

**California Victim Compensation Board
Indemnity for Persons Erroneously Convicted
Penal Code, Part 3, Title 6, Chapter 5, Sections 4900 et seq.**

ANNUAL REPORT OF APPROVED CLAIMS FOR FISCAL YEAR 2022-2023

As mandated by Penal Code section 4904.5, the California Victim Compensation Board (CaIVCB) provides this Annual Report of approved claims for erroneously convicted persons under Penal Code section 4900 during the Fiscal Year 2022-2023. Relief under section 4900 is available to claimants who, being innocent, were erroneously convicted and imprisoned because the charged crime either did not occur or was not committed by the claimant. (Pen. Code, § 4900, subd. (a).) The claim must be submitted within ten years of the claimant's release from custody, dismissal of charges, judgment of acquittal, or pardon granted, whichever is later. (Pen. Code, § 4901.) A successful claim results in the Board's approval of compensation, if sufficient funds are available, upon appropriation by the Legislature, for the demonstrated injury sustained by the claimant, as calculated in the amount of \$140 per day of the claimant's erroneous imprisonment. (Pen. Code, § 4904.)

For claims under subdivision (a) of Penal Code section 4900, compensation is available only if the claimants prove, by a preponderance of the evidence, that they did not commit the crime that resulted in their incarceration and that they sustained injury as a result of their erroneous conviction. (Pen. Code, § 4900, subd. (a).) Injury is shown if the claimant would have been free but-for the erroneous conviction. The claimant is entitled to a hearing to prove both innocence and injury, at which the Attorney General may appear. (Pen. Code, § 4903, subd. (a).) Nonetheless, a recommendation for compensation is automatically mandated, without a hearing and within 30 days, if a court has found the claimant to be factually innocent of the challenged conviction. (Pen. Code, §§ 851.865, 1485.55, 4902, subd. (a).) A court finding of factual innocence typically requires proof by a preponderance of evidence that the claimant did not commit the crime. (Pen. Code, §§ 851.8, 1485.55.)

For claims under subdivision (b) of Penal Code section 4900, compensation is mandated unless the Attorney General timely objects and presents clear and convincing evidence of the claimant's guilt within 90 days and without relying solely upon the trial record. (Pen. Code, § 4900, subd. (b), 4902, subd. (d), 4903, subd. (d).) This subdivision applies when the underlying conviction was vacated by a grant of habeas relief or pursuant to Penal Code section 1473.6 or 1473.7, subd. (a)(2),¹ and the charges were dismissed on remand or resulted in acquittal. Absent a timely objection by the Attorney General, CaIVCB is mandated to approve the claim, regardless of whether or not the evidence proves the claimant is likely innocent.

¹ Different standards apply to vacate a conviction under these enumerated provisions. (Pen. Code, §§ 1473 (authorizing state habeas relief when new evidence would have more likely than not changed the outcome at trial); 1473.6 (authorizing reversal when conviction obtained by government fraud, false testimony, or misconduct); 1473.7, subd. (a)(2) (authorizing reversal when evidence of actual innocence requires vacating the conviction in the interests of justice); cf. 28 U.S.C. § 2254 (limiting federal habeas relief solely when a prejudicial violation of the federal constitution occurred, and the state court's contrary adjudication was unreasonable under clearly established federal law).)

As summarized below, CalVCB approved nine claims that totaled \$7,669,900.00 between July 1, 2022, and June 30, 2023. Of those, seven were mandated under subdivision (b) of section 4900, after the Attorney General declined to object with clear and convincing evidence of the claimant's guilt. The remaining two were mandated under subdivision (a) of section 4900, which generally requires affirmative proof of the claimant's innocence by a preponderance of evidence.

A. Approved Claims

The approved claims under Penal Code section 4900 are listed below. The list, which is organized in reverse chronological order, includes the claimant's name, claim number, amount of compensation approved, and date of approval.

