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

8
9 In the Matter of:

Proposed Decision

10 **Kelvin Fuller**

(Penal Code §§ 1485.55, 4900 et seq.)

11 Claim No. 25-ECO-04

12 **I. Introduction**

13 On January 27, 2025, Kelvin Fuller (Fuller) submitted an application¹ to the California Victim
14 Compensation Board (CalVCB) seeking compensation as an erroneously convicted person pursuant to
15 Penal Code section 4900. The claim is based on Fuller’s 1985 convictions for rape, oral copulation by
16 force, robbery, and kidnap for robbery, with enhancements for personal use of a knife and rape and
17 oral copulation in concert, all of which were vacated and dismissed on September 24, 2024.² Fuller
18 requests compensation in the amount of \$1,727,320 for the 12,338 days of confinement solely
19 resulting from those erroneous convictions. Fuller is represented by Joseph Trigilio of Loyola’s Project
20 for the Innocent. The Attorney General’s Office is represented by Jessica Leal. The matter was
21 assigned to CalVCB Senior Attorney Kristen Sellers. As mandated by Penal Code section 1485.55, it

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24 ¹ Fuller’s Application (App.) included an Erroneously Convicted Person Claim Form (*Id.* at pp. 1-7);
25 Addendum (*Id.* at p. 8); Order Granting Joint Petition for Writ of Habeas Corpus and Motion to Vacate,
26 and Motion for Finding of Factual Innocence filed January 7, 2025, (Nunc Pro Tunc to September 24,
27 2024) (*Id.* at pp. 9-11); Joint Petition for Writ of Habeas Corpus and Motion to Vacate Pursuant to Penal
28 Code sections 1473, subdivision (b) and 1473.7, and Motion for Finding of Factual Innocence Pursuant
to Penal Code section 1485.55, subdivision (b) (*Id.* at pp. 12-46); minute order from September 24,
2024, hearing (*Id.* at pp. 47-48); Abstract of Judgment dated May 7, 1985 (*Id.* pp. 49-52); California
Department of Corrections & Rehabilitation (CDCR) custody history report (*Id.* at pp. 53-56).

² Pen. Code, §§ 209, subd. (b), 211, 288a, subd. (d), 261, 264.1, and 12022, subd. (b).

1 is recommended that CalVCB approve Fuller’s claim in the amount of \$1,727,320 as indemnification
2 for the injury sustained through this erroneous conviction if sufficient funds are available upon
3 appropriation by the Legislature.³

4 **II. Procedural History**

5 **A. Fuller’s Original Convictions**

6 On April 20, 1984, Fuller was arrested and ultimately convicted of 13 crimes in Los Angeles
7 County Superior Court case number A530972, which occurred over the course of three different days
8 and at three different locations: (1) an October 7, 1983, robbery that occurred outside a Reuben’s
9 Restaurant (“Reuben’s Incident”), (2) an October 17, 1983, kidnap, rape, and robbery that occurred
10 outside a Charley Brown’s Restaurant (“Charley Brown’s Incident”), and (3) an April 19, 1984, robbery
11 with a hatchet (“Hatchet Robbery”).⁴

12 Following a jury trial on March 22, 1985, Fuller was convicted of ten charges related to the
13 Charley Brown’s Incident, which included one count of robbery, four counts of forcible rape, four
14 counts of forcible oral copulation, and one count of kidnap for robbery, with enhancements for personal
15 use of a knife and rape and oral copulation in concert (counts 3-12).⁵ He was also convicted of three
16 counts of robbery (counts 1, 2, and 13) resulting from both the Reuben’s Incident and the Hatchet
17 Robbery.⁶ On May 7, 1985, Fuller was sentenced to 18 years to life in state prison.⁷

18 **B. Fuller’s Post-Conviction Relief**

19 On September 20, 2024, Fuller and the Los Angeles County District Attorney’s Office filed a
20 joint petition requesting Fuller’s convictions related solely to the Charley Brown’s Incident be vacated
21 based on newly discovered evidence.⁸ Specifically, one of the actual perpetrators, who was never
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24 ³ Pen. Code, §§ 1485.55, subds. (b)-(c), 4904.

25 ⁴ App. at p. 13.

26 ⁵ App. at pp. 8, 49-52.

27 ⁶ *Ibid.*

28 ⁷ App. at pp. 49-52.

⁸ App. at pp. 12-46.

1 charged or convicted, confessed to the Charley Brown's Incident. His confession was also corroborated
2 by the other three perpetrators who repeatedly refuted Fuller's involvement over the years.⁹

3 On September 24, 2024, the court granted the parties' joint motion based on new evidence
4 pursuant to Penal Code section 1473, subdivisions (b)(I)(C)(i) and (ii) and vacated and dismissed all
5 convictions related to the Charley Brown's Incident (counts 3-12).¹⁰ The court also found Fuller factually
6 innocent of those crimes within the meaning of section 1485.55, subdivision (b), and ordered the record
7 sealed pursuant to section 851.86.¹¹ The court then resentenced Fuller to 6 years and 8 months (e.g.,
8 2,434 days) on the remaining robbery charges (counts 1, 2, and 13).¹² He was later released from
9 custody on September 29, 2024, after 14,772 days of imprisonment (e.g., from the date of his arrest on
10 April 20, 1984, through the date of his release).¹³

11 Fuller remains validly convicted of the three counts of robbery related to the Reuben's Incident
12 and the Hatchet Robbery (counts 1, 2, and 13).

13 **C. Fuller's Erroneously Convicted Person Claim**

14 On January 27, 2025, Joseph Trigilio of Loyola's Project for the Innocent submitted an
15 Erroneously Convicted Person Claim Form seeking compensation on behalf of Fuller as an
16 erroneously convicted person pursuant to Penal Code section 4900 based on his convictions for the
17 Charley Brown's Incident.¹⁴ Fuller does not challenge his convictions for the Reuben's Incident or the
18 Hatchet Robbery, for which he was resentenced to 6 years and 8 months (e.g., 2,434 days)
19 imprisonment on September 24, 2024.¹⁵ In this claim, Fuller requests \$1,727,320 in compensation,
20 which includes 12,338 days (e.g., 33 years) of the 14,772 total days (e.g., 40 years) he was
21 erroneously imprisoned for the Charley Brown's Incident. Because he is not challenging his still valid

22 ⁹ App. at pp. 39-43.

23 ¹⁰ App. at pp. 47-48

24 ¹¹ Supp. at pp. 3-4.

25 ¹² App. at pp. 47-48.

26 ¹³ The number of days between Fuller's arrest and release was determined using the online "Days
27 Calculator" located at <https://www.timeanddate.com/date/duration.html>.

27 ¹⁴ App. at pp. 1-56.

28 ¹⁵ App. at pp. 9-11, 47-48.

