstrate that Williams' Mustang was not the suspect-vehicle. In fact, Randy Banks
18 testified at the second trial he had seen Williams with regular rims unlike the fancy rims later found on
19 the vehicle.

20 In his post-hearing brief, DAG Quade argued that the first degree murder theory on which
21 Williams was actually convicted—discharging a firearm from a motor vehicle, killing a person outside
22 that vehicle, while having an intent to kill (§ 189; see *People v. Rodriguez* (1998) 66 Cal.App.4th 157,
23 163-164 [intentional murder by driving-by shooting is its own category of first degree murder])—was
24 clearly applicable on the facts of his case. DAG Quade further argued the fact that Williams could have
25 been charged with the additional crime of shooting at an occupied vehicle or been liable under a
26 different prosecution theory does not establish his actual innocence under section 4900.

1 **Determination of Issues**

2 Penal Code section 4903 establishes the requirements for a successful claim for an
3 erroneously convicted felon. A person erroneously convicted and imprisoned for a felony may submit
4 a claim to the Board for injury sustained as a result of his erroneous conviction and imprisonment.¹³
5 In order to be successful on such a claim, Williams must prove the following, by a preponderance of
6 the evidence:

- 7 (1) That the crime with which he was charged was either not committed at all, or, if
8 committed, was not committed by him;
9 (2) That he sustained injury through his erroneous conviction and imprisonment.¹⁴

10 "Preponderance of the evidence" means evidence that has more convincing force
11 than that opposed to it.¹⁵ If Williams meets his burden of proof, the Board shall recommend to the
12 Legislature that an appropriation of \$976,640, be made to compensate Williams for his erroneous
13 conviction and incarceration.¹⁶

14 In reaching its determination of the merits of the claim, the Board may consider Williams' mere
15 denial of commission of the crime for which he was convicted, reversal of the judgment of conviction
16 on appeal, acquittal of Williams on retrial, or the decision of the prosecuting authority to retry Williams
17 for the crime. However, those factors will not be deemed sufficient evidence to warrant the Board's
18 recommendation that Williams be indemnified in the absence of substantial independent
19 corroborating evidence that Williams is innocent of the crime charged.¹⁷ The Board may also
20 consider as substantive evidence testimony of witnesses that Williams had an opportunity to cross-
21 examine, and evidence to which Williams had an opportunity to object, admitted in prior proceedings

22
23 _____
24 ¹³ § 4900.

25 ¹⁴ § 4903, *Diola v. Board of Control* (1982) 135 Cal.App.3d 580, 588, fn 7; *Tennison v. Victim*
Compensation and Government Claims Board (2000) 152 Cal. App. 4th 1164.

26 ¹⁵ *People v. Miller* (1916) 171 Cal. 649, 652.

27 ¹⁶ Calculated at the rate of \$140 per day of incarceration.

28 ¹⁷ Cal. Code Regs., tit. 2, § 641.

1 relating to Williams and the crime with which he was charged. Finally, the Board may also consider
2 any information that it deems relevant to the issue before it.¹⁸

3 First, the preponderance of the evidence does not demonstrate that the crime as charged was
4 not committed. In order to arrive at this conclusion, however, two important issues must be clarified:
5 the law regarding the prosecutor's discretion to charge one set of events multiple ways; and section
6 190.2, subdivision (a)(21)'s applicability to occupants of a vehicle as the objects of a shooting.

7 A "murder accomplished by discharging a firearm with the *intent* to kill a person, whether it be in
8 a car, or in an occupied building, is first degree murder." (*People v. Chavez* (2004) 118 Cal.App.4th
9 379, 386.) The difference between first degree murder and second degree is the specific intent to
10 kill that is not present in second degree murder.¹⁹ In both his pre-hearing brief and post hearing briefs,
11 Williams presents multiple alternate theories of liability that the prosecutor *could have* charged, such as
12 a violation of section 246, or second degree felony murder.

13 It is well-established, however, that a prosecutor may charge one event under multiple theories
14 of liability—it is within the prosecutor's authority to choose which charges to bring against a defendant.
15 (§ 654.) While it may be true the events that occurred on August 12, 1996, could be characterized as a
16 violation of section 246, the Sacramento County District Attorney believed the events could also be
17 charged as first degree murder, with the special circumstance that the murder was committed by
18 means of discharging a firearm from a motor vehicle, intentionally at another person outside the vehicle
19 when the perpetrator specifically intended to inflict death, under section 190.2, subdivision (a)(21).²⁰

20
21 ¹⁸ Cal. Code Regs., tit. 2, § 641.