1. Patrick Willis (22-ECO-38), \$441,840.00 approved May 18, 2023
2. Jeannette Turner (20-ECO-14), \$80,920.00 approved May 18, 2023
3. Maurice Hastings (23-ECO-11), \$1,945,720.00 approved April 12, 2023
4. Daniel Larsen (22-ECO-01), \$736,540.00 approved March 16, 2023
5. Darwin Crabtree (22-ECO-32), \$440,020.00 approved March 16, 2023
6. Michael Hanline (16-ECO-10), \$1,738,240.00 approved November 17, 2022
7. Kimberly Long (22-ECO-15), \$386,400.00 approved September 15, 2022
8. Joaquin Ciria (22-ECO-17), \$1,636,600.00 approved September 15, 2022
9. Edward Easley (22-ECO-08), \$263,620.00 approved July 21, 2022

B. Case Summary

Each approved claim is summarized below. The summary identifies whether approval was based upon subdivision (a) or (b) of Penal Code section 4900 (i.e., PC 4900(a) or PC 4900(b)). A copy of the Board Decision for each claim is available upon request.

1. Patrick Willis – Murder (PC 4900(b))

Patrick Willis (Willis) was convicted in 2013 of two counts of first-degree murder with special circumstances for forcible penetration and multiple murders. Both convictions were reversed by state habeas in 2019 on the basis of ineffective assistance of counsel. On retrial, the jury deadlocked, and the charges were dismissed without further retrial.

The Attorney General declined to object to Willis' claim under subdivision (b) of Penal Code section 4900.² As mandated by statute, CalVCB approved Willis' claim on May 18, 2023, in the amount of \$441,840.00 for having been imprisoned a total of 3,156 days for both of his vacated murder convictions.

² Subdivision (b) was added to Penal Code section 4900 by Senate Bill 446 (2021-2022, Glazer). (Pen. Code, § 4900, subd. (b), as added by Stats.2021, c. 490), §3, eff. Jan. 1, 2022.)

2. Jeannette Turner – Perjury (PC 4900(b))

Jeannette Turner (Turner) was convicted of perjury in 1996. Her conviction was subsequently vacated in 2020 pursuant to Penal Code section 1473.7, subdivision (a)(2). The case was dismissed without retrial.

The Attorney General declined to object to Turner's claim under subdivision (b) of Penal Code section 4900. As mandated by statute, CalVCB partially approved Turner's claim on May 18, 2023, in the amount of \$80,920.00 for having been imprisoned a total of 578 days solely for her vacated perjury conviction. CalVCB denied compensation for 12 additional days of alleged confinement that lacked verification.

3. Maurice Hastings – Murder (PC 4900(a))

Maurice Hastings (Hastings) was convicted in 1988 of murder with a special circumstance for robbery. His conviction was reversed in 2022 by state habeas. Thereafter, the superior court granted the parties' joint motion for a finding of factual innocence under subdivision (b) of Penal Code section 1485.55, which requires proof by a preponderance of evidence that the person did not commit the crime. (Pen. Code, § 1485.55, subd. (b).)

As mandated by Penal Code section 1485.55, CalVCB approved Hastings' claim under subdivision (a) of Penal Code section 4900, within 30 days and without a hearing, on April 12, 2023. The amount of compensation totaled \$1,945,720.00 for having been imprisoned 13,898 days solely as a result of the vacated conviction. In accordance with the statutory provisions, no response to Hastings' claim was requested or received from the Attorney General.

4. Daniel Larsen – Possession of a Concealed Weapon (PC 4900(a))

Daniel Larsen (Larsen) was convicted in 1999 of possessing a concealed weapon (i.e., dirk or dagger) and sentenced to life imprisonment under the Three Strikes law in effect at that time. His conviction was reversed in 2010 by a grant of federal habeas on the basis of ineffective assistance of counsel after his untimely habeas petition was excused under *Schlup v. Delo* (1995) 513 U.S. 298, which requires a determination that no reasonable juror would find guilt beyond a reasonable doubt. On remand, the prosecution declined to retry Larsen due to a change in the sentencing law. Larsen unsuccessfully moved the federal court for a finding of factual innocence under subdivision (e) of Penal Code section 1485.55, which requires a preponderance of evidence that the claimant did not commit the crime. (Pen. Code, § 1485.55, subd. (e).)