1 convictions for the Reuben's Incident and the Hatchet Robbery, he is not seeking compensation for the
2 6 years and 8 months (e.g., 2,434 days) imprisonment for those crimes.¹⁶

3 On January 28, 2025, the CalVCB filed Fuller's claim and invited the Attorney General's Office
4 to provide a response on the issue of injury only.¹⁷ On February 11, 2025, the Attorney General's
5 Office provided a response stipulating that Fuller is entitled to \$1,727,320, or \$140 for 12,338 days he
6 was erroneously imprisoned solely for the convictions resulting from the Charley Brown's Incident. This
7 calculation includes the date of Fuller's arrest on April 20, 1985, through the date of his release on
8 September 29, 2024 (e.g., 12,338 days), but excludes the 2,434 days of imprisonment resulting from
9 the Reuben's Incident and the Hatchet Robbery, for a total of \$1,727,320 in compensation as
10 indemnification for the injury sustained through his erroneous incarceration. The administrative record
11 closed on February 12, 2025.

12 **III. Statement of the Facts**

13 **A. The Crimes**

14 Starting in October of 1983, there were a string of robberies, kidnappings, and sexual assaults
15 in the West Covina area perpetrated by a group of four Black males.¹⁸ Fuller was convicted of crimes
16 related to three separate incidents: the Reuben's Incident, the Charley Brown's Incident, and the
17 Hatchet Robbery. In this claim, Fuller is only challenging the Charley Brown's Incident. He remains
18 validly convicted of the Reuben's Incident and the Hatchet Robbery and is not challenging those
19 convictions. Nevertheless, all three crimes will be discussed briefly below for context and clarity.

20 **1. The Reuben's Incident: Robbery**

21 On October 7, 1983, at approximately 11:45 p.m., four Black males robbed Patricia and
22 Silvana, at knifepoint in the Reuben's Restaurant parking lot, taking their money and jewelry.¹⁹ One of
23 the suspects took Silvana into the bushes, attempted to undo her pants, and fondled her vaginal area
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25 ¹⁶ App. at p. 8.

26 ¹⁷ Pen. Code, § 4904, subd. (a).

27 ¹⁸ App. at p. 13.

28 ¹⁹ App. at p. 16. The victims and witnesses are referred to by their first names only to protect their privacy.

1 until another suspect told him to “get off her” and to “get into the car.”²⁰ The four suspects then stole
2 Patricia’s silver Toyota Celica and fled.²¹ Fuller admits to his involvement in this robbery.²²

3 **2. Uncharged Freeway Incident: Kidnap and Sexual Assault**

4 Approximately four hours after the Reuben’s Incident, at 4:00 a.m., Maribel and Alisa, were on
5 the freeway shoulder after their car broke down.²³ Four Black males in a silver Toyota Celica
6 approached the victims on the side of the freeway.²⁴ They robbed Maribel and Alisa at knifepoint and
7 forced them into the car where they sexually assaulted them and drove around the San Fernando
8 Valley and Azusa Mountains for four hours.²⁵ Alisa did not speak with law enforcement. Maribel
9 reported what happened but refused to identify the suspects out of fear of retaliation.²⁶

10 Fuller told law enforcement in 1984, and maintains today, that he was in the back seat of the
11 silver Toyota Celia during this crime and believes the victims were sexually assaulted but insists he was
12 in and out of consciousness the entire time and did not participate.²⁷ The District Attorney’s Office
13 ultimately declined to file any charges.²⁸

14 **3. The Charley Brown’s Incident: Kidnap, Rape, and Robbery**

15 Nine days later, on October 17, 1983, at approximately 1:30 a.m., Sheila was walking to the
16 entrance to Charley Brown’s Restaurant when a Black male robbed her at knifepoint and forced her into
17 a silver Toyota Celica occupied by three other Black males.²⁹ They stole her purse, money, and
18 jewelry, then drove her to the Azusa Mountains, where all four perpetrators vaginally raped her and
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21 ²⁰ App. at p. 17.

22 ²¹ App. at pp. 16-17.

23 ²² App. at p. 17.

24 ²³ *Ibid.*

25 ²⁴ *Ibid.*

26 ²⁵ *Ibid.*

27 ²⁶ *Ibid.*

28 ²⁷ App. at pp. 17, 23-24.

29 ²⁸ App. at p. 17.

²⁹ *Ibid.*

1 forced her to orally copulate them.³⁰ Afterwards, they fled the scene, leaving Sheila partially clothed
2 and barefoot in the mountains.³¹ She walked about two miles to a ranger station where she was able to
3 get help and call the police.³² Sheila was transported to the hospital and a sexual assault exam was
4 conducted.³³ Fuller has always maintained his innocence of this crime.³⁴

5 **4. The Hatchet Robbery**

6 On April 19, 1984, Fuller approached Renai's vehicle and asked him for a ride.³⁵ Renai agreed
7 and Fuller got into the passenger seat of the vehicle. During the ride, Fuller pulled out a hatchet and
8 demanded Renai give him his wallet and money.³⁶ Fuller threatened Renai that if he did not comply, he
9 would "chop him up."³⁷ Renai gave Fuller his money and then jumped out of the car.³⁸ Fuller got into
10 the driver's seat and fled, eventually crashing into a ditch.³⁹ He was arrested the next day when police
11 found him near the stolen car, hiding in bushes with a hatchet nearby.⁴⁰ Fuller admits his involvement in
12 this robbery.⁴¹

13 **B. The Investigation of the Charley Brown's Incident**

14 **1. Sheila's Police Interview**

15 Sheila told detectives that at approximately 1:30 a.m. on the night of the crime, she drove to
16 Charley Brown's Restaurant to pick up her husband, who worked there.⁴² When she arrived at the
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18 ³⁰ *Ibid.*

19 ³¹ *Ibid.*

20 ³² *Ibid.*

21 ³³ *Ibid.*

22 ³⁴ *Ibid.*

23 ³⁵ App. at pp. 13, 17.

24 ³⁶ App. at p. 17.

25 ³⁷ *Ibid.*

26 ³⁸ App. at pp.17-18.

27 ³⁹ App. at p. 18.

