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6 **BEFORE THE VICTIM COMPENSATION AND GOVERNMENT CLAIMS BOARD**  
7 **OF THE STATE OF CALIFORNIA**  
8

9 In the Matter of the Claim of:

10 **David Stubblefield**

**Proposed Decision**

**(Penal Code § 4900 et seq.)**

11 **Introduction**

12 With David Stubblefield's agreement, this claim for compensation as an erroneously convicted  
13 person was decided based on the written record by considering all the evidence submitted to date  
14 and without the necessity of a telephonic or in-person hearing. Kyle Hedum was assigned to hear  
15 this matter by the Executive Officer of the California Victim Compensation and Government Claims  
16 Board. The California Department of Justice, Office of the Attorney General (AG), was represented  
17 by Michael Farrell.

18 After considering all the evidence, it is determined that Stubblefield has not proven by a  
19 preponderance of the evidence that the crime with which he was charged was not committed and that  
20 he did not, by any act or omission on his part, intentionally contribute to the bringing about of his  
21 arrest or conviction for the crime. Therefore, it is recommended that Stubblefield's claim for  
22 compensation pursuant to Penal Code section 4900 et seq. be denied.

23 **Background**

24 According to the Los Angeles Police Department crime report,<sup>1</sup> on May 29, 2009, at  
25 approximately 3:00 p.m., Stubblefield got into an argument with his roommate, James Parlee.  
26 Stubblefield then left the residence. Later that day, Stubblefield returned to the residence with a  
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28 <sup>1</sup> AG Exhibit 2.

1 machete and he and Parlee struggled, which resulted in injuries to Parlee's hands.<sup>2</sup> Parlee was able  
2 to take the machete from Stubblefield, but Stubblefield then pulled a hook knife from his back pocket  
3 and attempted to strike Parlee. Parlee put Stubblefield in a bear hug, but Stubblefield was still able to  
4 strike Parlee with the knife several times on his back and head. Stubblefield dropped the hook knife  
5 and fled. Responding officers saw that Parlee had scratches on his back and cuts to his head and  
6 hands.

7 On June 16, 2009, Stubblefield was arrested. He told the police that he was angry at the  
8 home's owner for accusing him of clogging a drain. According to Stubblefield, Parlee attacked him  
9 and put him in a choke hold and slammed his head into a sink. Stubblefield then left to go to an  
10 appointment. When he returned hours later, Parlee saw him and made a "gun sign." Stubblefield also  
11 knew Parlee to carry a knife. As Stubblefield came up the carport, he saw Parlee reach behind his  
12 back, so Stubblefield grabbed a machete that was lying on the hood of a nearby van. The two men  
13 struggled, and Parlee took the machete away from Stubblefield. Stubblefield grabbed a tile knife and  
14 they fell to the ground. Parlee took the knife from Stubblefield and Stubblefield then left.

15 On December 10, 2009, Stubblefield pled no contest to a felony violation of Penal Code  
16 section 245(a)(1), for assaulting Parlee with the machete. Stubblefield also admitted that he suffered  
17 a prior first degree burglary "strike" conviction, and he was sentenced to four years state prison.<sup>3</sup>

18 Stubblefield was released from prison on June 24, 2012. He filed his claim on June 3, 2012,  
19 apparently while still serving time for his offense. His conviction has never been vacated or  
20 overturned.

#### 21 **Stubblefield's Written Testimony**

22 Stubblefield submitted written testimony of the events surrounding his criminal conviction. He  
23 states that for several weeks prior to his arrest, Parlee, the witness Leslie, and several other males at  
24 the residence that Stubblefield and Parlee lived at had been making jokes at Stubblefield's expense  
25 and threatening him with violence. Parlee threatened to kill Stubblefield earlier in the day. Due to

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27 <sup>2</sup> This information was provided to the police by Parlee and witness Eban Leslie.

28 <sup>3</sup> AG Exhibit 3.

1 Stubblefield's experience in prison, he determined that he needed to stand up for himself to Parlee  
2 and the others so that the bad treatment would not escalate. In an attempt to stop the abuse, he  
3 picked up a machete and approached Parlee, holding it towards Parlee, but not in an aggressive  
4 manner. Parlee wrestled the machete away and grabbed Stubblefield. Stubblefield grabbed a carpet  
5 or tile knife and scratched Parlee in order to break free.

6 Stubblefield wanted to plead not guilty; however, at Parlee and Leslie's orders, no witness  
7 would testify in his favor. He claims that there are several discrepancies in the police report and the  
8 AG's recommendation because Parlee and Leslie lied to law enforcement, and required that all  
9 witnesses do so as well. Finally, Stubblefield argues that the only crime committed was the crime  
10 Parlee committed against him and he acted in self-defense.