22 ¹⁹ Williams raised this argument on appeal. The District court opined that it necessarily follows that to
23 be convicted of the crime, one must be more than reckless; the act cannot be one of implied malice.
24 (*Williams v. Piler* (E.D. Cal., December 20, 2006, No. Civ-S-03-0721 JFM P), citing *Lara v. Ryan* 455
25 F.3d 1080, 1086 (9th Cir. 2006.)) Both the United States District Court for the Eastern District and the
26 Third District Court of Appeals found that the jury correctly found the murder was committed with
27 express malice, instead of recklessness.

28 ²⁰ "First degree drive-by murder is not felony murder, and that although premeditation is not required to
establish the crime, a specific intent to kill is required." (*People v. Chavez* (2004) 118 CalApp.4th 379,
382 (*Chavez*)). The issue in *Chavez* was whether the jury was properly instructed when the court read
an instruction that included felony murder language, i.e. a killing that occurs during the intentional
commission of the predicate felony is first degree murder regardless of whether the killing was
"intentional, unintentional, or accidental." The court found that the trial court erred in giving a felony

1 Despite the prosecutor's charging decision, the jury was given the option of finding Williams
2 guilty of second degree murder, and was given the second degree murder jury instruction.²¹ With both
3 options before them, the jury deliberated and found Williams guilty of first degree murder.

4 Williams also believes the crime as charged was not committed because, according to his
5 research and analysis, section 190.2, subdivision (a)(21), requires that the victims of the shooting be
6 pedestrians. This novel interpretation of section 190.2, subdivision (a)(21), is not supported by case
7 law or other authority. (AG's Post-Hearing Brief in Response, p. 2; See *People v. Chavez*, supra, 118
8 Cal.App.4th at p. 383 [perpetrator and the victims were in separate vehicles].)

9 Therefore, the preponderance of the evidence shows that the crime as charged was committed:
10 Marvel Chase was shot by an occupant of a green Mustang and died due to a .38 caliber bullet that
11 lodged in his aorta.

12 The analysis now turns to the factual question presented by Williams's prior counsel (who later
13 ended his representation of Williams in this matter): has Williams proven by a preponderance of the
14 evidence that the crime with which he was charged was not committed by him? The preponderance of
15 the evidence demonstrates Williams has failed to meet his burden on this issue.

16 A thorough review of the evidence shows that the person who shot at and killed Chase, and
17 attempted to kill Dedmon, and Spratling, acted with the specific intent to kill them by discharging a
18 firearm into their vehicle. In the split seconds before the shooting, Dedmon saw a revolver peeking out
19 of the Mustang's window in the hand of the driver. Dedmon reiterated the same name and same story
20 for over 19 years: the perpetrator of the crime was both the driver of the green Mustang and the
21 shooter and his name was Richard.

22 Richard is the name Dedmon gave law enforcement when he was interviewed only hours after
23 watching his friend die on the floor of an AAMCO station. This spontaneous utterance came as a

24
25 murder instruction, however, this instructional error was harmless beyond a reasonable doubt because
26 the jury believed proof of intent to kill was required to find the defendant guilty of murder in the first
degree. (*Id.* at p. 391.)

27 ²¹ 4 RT pp. 1150-1174.

1 shock to the detective conducting the interview. It came to light later that Williams and Dedmon
2 played Pop-Warner football together as youth. Williams and Dedmon crossed paths in South
3 Sacramento neighborhood stores and Florin Mall. Dedmon and Williams' lives were so intertwined
4 that Dedmon truly feared for the life of his family if he were to testify against Williams in court.
5 Dedmon was held in contempt of court, moved to Nevada, and failed to testify truthfully in 2015, all in
6 order to avoid the ramifications of testifying against Williams. Although Dedmon's interviews are the
7 most compelling pieces of evidence against Williams because they place Williams at the scene of the
8 crime, discharging a firearm, the details of this interview were only presented at the 2015 trial
9 because Dedmon testified.

10 Relying on the August 12, 1996, interview of Dedmon and Spratling's testimony, it is determined
11 that Williams failed to meet his burden in producing affirmative evidence that he did not commit murder
12 on August 12, 1996.

13 Accordingly, it is recommended that Richard Williams' section 4900 claim be denied.

14 Date: May 24, 2017

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16 Jasmine Turner-Bond
17 Hearing Officer
18 California Victim Compensation Board
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3 **BEFORE THE VICTIM COMPENSATION BOARD**
4 **OF THE STATE OF CALIFORNIA**

5
6 In the Matter of the Claim of:

Notice of Decision

7 **Richard Williams**

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9 On August 17, 2017, the California Victim Compensation Board adopted the attached Proposed
10 Decision of the Hearing Officer as its Decision in the above-referenced matter.

11
12 Date: August 21, 2017

13 _____
14 Tisha Heard
15 Board Liaison
16 California Victim Compensation Board
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