28 ⁴⁰ *Ibid.*

⁴¹ *Ibid.*

⁴² *Ibid.*

1 restaurant, she circled the parking lot about three times to see if there was anyone suspicious in the
2 lot.⁴³ When she felt safe, she parked her car and walked up the steps to the restaurant. Right before
3 she reached the entrance, a Black male confronted her and said, “It’s you, lady” while pointing a knife
4 directly at her.⁴⁴ He then demanded her purse and wallet.⁴⁵ As Sheila fumbled in her purse for her
5 wallet, the assailant circled behind her and held the knife to her neck, pushing her away from the
6 entrance to the restaurant.⁴⁶ She begged the man to not hurt her and offered to give him everything she
7 had.⁴⁷ At that time, a silver Toyota Celica pulled up. The assailant pushed her into the front seat of the
8 vehicle and got in behind her, forcing her to sit on his lap.⁴⁸ There were three other Black males in the
9 car, including the driver and two back seat passengers.⁴⁹ The driver stopped to get gas at a Shell gas
10 station while the passengers remained in the vehicle with her.⁵⁰ They then drove her to the Azusa
11 Mountains, about twelve miles from Charley Brown’s Restaurant.⁵¹

12 The driver stopped in a turnout on the road, where she was forced out of the vehicle at
13 knifepoint and vaginally raped by all four assailants.⁵² Three of the assailants then forced her to orally
14 copulate them.⁵³ As the group discussed what to do with her, Sheila overheard one of them say, “slit
15 her throat.”⁵⁴ She begged for her life as the attacker who initially forced her into the vehicle at knifepoint
16 took her away from the vehicle.⁵⁵ He told her he was not going to kill her like the other assailants

18 ⁴³ *Ibid.*

19 ⁴⁴ *Ibid.*

20 ⁴⁵ *Ibid.*

21 ⁴⁶ *Ibid.*

22 ⁴⁷ *Ibid.*

23 ⁴⁸ *Ibid.*

24 ⁴⁹ *Ibid.*

25 ⁵⁰ *Ibid.*

26 ⁵¹ App. at pp. 18-19.

27 ⁵² App. at p. 19.

28 ⁵³ *Ibid.*

⁵⁴ *Ibid.*

⁵⁵ *Ibid.*

1 wanted, but then forced her to orally copulate him.⁵⁶ When he was done, he gave Sheila 40 cents and
2 told her “I’m giving you a break; you better not tell them it was four Black guys that raped you; tell them
3 it was four Mexicans.”⁵⁷

4 That assailant then joined the others who were already in the silver Toyota Celica and drove
5 away, leaving Sheila behind partially clothed and barefoot.⁵⁸ She walked two to three miles in the dark
6 wilderness to a ranger station and begged for help.⁵⁹ Shortly thereafter, Sheila was transported to the
7 hospital where a sexual assault exam was conducted. The perpetrators had stolen her purse, money,
8 credit cards, and jewelry, including her gold wedding band.⁶⁰ Sheila indicated that she could only
9 provide details about two of her attackers and assisted law enforcement in completing two composite
10 sketches based on her descriptions.⁶¹

11 **2. Identification and Arrests of Fuller, Bradley, Dixson, and Alexander**

12 On October 18, 1983, the day after the Charley Brown’s Incident, police recovered the silver
13 Toyota Celica.⁶² The vehicle had been used in connection with an attempted robbery.⁶³ When police
14 officers arrived at the scene, they observed Charru Bradley driving the silver Toyota Celica and Tracy
15 Turner fleeing from the vehicle.⁶⁴ Both Bradley and Turner were arrested.⁶⁵ Turner told police that the
16 other two suspects in the stolen vehicle had been Pierre Alexander, and Kenneth Dixson.⁶⁶ According
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20 ⁵⁶ *Ibid.*

21 ⁵⁷ *Ibid.*

22 ⁵⁸ App. at pp. 17, 19.

23 ⁵⁹ App. at pp. 19-20.

24 ⁶⁰ App. at p. 20.

25 ⁶¹ *Ibid.*

26 ⁶² *Ibid.*

27 ⁶³ *Ibid.*

28 ⁶⁴ *Ibid.*

⁶⁵ *Ibid.*

⁶⁶ App. at p. 21.

1 to court transcripts, Turner signed a sworn affidavit that he was not involved in the Charley Brown's
2 Incident and provided detectives with the names of the suspects involved.⁶⁷

3 On October 20, 1983, police showed Sheila a photographic lineup and she identified Bradley as
4 one of the suspects that raped her and forced her to orally copulate him.⁶⁸ She also identified Bradley
5 at a live lineup in a juvenile facility.⁶⁹ Sheila identified Dixson in a photographic lineup as the suspect
6 who gave her 40 cents to call someone.⁷⁰ Sheila did not identify Alexander when shown a photographic
7 lineup that included him, but she later identified him as the driver, during a live lineup.⁷¹ During that
8 identification, she also identified another individual as "possibly a passenger" in the vehicle; however,
9 he was only included in the lineup as a "filler."⁷² Sheila was shown a photograph of Turner, but she did
10 not identify him as a suspect in her attack.

11 Dixson and Alexander were arrested in October 1983. Upon Alexander's arrest, his sister told
12 officers that Fuller was also involved in the crimes, although it is unclear which crimes she was referring
13 to.⁷³

14 Five months later, police showed Sheila a photographic lineup that included Fuller's picture.⁷⁴
15 She pointed at Fuller's picture and said that he might be one of the suspects, but that she was not
16 "100% sure."⁷⁵ Sheila believed Fuller was one of the suspects but wanted to make sure by seeing him
17 in person.⁷⁶ Fuller was later arrested on April 20, 1984, following the Hatchet Robbery.⁷⁷

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19 ⁶⁷ App. at p. 22. While it is unknown why, Turner was never prosecuted for any of the crimes resulting
20 from the Reuben's Incident, the Charley Brown's Incident, or the October 18, 1983, attempted robbery
that ultimately led to his arrest.

21 ⁶⁸ App. at p. 21.

22 ⁶⁹ *Ibid.*

23 ⁷⁰ *Ibid.*

24 ⁷¹ *Ibid.*

25 ⁷² *Ibid.*

26 ⁷³ App. at pp. 22-23.

27 ⁷⁴ *Ibid.*

28 ⁷⁵ *Ibid.*

⁷⁶ *Ibid.*

⁷⁷ App. at pp. 49-52.

1 **3. Fuller’s Statements to Law Enforcement**

2 At the time of Fuller’s arrest, Detective Shively was only aware of the Reuben’s Incident and the
3 Hatchet Robbery. He had no knowledge of Fuller’s possible participation in any sex crimes, including
4 the Charley Brown’s Incident.⁷⁸ However, during transport, as Detective Shively was advising Fuller of
5 the reasons he was being taken to the police station, Fuller spontaneously said, “I didn’t rape anyone; I
6 have a girlfriend, so I don’t need to rape anyone.”⁷⁹ Detective Shively took note of this statement, as he
7 had not asked Fuller any questions regarding sexual assault.⁸⁰

8 While at the police station, detectives spoke to Fuller numerous times. According to Detective
9 Shively, Fuller confessed he was present at the Reuben’s Incident and the Charley Brown’s Incident.⁸¹
10 As to the Charley Brown’s Incident, Fuller admitted he was present but stated he was knocked
11 unconscious and intoxicated in the backseat.⁸² Fuller maintained that he did not participate in any
12 rape.⁸³ Detective Shively asked him if he was there when the “girls were taken into the mountains,” to
13 which Fuller again admitted he was present but insisted he was unconscious.⁸⁴

14 In Detective Shively’s second conversation with Fuller, Fuller stated that he was only with the
15 suspects on October 7th and October 8th, when they committed robberies at a restaurant.⁸⁵ He said
16 that after the robberies, they all went to “L.A.” and consumed alcohol and smoked marijuana, and he
17 was subsequently “knocked out.”⁸⁶ He explained that on the way back from L.A., the group picked up
18 two women on the side of the freeway.⁸⁷ The women were placed in the backseat and were driven to
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21 ⁷⁸ App. at p. 23.