#### 11 **Determination of Issues**

12 Penal Code section 4903 establishes the requirements for a successful claim for those  
13 individuals who contend that they have been imprisoned as a result of an erroneous conviction. In  
14 order to be successful on such a claim, a claimant must prove the following by a preponderance of  
15 the evidence:

- 16 (1) that the crime with which he was charged was either not committed at all, or, if committed,  
17 was not committed by him;
- 18 (2) that he did not by any act or omission on his part, intentionally contribute to the bringing  
19 about of his or her arrest or conviction for the crime; and
- 20 (3) that he sustained a pecuniary injury through his erroneous conviction and imprisonment.<sup>4</sup>

21 This is a demanding standard, and a claimant must prove his innocence by a preponderance  
22 of the evidence.<sup>5</sup> Preponderance of the evidence means evidence that has more convincing force  
23 than that opposed to it.<sup>6</sup>

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25 <sup>4</sup> Pen. Code, § 4903; *Tennison v. Victim Compensation and Government Claims Board* (2006) 152 Cal.  
26 App. 4<sup>th</sup> 1164.

27 <sup>5</sup> *Diola v. State Board of Control* (1982) 135 Cal.App.3d 580, 588 fn. 7.

28 <sup>6</sup> *People v. Miller* (1916) 171 Cal. 649, 652; *Diola, supra*.

1 In reaching its determination of the merits of the claim, the Board may consider the claimant's  
2 mere denial of commission of the crime for which he was convicted, reversal of the judgment of  
3 conviction on appeal, acquittal of the claimant on retrial, or the failure of the prosecuting authority to  
4 retry the claimant for the crime. However, those factors will not be deemed sufficient evidence to  
5 warrant the Board's recommendation that a claimant be indemnified in the absence of substantial  
6 independent corroborating evidence that the claimant is innocent of the crime charged.<sup>7</sup> The Board  
7 may also consider as substantive evidence testimony of witnesses that the claimant had an  
8 opportunity to cross-examine, and evidence to which the claimant had an opportunity to object,  
9 admitted in prior proceedings relating to the claimant and the crime with which he was charged.  
10 Finally, the Board may also consider any information that it may deem relevant to the issue before it.<sup>8</sup>

11 Because the purpose of these administrative hearings is to determine whether the claimant has  
12 met his burden of proving that he is innocent of the crime for which he was convicted and  
13 incarcerated, all relevant evidence is admissible, irrespective of whether it would be admitted at a  
14 criminal jury trial or in a civil or administrative proceeding, so long as the evidence is probative to the  
15 claimant's assertion that he is innocent.<sup>9</sup> The formal hearing rules of the Administrative Procedures  
16 Act are not applicable.<sup>10</sup>

17 If a claimant meets his burden of proof, the Board shall recommend to the legislature that an  
18 appropriation of \$100.00 be made for each day of incarceration in prison served subsequent to the  
19 claimant's conviction.<sup>11</sup>

20 Stubblefield presented documentary evidence in support of his belief that he has proven by a  
21 preponderance of the evidence that he is factually innocent of the crimes for which he was convicted,

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23 <sup>7</sup> Cal. Code Regs., tit. 2, § 641; *Tennison v. Victim Compensation and Government Claims Board*  
24 (2006) 152 Cal. App. 4<sup>th</sup> 1164.

25 <sup>8</sup> Cal. Code Regs., tit. 2, § 641.

26 <sup>9</sup> Cal. Code Regs., tit. 2, § 641.

27 <sup>10</sup> Cal. Code Regs., tit. 2, § 615.1.


28 <sup>11</sup> Pen. Code, § 4904.

1 but he fails to prove two of the elements. First, Stubblefield fails to prove that he did not commit a  
2 crime. He argued that he only acted in self-defense but offers no additional evidence other than his  
3 own self-serving statements. Moreover, the only third-party witness to the incident corroborates the  
4 victim's assertion that Stubblefield was the weapon-wielding aggressor. Lastly, there continues to be  
5 a finding beyond a reasonable doubt that Stubblefield committed the crime because his conviction is  
6 still valid.

7 Second, Stubblefield fails to prove that he did not contribute to his conviction when he pled  
8 guilty to the offense. He argues that he was "forced" to plead guilty because he was facing a more  
9 substantial prison sentence if later convicted at trial. But nearly everyone who pleads guilty does so in  
10 order to avoid a longer prison sentence. Avoidance of a longer prison sentence may be a motivator to  
11 plead, but it does not mean the plea was forced. The judge specifically found the plea to be voluntary,  
12 stating, "The Court finds that defendant has knowingly, expressly, and intelligently waived his  
13 constitutional rights as it relates to the substantive offense before the court and the prior. That he's  
14 freely and voluntarily entered his plea and his admission to the prior."<sup>12</sup>

15 Stubblefield's claim for compensation as an erroneously convicted person is denied because  
16 he has not offered any credible evidence that he did not commit the crime for which he was  
17 sentenced. His claim is also denied because he has not provided sufficient evidence to prove that he  
18 did not by any act or omission on his part, intentionally contribute to the bringing about of his arrest or  
19 conviction for the crime.

20  
21 Date: July 24, 2013

  
22 Kyle Hedum  
23 Hearing Officer  
24 California Victim Compensation and  
25 Government Claims Board

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28 <sup>12</sup> AG Exhibit, Reporter's Transcript p. 9.