CalVCB initially denied Larsen's claim in 2017, after concluding that he had failed to prove his innocence by a preponderance. CalVCB's denial was affirmed by the superior court as supported by substantial evidence. But following additional litigation and new legislation, the Court of Appeal announced that the federal court's procedural *Schlup* ruling amounted to an implicit finding of factual innocence within the meaning of subdivision (a) of Penal Code section

1485.55, which includes any court finding “that the person is factually innocent, under any standard for factual innocence....” (Pen. Code, § 1485.55, subd. (a).)³

As mandated by Penal Code section 1485.55, CalVCB approved Larsen’s claim under subdivision (a) of Penal Code section 4900 on March 16, 2023, in the amount of \$736,540.00 for having been imprisoned 5,261 days solely as a result of his vacated conviction.

5. Darwin Crabtree – Child Molest (PC 4900(b))

Darwin Crabtree (Crabtree) was convicted in 1991 of multiple counts of molestation and one count of continuous sexual child abuse (Pen. Code, §§ 288, 288.5), for which he was sentenced to 16 years imprisonment. His convictions were vacated in 2017 pursuant to Penal Code section 1473.7, subdivision (a)(2). The charges were dismissed in 2022.

The Attorney General declined to object to Crabtree’s claim under subdivision (b) of Penal Code section 4900. As mandated by statute, CalVCB approved Crabtree’s claim on March 16, 2023, in the amount of \$440,020.00 for having been imprisoned a total of 3,143 days for his vacated convictions.

6. Michael Hanline – Murder (PC 4900(b))

Michael Hanline (Hanline) was convicted in 1980 of first-degree murder with a special circumstance for killing during a burglary. His conviction was reversed by state habeas in 2014. The prosecution declined to retry him, and the case was dismissed.

The Attorney General declined to object to Hanline’s claim under subdivision (b) of Penal Code section 4900. Nonetheless, the Attorney General did dispute the amount of compensation due to Hanline’s overlapping sentence for an unrelated felony conviction, which Hanline had failed to disclose. As mandated by statute, CalVCB approved compensation on November 17, 2022, in the amount of \$1,738,240.00 for 12,416 days of Hanline’s imprisonment that was solely attributable to his vacated murder conviction. CalVCB denied compensation for the remaining 714 days of imprisonment that resulted from Hanline’s unrelated felony conviction.

7. Kimberly Long – Murder (PC 4900(b))

Kimberly Long (Long) was convicted of second-degree murder in 2005. Her conviction was reversed on state habeas on the basis of ineffective assistance of counsel in 2020. The prosecution declined to retry Long, and the case was dismissed.

The Attorney General declined to object to Long’s claim under subdivision (b) of Penal Code section 4900. As mandated by statute, CalVCB approved Long’s claim on September 15, 2022, in the amount of \$386,400.00 for having been imprisoned a total 2,760 days for her vacated murder conviction.

³ The expanded language in subdivision (a) of Penal Code section 1485.55 was also added by Senate Bill 446 (2021-2022, Glazer). (Pen. Code, § 1485.55, subd. (a), as amended by Stats.2021, c. 490), §2, eff. Jan. 1, 2022.)

8. Joaquin Ciria – Murder (PC 4900(b))

Joaquin Ciria (Ciria) was convicted of first-degree murder with an enhancement for personal use of a firearm in 1991. His conviction was vacated in 2022 pursuant to Penal Code section 1473.7, subdivision (a)(2), and the charges dismissed.

The Attorney General declined to object to Ciria's claim under subdivision (b) of Penal Code section 4900. As mandated by statute, CalVCB approved Ciria's claim on September 15, 2022, in the amount of \$1,636,600.00 for having been imprisoned a total 11,690 days for his vacated murder conviction.

9. Edward Easley – Child Molest (PC 4900(b))

Edward Easley (Easley) was convicted in 1993 of two counts of lewdly touching a child (Pen. Code, § 288), for which he was sentenced to ten years imprisonment. His convictions were vacated in 2017 pursuant to Penal Code section 1473.7, subdivision (a)(2), and the charges dismissed.

The Attorney General declined to object to Easley's claim under subdivision (b) of Penal Code section 4900. As mandated by statute, CalVCB approved Easley's claim on July 21, 2022, in the amount of \$263,620.00 for having been imprisoned a total of 1,883 days for his vacated molestation convictions.