22 ⁷⁹ *Ibid.*

23 ⁸⁰ *Ibid.*

24 ⁸¹ *Ibid.*

25 ⁸² *Ibid.*

26 ⁸³ *Ibid.*

27 ⁸⁴ *Ibid.*

28 ⁸⁵ *Ibid.*

⁸⁶ *Ibid.*

⁸⁷ *Ibid.*

1 the mountains.⁸⁸ Fuller said they might have been sexually assaulted but denied participating.⁸⁹ He
2 explained that it was this October 8th incident he was referring to when he previously stated he was
3 “present but unconscious.”⁹⁰ Fuller adamantly denied being present during the Charley Brown’s
4 Incident and said those crimes were committed by Dixson, Bradley, Alexander, and Turner.⁹¹

5 **4. Physical Evidence**

6 After Sheila’s attack, she was transported to the hospital and a sexual assault exam was
7 conducted.⁹² All suspects, except Turner, provided physical samples. However, it is unknown what
8 happened to those samples or whether any matches were made between the suspects and the
9 samples taken from Sheila.⁹³

10 On October 18, 1983, detectives took Sheila back to the scene of the crime where they
11 recovered her purse that had been taken by her attackers.⁹⁴ Inside her purse were two credit cards.⁹⁵
12 The credit cards were dusted for fingerprints, and two prints were recovered.⁹⁶ Those lifted prints were
13 determined to match Dixson.⁹⁷

14 **C. Evidence Presented at Trial that Resulted in Fuller’s Erroneous Conviction**

15 On March 4, 1985, a jury trial commenced for Fuller and Alexander, who were tried together. At
16 that time, Dixson had already pled guilty, and Bradley’s adjudication in juvenile court had been
17 completed.⁹⁸

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20 ⁸⁸ *Ibid.*

21 ⁸⁹ *Ibid.*

22 ⁹⁰ *Ibid.*

23 ⁹¹ *Ibid.*

24 ⁹² *Ibid.*

25 ⁹³ *Ibid.*

26 ⁹⁴ App. at p. 23.

27 ⁹⁵ App. at p. 24.

28 ⁹⁶ *Ibid.*

⁹⁷ *Ibid.*

⁹⁸ App. at p. 25.

1 **1. Prosecution’s Witnesses**

2 Sheila’s testimony was mostly consistent with her prior statements to law enforcement. She
3 testified that she had no doubt Fuller was one of her attackers and was sitting in the rear passenger-
4 side seat.⁹⁹ She also testified that she identified Fuller at a live lineup, where she recognized Alexander
5 as the driver and Fuller as one of the passengers.¹⁰⁰ However, on cross-examination, she admitted that
6 she wrote on her witness card, “I think 3 could be the driver and 6 possibly the passenger.”¹⁰¹

7 Detective Shively testified consistently with his reports detailing Fuller’s post-arrest
8 statements.¹⁰² Detective Nelson testified that he returned to the crime scene with Sheila and found her
9 purse with two credit cards inside.¹⁰³ He also showed Sheila a photographic lineup with Fuller on March
10 9, 1984, and while Sheila picked Fuller’s picture as being one of the perpetrators, she was not 100%
11 positive. He indicated that Sheila used equivocal words and appeared hesitant to pick Fuller.¹⁰⁴

12 **2. Defense’s Witnesses**

13 Jacqueline, a friend of the Fuller family, testified that on the day of the crime, she attended
14 church where Fuller’s father was a pastor, and the entire Fuller family was in attendance.¹⁰⁵ Fuller
15 attended from 11:00 a.m. to 1:30 p.m.¹⁰⁶ They all returned to the church at 3:00 p.m. to attend a special
16 program for the Fullers, which lasted until 6:00 p.m.¹⁰⁷ She made plans to go roller skating with Fuller
17 and his sister, Carol, that evening and picked them up at 7:45 p.m.¹⁰⁸ They stayed until the skating rink
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20 ⁹⁹ *Ibid.*

21 ¹⁰⁰ During the preliminary hearing, Sheila identified Fuller as one of her attackers and testified that she
22 previously identified Fuller at a live lineup. However, Fuller had never participated in a live lineup. See
23 also App. at p. 25.

24 ¹⁰¹ App. at p. 25.

25 ¹⁰² App. at pp. 23-25.

26 ¹⁰³ App. at p. 26.

27 ¹⁰⁴ App. at p. 26.

28 ¹⁰⁵ *Ibid.*

¹⁰⁶ *Ibid.*

¹⁰⁷ *Ibid.*

¹⁰⁸ App. at pp. 26-27.

1 closed at 10:00 p.m.¹⁰⁹ She then dropped Fuller and Carol off at home at about 10:20 p.m. and
2 watched as they went inside.¹¹⁰

3 Carol testified that after roller skating, Jacqueline dropped her and Fuller off at their house.¹¹¹
4 When her and Fuller entered their home, she went to her bedroom and did not see Fuller for the
5 remainder of the night.¹¹²

6 Helen, Fuller's mother, testified that when Fuller and Carol returned from roller skating, she and
7 her husband were sitting in the living room.¹¹³ At 10:50 p.m., she went into the kitchen to get something
8 to eat, and Fuller was in the den watching a movie.¹¹⁴ She told Fuller that she wanted to watch a movie
9 when he was done, and at 12:30 a.m., Fuller knocked on her door and said, "Mom, I'm finished," then
10 went into his bedroom.¹¹⁵ Helen went into the den and watched a movie.¹¹⁶ She never heard or saw
11 Fuller exit his bedroom.¹¹⁷ She emphasized that if he walked down the hall to leave, she would have
12 heard him.¹¹⁸ She also mentioned that his bedroom is about five feet from the ground, so Fuller would
13 not have been able to exit from his bedroom.¹¹⁹ To the best of her knowledge, Fuller did not leave his
14 bedroom on the night of the crime.¹²⁰

15 On March 22, 1985, Fuller and Alexander were convicted of all crimes, including those against
16 Sheila, and sentenced to 18 years to life in prison.¹²¹

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18 ¹⁰⁹ App. at p. 27.

19 ¹¹⁰ *Ibid.*

20 ¹¹¹ *Ibid.*

21 ¹¹² *Ibid.*

22 ¹¹³ *Ibid.*

23 ¹¹⁴ *Ibid.*

24 ¹¹⁵ *Ibid.*

25 ¹¹⁶ App. at p. 27.

26 ¹¹⁷ *Ibid.*

27 ¹¹⁸ *Ibid.*

28 ¹¹⁹ *Ibid.*

¹²⁰ *Ibid.*

¹²¹ App. at pp. 27-28, 49-52.

1 **D. Post-Conviction Defense Investigation**

2 **1. Attorney Ben Wyatt**

3 On April 25, 1985, during a motion for a new trial, Attorney Ben Wyatt, who represented Dixon
4 and Bradley in their criminal cases involving the Charley Brown's Incident, told the court that both
5 Dixon and Bradley disclosed that Fuller was not the fourth perpetrator in the Charley Brown's Incident,
6 but rather, the true perpetrator was Turner.¹²² However, Dixon and Bradley refused to testify on
7 Fuller's behalf because doing so would implicate Alexander.¹²³ Attorney Wyatt provided the court with a
8 signed declaration to that effect. His Motion for New Trial was ultimately denied.¹²⁴

9 Fuller and his family paid thousands of dollars to attorneys and private investigators to find
10 Turner in hopes he would confess to being the fourth assailant in the Charley Brown's Incident.¹²⁵ Fuller
11 said the investigators were all unsuccessful in locating Turner.¹²⁶ Fuller also said his family paid
12 Attorney Wyatt \$1,000 to obtain declarations from other co-defendants.¹²⁷ Dixon refused to provide a
13 declaration because it would require him to implicate Alexander.¹²⁸

14 However, Bradley provided a signed declaration.¹²⁹ On August 14, 1986, Bradley, referencing
15 the crimes against Sheila, stated, "[Fuller] was not the proper defendant. The correct defendant is
16 [Turner]."¹³⁰ Bradley admitted to being present during the Charley Brown's Incident and said, "At no
17 time was [Fuller] present at any of these events."¹³¹ He stated, "[n]o promises or threats have been
18 made to me in connection with supplying this declaration nor are any expected. My only purpose is to
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21 ¹²² App. at p. 28.

22 ¹²³ *Ibid.*

23 ¹²⁴ *Ibid.*

24 ¹²⁵ *Ibid.*

25 ¹²⁶ App. at p. 28.

26 ¹²⁷ App. at p. 28.

27 ¹²⁸ *Ibid.*

28 ¹²⁹ *Ibid.*

¹³⁰ *Ibid.*

¹³¹ *Ibid.*

1 set the record straight with respect to [Fuller].”¹³²

2 **2. California Innocence Project**

3 In 2012, an Innocence Project Student Worker contacted Alexander and Dixson after they were
4 paroled. On January 12, 2012, Dixson provided a handwritten declaration which stated, in relevant part:
5 “I was convicted of a crime in 1984 which occurred on October 17, 1983, of kidnap, robbery, rape ... I
6 committed this crime with three (3) others, [Alexander], [Bradley], and [Turner]. At no time was [Fuller]
7 involved in this crime. He was never there.”¹³³

8 On January 16, 2012, Alexander provided a handwritten declaration in which he wrote that
9 Fuller was not involved in the Charley Brown’s Incident and insisted that only he, Bradley, Dixson, and
10 Turner were there that night.¹³⁴ He did, however, indicate that Fuller participated in the Reuben’s
11 Incident where they stole the silver Toyota Celica, which was later used in the Charley Brown’s
12 Incident.¹³⁵

13 In 2012, the California Innocence Project also requested testing on Sheila’s “rape kit;” however,
14 in 2017, law enforcement conducted a comprehensive search for any documents or evidence related to
15 the Charley Brown’s Incident but found no records or physical evidence.¹³⁶

16 **E. The Conviction Integrity Unit’s Investigation**

17 In 2016, Fuller submitted his first request for review to the Conviction Review Unit (CRU).¹³⁷
18 Fuller, who submitted his request pro per, included declarations of Attorney Wyatt, Bradley, and
19 Alexander. His request was initially denied in 2019 based on a finding that there was “no new credible
20 evidence.”¹³⁸ The denial also cited his apparent admission to being present during Sheila’s kidnap and
21

22
23 ¹³² App. at p. 28.

24 ¹³³ App. at p. 29.

25 ¹³⁴ *Ibid.*

26 ¹³⁵ *Ibid.*

27 ¹³⁶ *Ibid.*

28 ¹³⁷ *Ibid.*

¹³⁸ *Ibid.*

1 rape.¹³⁹

2 In 2021, Fuller's cousin submitted a second request for review with the same declarations
3 attached.¹⁴⁰ This claim was accepted for review and the Conviction Integrity Unit (CIU) investigated the
4 Charley Brown's Incident.¹⁴¹

5 **1. Alexander's Parole Hearing Transcripts**

6 Based on CIU's review of Alexander's CDCR history, he participated in six parole hearings
7 between 1999 and September 2006.¹⁴² In his first parole hearing, Alexander admitted his role in the
8 Charley Brown's Incident and said the other three perpetrators were Bradley, Dixson, and Turner.¹⁴³ On
9 March 7, 2002, Alexander told the parole board that the suspects involved in the Charley Brown's
10 Incident were Dixson, Bradley, Turner, and himself.¹⁴⁴ He admitted that all four perpetrators raped
11 Sheila and forced her to orally copulate them.¹⁴⁵ A year later, on March 4, 2003, Alexander admitted he
12 was the driver and identified Dixson as the suspect who abducted Sheila from the restaurant at
13 knifepoint.¹⁴⁶ Alexander also admitted that on the night of the crime, he and the other assailants were
14 looking for cars to steal and then sell to a "chop shop."¹⁴⁷ He identified the other participants as "John
15 Bradley" and "an unidentified fourth suspect." Later in the hearing, Alexander identified the "fourth
16 suspect" as Turner.¹⁴⁸

17 ///

18 ///

19 ///

20
21 ¹³⁹ *Ibid.*

22 ¹⁴⁰ *Ibid.*

23 ¹⁴¹ App. at p. 30.

24 ¹⁴² *Ibid.*

25 ¹⁴³ *Ibid.*

26 ¹⁴⁴ *Ibid.*

27 ¹⁴⁵ *Ibid.*

28 ¹⁴⁶ *Ibid.*

¹⁴⁷ *Ibid.*

¹⁴⁸ *Ibid.*

1 **2. Dixson’s Parole Hearing Transcripts**

2 Based on Dixson’s CDCR history, he participated in nine parole hearings between July 16,
3 1990, and September 6, 2007.¹⁴⁹ On August 5, 1992, Dixson told the parole board that one of the
4 suspects in the case “hasn’t been found guilty.”¹⁵⁰ When the parole board asked Dixson to identify that
5 suspect, Dixson responded that he did not want to implicate himself or anyone else.¹⁵¹ Fuller had
6 already been convicted and sentenced at the time of this parole hearing.¹⁵² On April 17, 2002, Dixson
7 said he committed the crimes in the Charley Brown’s Incident with Alexander, Bradley, and Turner, but
8 that Turner “turned in state [sic] evidence.”¹⁵³ Dixson informed the board that Bradley was killed after he
9 was released from the California Youth Authority (CYA).¹⁵⁴ On December 21, 2006, Dixson told the
10 parole board that Fuller “was never involved in this case” but, rather, it was Turner.¹⁵⁵ On September 6,
11 2007, Dixson named Turner as the fourth assailant involved in Sheila’s kidnap and rape.¹⁵⁶

12 **3. Fuller’s CIU Interview**

13 On November 15, 2023, CIU investigators interviewed Fuller in prison. CIU first asked Fuller
14 about the Rueben’s Incident. Fuller stated that, on October 7, 1983, he was with Dixson, Alexander,
15 and a person named Douglas, driving around looking for someone to rob.¹⁵⁷ He admitted to robbing two
16 ladies, one of whom Alexander took into the bushes.¹⁵⁸ Fuller believed Alexander was going to do
17 something to the victim because he winked at Fuller before he took her into the bushes.¹⁵⁹ Fuller
18

19
20 ¹⁴⁹ App. at p. 30.

21 ¹⁵⁰ App. at p. 31.

22 ¹⁵¹ *Ibid.*

23 ¹⁵² App. at pp. 31, 49-52.

24 ¹⁵³ App. at p. 31.

25 ¹⁵⁴ *Ibid.*

26 ¹⁵⁵ *Ibid.*

27 ¹⁵⁶ *Ibid.*

28 ¹⁵⁷ App. at pp. 31-32.

¹⁵⁸ App. at p. 32.

¹⁵⁹ *Ibid.*

1 admitted that they then stole the silver Toyota Celica and “went riding.”¹⁶⁰ They eventually drove to
2 Dixson’s cousin’s house, where they consumed alcohol and smoked marijuana¹⁶¹ Fuller had gone
3 through one of the victim’s purses and took out \$40, but he did not share it with the others, which
4 angered the group.¹⁶² Dixson’s cousin punched Fuller in the jaw and “knocked him out.”¹⁶³ After Fuller
5 was knocked out, they put him in the back seat of the stolen Toyota Celica.¹⁶⁴ The group then picked
6 up two women on the side of the freeway while Fuller was in and out of consciousness.¹⁶⁵ He
7 remembered one of the women being in the back seat, but he did not know if her contact with the other
8 suspects was consensual or non-consensual.¹⁶⁶ He believed the other suspects took the women to a
9 park and sexually assaulted them, but Fuller maintained that he stayed in the car because he was
10 intoxicated and unconscious.¹⁶⁷

11 Fuller admitted to the Hatchet Robbery but denied being present during the Charley Brown’s
12 Incident. He claimed that he was at the skating rink that night, then went home, watched a video in the
13 living room and went to sleep in his bedroom.¹⁶⁸ He insisted that when Detective Shively asked him
14 about Sheila’s rape, Fuller was referring to the Reuben’s Incident on October 7, 1983, when Alexander
15 had taken one of the victims into the bushes.¹⁶⁹ Then he thought Detective Shively was perhaps
16 referring to the uncharged freeway incident when the group picked up the two women whose car broke
17 down on the side of the freeway.¹⁷⁰ While he believed those women had been sexually assaulted he

19
20 ¹⁶⁰ *Ibid.*

21 ¹⁶¹ *Ibid.*

22 ¹⁶² *Ibid.*

23 ¹⁶³ *Ibid.*

24 ¹⁶⁴ *Ibid.*

25 ¹⁶⁵ *Ibid.*

26 ¹⁶⁶ *Ibid.*

27 ¹⁶⁷ *Ibid.*

28 ¹⁶⁸ *Ibid.*

¹⁶⁹ App. at pp. 32-33.

¹⁷⁰ App. at p. 33.

1 maintained that he was intoxicated and unconscious during that crime and did not participate.¹⁷¹ Fuller
2 told CIU Investigators that when he realized Detective Shively was referring to the Charley Brown's
3 Incident, he denied being present and named Dixson, Alexander, Bradley, and Turner as the actual
4 perpetrators.¹⁷²

5 Fuller stated that his family used their life savings to pay for private investigators and lawyers to
6 help get him out.¹⁷³ Fuller's family offered to pay Dixson and Alexander write declarations in support of
7 Fuller.¹⁷⁴ Fuller's family also tried to locate Turner to offer him money to write a declaration stating
8 Fuller did not participate in the Charley Brown's Incident, but "[Turner] wouldn't do it."¹⁷⁵ When asked
9 why he would pay Dixson and Alexander to write declarations, he said that "they didn't pay them to lie,
10 they paid them to incentivize telling the truth."¹⁷⁶

11 **4. Perkins Operation with Turner and Fuller**

12 On August 14, 2024, the CIU investigative team planned a *Perkins* operation¹⁷⁷ with both Turner
13 and Fuller to elicit new information related to the Charley Brown's Incident.¹⁷⁸ The CIU investigative
14 team transported Fuller from Ironwood State Prison and Turner from Federal Prison.¹⁷⁹ Fuller and
15 Turner were placed in separate cells, each with a different *Perkins* Agent (PA).¹⁸⁰

16 When Turner entered his cell, he commented to the PA that he had not been to West Covina
17 since the early 80's when he was there for a robbery that he never did time for.¹⁸¹ Turner told the PA
18

19 ¹⁷¹ *Ibid.*

20 ¹⁷² *Ibid.*

21 ¹⁷³ *Ibid.*

22 ¹⁷⁴ *Ibid.*

23 ¹⁷⁵ *Ibid.*

24 ¹⁷⁶ *Ibid.*

25 ¹⁷⁷ A *Perkins* operation is a tactic that involves placing an undercover agent, posing as a fellow inmate,
in a jail cell with a suspect to get incriminating statements.

26 ¹⁷⁸ App. at p. 33.

27 ¹⁷⁹ *Ibid.*

28 ¹⁸⁰ *Ibid.*

¹⁸¹ *Ibid.*

1 that he thought he was transferred to help with Fuller’s case and explained that Fuller was the “hatchet
2 rapist” who had gone to prison for doing “hatchet rapes.”¹⁸² At some point, District Attorney Investigator
3 (DAI) Hubert gave Turner a paper that contained fictitious DNA results, linking Turner’s DNA to Sheila’s
4 rape; however, Turner did not want to take the paper and later told the PA that “she got me.”¹⁸³ Turner
5 asked his PA what the statute of limitations for rape was.¹⁸⁴

6 When Fuller realized Turner was in a nearby cell, he told the PA in his cell that he had been
7 doing 40 years in prison for “him” (referring to Turner).¹⁸⁵ Fuller told the PA that Turner committed a
8 rape and then told police that it was him. The PA responded that if someone lied to the police about him
9 committing a crime that he did 40 years for, he would call that person “out.”¹⁸⁶ Fuller said he was not
10 going to snitch on him but had investigators and an attorney looking into his claim of innocence.¹⁸⁷
11 Fuller was given a paper with photographs of himself, Dixson, Bradley, Alexander, and Turner, as well
12 as a picture of the silver Toyota Celica.¹⁸⁸ Fuller pointed to the photographs of Dixson, Bradley, and
13 Alexander, telling the PA, “these guys told the truth.”¹⁸⁹ However, he pointed to Turner’s photograph
14 and said, “He did it, but put me in his place, because he knew about my crimes, but I didn’t know about
15 his crimes.”¹⁹⁰

16 **5. Turner’s CIU Interview**

17 On August 15, 2024, DAI Hubert and DAI Loo interviewed Turner.¹⁹¹ When told they were
18 investigating Fuller’s claim of innocence of Sheila’s kidnap and rape, Turner immediately asked if he
19

20
21 ¹⁸² *Ibid.*

22 ¹⁸³ App. at pp. 33-34.

23 ¹⁸⁴ App. at p. 34.

24 ¹⁸⁵ *Ibid.*

25 ¹⁸⁶ *Ibid.*

26 ¹⁸⁷ *Ibid.*

27 ¹⁸⁸ *Ibid.*

28 ¹⁸⁹ App. at p. 35.

¹⁹⁰ *Ibid.*

¹⁹¹ *Ibid.*

1 was being charged with those crimes now.¹⁹² He told CIU that he had run across Fuller in prison and
2 when Fuller saw him, Fuller called him a “snitch.”¹⁹³ Turner admitted that he did snitch.¹⁹⁴ Following his
3 arrest on October 18, 1983, he was told to give some names, and they would let him go.¹⁹⁵ So, he gave
4 the names of the people involved in the attempted robbery that led to his arrest.¹⁹⁶ He did not
5 remember if he signed anything or testified because it had been a while.¹⁹⁷

6 Turner admitted that Fuller was not present during the Charley Brown’s Incident. He said
7 specifically, “Fuller wasn’t there; he wasn’t in the car.”¹⁹⁸ When asked how he knew Fuller was not
8 present during those crimes, Turner answered that he was with them, and Fuller was not with them.¹⁹⁹
9 Turner looked at the photographs and pointed at each suspect’s picture and identified who they were:
10 Dixon was in the front seat, Alexander was driving, Bradley was in the back seat behind Alexander.
11 Turner admitted that he was seated in the back seat directly behind Dixon.²⁰⁰ On the night of the
12 crime, they were driving around the parking lot while drinking alcohol and smoking marijuana in the
13 car.²⁰¹ The group saw a woman in the parking lot, and Turner heard someone say, “There goes a lick,”
14 referring to a robbery victim.²⁰² Turner indicated that it was supposed to be a robbery, but Dixon exited
15 the vehicle, approached the woman, and brought her back to the car.²⁰³ Turner emphasized that they
16 never planned to take the woman and he did not want any part of it.²⁰⁴

17
18 ¹⁹² *Ibid.*

19 ¹⁹³ App. at p. 36.

20 ¹⁹⁴ *Ibid.*

21 ¹⁹⁵ *Ibid.*

22 ¹⁹⁶ *Ibid.*

23 ¹⁹⁷ *Ibid.*

24 ¹⁹⁸ App. at p. 37.

25 ¹⁹⁹ *Ibid.*

26 ²⁰⁰ *Ibid.*

27 ²⁰¹ *Ibid.*

28 ²⁰² *Ibid.*

²⁰³ *Ibid.*

²⁰⁴ *Ibid.*

1 Alexander then drove them to the mountains. When Alexander pulled over, they all exited the
2 car.²⁰⁵ Turner first claimed he got out of the car and walked away from the car and the other assailants
3 because “he didn’t want any part” of what they were doing.²⁰⁶ When asked if he saw any of the
4 assailants sexually assault the victim, Turner told CIU that he did not see what the other guys were
5 doing or know if anyone had a weapon.²⁰⁷ However, he later admitted that there was some “touching
6 going on” by the other assailants and they probably “abused” the victim.²⁰⁸ When asked if the victim
7 was raped, Turner responded, “[p]robably.”²⁰⁹ When asked specifically if Turner had “touched” Sheila,
8 he paused for a long time and said, “I don’t want to die in prison, I don’t want to die in prison.”²¹⁰ After
9 the long pause, Turner said he was going to be a “stand-up man” and then admitted he “touched” the
10 victim.²¹¹ CIU investigators asked Turner what he meant by “touched,” and Turner admitted he received
11 a “blow job” from the victim.²¹² Turner stated that the other suspects were touching the victim and
12 receiving “blow jobs” and asked Turner if he wanted to “get in on it.”²¹³ Turner claimed that he said he
13 did not, and they asked him, “What’s wrong with you?” Turner claimed he stopped the “blow job” after a
14 few seconds because he did not feel right about it.²¹⁴ When asked if Turner had vaginal sex with the
15 victim, Turner replied, “I don’t think so.”²¹⁵ CIU investigators asked Turner how his DNA would be found
16 in the victim’s vagina, and Turner answered, “I don’t know how,” but that he did not think he had vaginal
17 sex with her.²¹⁶

18
19 ²⁰⁵ *Ibid.*

20 ²⁰⁶ *Ibid.*

21 ²⁰⁷ *Ibid.*

22 ²⁰⁸ *Ibid.*

23 ²⁰⁹ *Ibid.*

24 ²¹⁰ *Ibid.*

25 ²¹¹ *Ibid.*

26 ²¹² *Ibid.*

27 ²¹³ *Ibid.*

28 ²¹⁴ App. at p. 38.

²¹⁵ *Ibid.*

²¹⁶ *Ibid.*

1 Based on its investigation, the CIU concluded that Fuller did not commit the crimes from the
2 Charley Brown’s Incident that he was convicted of, and, in fact, was able to determine the identity of the
3 actual fourth perpetrator, Turner. The parties – counsel for Fuller and the Los Angeles District
4 Attorney’s Office – jointly petitioned for a finding that Fuller was factually innocent of this crime, which
5 was granted on September 24, 2024.²¹⁷

6 **IV. Determination of Issues**

7 Penal Code section 4900 allows a person, who has been erroneously convicted and
8 imprisoned for a felony offense that they did not commit, to submit a claim for compensation to the
9 CalVCB. Specifically, subdivision (a) of section 4900 provides:

10 Any person who, having been convicted of any crime against the state amounting to a
11 felony and imprisoned in the state prison or incarcerated in county jail pursuant to
12 subdivision (h) of Section 1170 for that conviction, is granted a pardon by the Governor
13 for the reason that the crime with which they were charged was either not committed at
14 all or, if committed, was not committed by the person, or who, being innocent of the
15 crime with which they were charged for either of those reasons, shall have served the
16 term or any part thereof for which they were imprisoned in state prison or incarcerated in
17 county jail, may, under the conditions provided under this chapter, present a claim
18 against the state to the California Victim Compensation Board for the injury sustained by
19 the person through the erroneous conviction and imprisonment or incarceration.²¹⁸

20 To prevail on a claim under Penal Code section 4900, claimants typically bear the burden of
21 proving, by a preponderance of the evidence, that the crime with which they were convicted either did
22 not occur or was not committed by them and that they suffered an injury as a result of their erroneous
23 conviction.²¹⁹ However, if the claimant has already established their innocence by obtaining a finding of
24 factual innocence under Penal Code section 1485.55 or 851.86, the claimant only bears the burden of
25 establishing their injury.

26 Under Penal Code section 1485.55, subdivision (b), “if the court has granted a writ of habeas
27 corpus or vacated a judgment pursuant to Section 1473.6 or paragraph (2) of subdivision (a) of Section
28 1473.7, the person may move for a finding of factual innocence by a preponderance of the evidence

26 ²¹⁷ App. at pp. 9-11, 47-48.

27 ²¹⁸ Pen. Code, § 4900, subd. (a); see also Pen. Code, § 1170, subd. (h) (allowing prison term for
specified felony convictions to be served in local county jail instead of state prison).

28 ²¹⁹ Pen. Code, §§ 4900, subd. (a); 4903, subd. (a).

1 that the crime with which they were charged was either not committed at all or, if committed, was not
2 committed by the petitioner.” Penal Code section 851.86 further provides that when a “conviction is set
3 aside based upon a determination that the person was factually innocent of the charge, the judge shall
4 order that the records in the case be sealed, including any record of arrest or detention[.]” A finding of
5 factual innocence made under either provision “shall be binding” on the CalVCB “for a claim presented
6 ... pursuant to Penal Code section 4900,” and “[u]pon application” the CalVCB “shall, without a
7 hearing, approve payment to the claimant pursuant to Penal Code section 4904.”²²⁰

8 However, even when the claimant has been found factually innocent, the CalVCB remains
9 statutorily obligated to determine the extent of the injury caused by the erroneous conviction and may
10 request additional documents and arguments from the parties as needed to complete this
11 calculation.²²¹ In this context, injury means that, but for the erroneous conviction, the claimant would
12 have been free from custody.²²² Upon the requisite showing of innocence and injury, the CalVCB “shall
13 approve payment for the purpose of indemnifying the claimant for the injury if sufficient funds are
14 available, upon appropriation by the Legislature.”²²³ The “amount of the payment shall be a sum
15 equivalent to one hundred forty dollars (\$140) per day of incarceration served, and shall include any
16 time spent in custody, including in a county jail, that is considered to be part of the term of
17 incarceration[.]” for the erroneous conviction.²²⁴

18 **A. Innocence**

19 Pursuant to Penal Code section 1485.55, the CalVCB unequivocally accepts that Fuller is
20 factually innocent of all crimes related to the Charley Brown’s Incident (counts 3-12) in Los Angeles
21 County Superior Court case number A531924. As determined by the superior court and consistent with
22 the parties’ joint motion for a finding of factual innocence, a preponderance of the evidence establishes
23 Fuller was innocent of the charged offenses. The newly discovered evidence of third-party culpability

24
25 ²²⁰ Pen. Code, §§ 851.86, 851.865, and 1485.55, subds. (b)-(c).

26 ²²¹ Pen. Code, §4904, subd. (a).

27 ²²² Cal. Code Regs., tit. 2, § 640, subd. (f).

28 ²²³ Pen. Code, § 4904.

²²⁴ Pen. Code, § 4904, subd. (a); Cal. Code Regs., tit. 2, § 640, subd. (f).

1 confirms that Fuller was not present on the night of the Charley Brown's Incident and, more
2 significantly, establishes that Turner, not Fuller, was the fourth perpetrator. Multiple statements by
3 three of the actual perpetrators, Dixson, Alexander, and Bradley also confirm Fuller was not present
4 when the crime occurred, and that Turner was in fact the fourth perpetrator. Turner's own statements
5 to the PA, coupled with his admissions to CIU, establish that Fuller is innocent of the Charley Brown's
6 Incident, and that Turner was the actual perpetrator. His admissions were corroborated by Attorney
7 Wyatt's statements made in 1985, Bradley's 1986 declaration, Dixson and Alexander's 2012
8 declarations, and repeated statements made by Dixson and Alexander to the parole board.
9 Significantly, Turner's release from federal custody is projected to be in 2027, which only further lends
10 credibility to his admissions, as it exposes him to additional charges and custody time.²²⁵ Accordingly,
11 the administrative record amply demonstrates Fuller was innocent of the charged offenses and,
12 therefore, was erroneously convicted of this crime for purposes of compensation under Penal Code
13 section 4900.

14 **B. Injury**

15 Penal Code sections 4900 et seq. authorize compensation "for the purpose of indemnifying the
16 claimant for the injury" sustained "through their erroneous conviction and imprisonment...."²²⁶ The term
17 "injury" refers to "whatever harm is suffered by a person who is wrongly imprisoned...."²²⁷ Injury "may
18 be established by showing that, but for the erroneous conviction, the claimant would not have been in
19 custody."²²⁸ Upon such a showing, Penal Code section 4904 authorizes compensation in the amount
20 of "one hundred forty dollars (\$140) per day of incarceration served and shall include any time spent in
21 custody, including a county jail, that is considered to be part of the term of incarceration."²²⁹

22 In this claim, the CalVCB agrees with the parties that Fuller's injury includes the 12,338 days
23 he was imprisoned solely for his erroneous convictions in Los Angeles County Superior Court case

24
25 ²²⁵ App. at p. 40.

26 ²²⁶ Pen. Code, § 4904.

27 ²²⁷ Senate Floor Analysis of Sen. Bill No. 635 (2015-2016), as amended Sept. 3, 2015, at pp. 4-5.

28 ²²⁸ Cal. Code of Regs., tit. 2, § 640, subd. (f).

²²⁹ Pen. Code, § 4904.

1 number A530972. This includes the date of his arrest on April 20, 1985, through the date of his release
2 on September 29, 2024 (e.g., 14,772 days) less the 6 years and 8 months (e.g., 2,434 days) Fuller
3 was imprisoned for his still valid and unchallenged robbery convictions (counts 1, 2, and 13). Given the
4 statutory rate of \$140 per day, the CalVCB also agrees with the parties' calculation that Fuller is
5 entitled to indemnification for his erroneous convictions in the amount of \$1,727,320 if sufficient funds
6 are available upon appropriation by the Legislature.²³⁰

7 **V. Conclusion**

8 As mandated by Penal Code section 1485.55, subdivision (b), the undersigned hearing officer
9 recommends CalVCB approve payment to Fuller in the amount of \$1,727,320 as indemnification for
10 the injury he sustained through the 12,338 days he was imprisoned solely for his erroneous
11 convictions in Los Angeles County Superior Court case number A531924, if sufficient funds are
12 available upon appropriation by the Legislature.

13
14 Date: February 18, 2025

Kristen Sellers

15 Kristen L. Sellers
16 Hearing Officer
17 California Victim Compensation Board
18
19
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23
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26

27 _____
28 ²³⁰ Pen. Code, § 4904, subd. (a).