BEFORE THE VICTIM COMPENSATION BOARD

OF THE STATE OF CALIFORNIA

In the Matter of:	**Proposed Decision**
Samuel Jackson	**Penal Code § 4900, subd. (a)**
Claim No. 25-ECO-02	

I. Introduction

On January 6, 2025, Samuel Jackson (Jackson) submitted a claim to the California Victim Compensation Board (CalVCB) seeking compensation as an erroneously convicted person under Penal Code section 4900, which was supplemented on March 4, 2025, and July 29, 2025. The claim is based upon Jackson's 2002 conviction for a lewd and lascivious act with a child under 14 years of age by use of force or fear of bodily injury (Pen. Code, § 288, subd. (b)(1)) for which he was sentenced to 17 years in state prison. The conviction remains intact and has not been reversed. Jackson, who represents himself, seeks compensation in the amount of $718,340.

The Attorney General, represented by Deputy Attorney General Jesica Y. Gonzalez, declined to oppose the claim on June 8, 2026. The Attorney General acknowledged that Jackson was incarcerated for 5,282 days for the challenged conviction and would therefore be entitled to $739,480, should his claim be allowed.

The claim was assigned to CalVCB Senior Attorney Keri Klein. On September 8, 2026, Jackson expressly waived a hearing on the claim. Instead, he submitted a reply brief to the Attorney General's declination on September 15, 2026. The record closed thereafter.

After careful consideration, the hearing officer finds that Jackson has demonstrated by a preponderance of the evidence that he is more likely innocent than guilty of the charged offense. Pursuant to Penal Code section 4904, it is therefore recommended that the Legislature appropriate

$739,480 as payment to Jackson for the demonstrated injury he sustained by having been wrongfully imprisoned for 5,282 days as a result of his erroneous conviction.

II. Procedural Background

A. Trial Proceedings

Jackson was arrested on November 8, 2001, and charged in Kern County Superior Court case number SC083323A with one count of committing a lewd and lascivious act with a child under 14 years of age by use of force or fear of bodily injury (Pen. Code, § 288, subd. (b)(1)) and a second count of committing a lewd and lascivious act with a child under 14 years of age (Pen. Code, § 288, subd. (a)). Both counts alleged enhancements related to Jackson's prior conviction from 1994, which was also for committing a lewd and lascivious act with a child under 14 years of age (Pen. Code, § 288, subd. (a)).[1] The lesser, second count was subsequently dismissed on January 28, 2002, in furtherance of justice.[2]

Trial commenced on January 28, 2002, on the remaining count for committing a forcible lewd act with a child.[3] On February 1, 2002, after two days of deliberations, the jury indicated they were hopelessly deadlocked.[4] The court declared a mistrial.[5] Approximately six weeks later, a retrial began.[6] On March 14, 2002, Jackson was convicted, and the prior conviction enhancements were found true.[7] Thereafter, on April 11, 2002, Jackson was sentenced to a term of 17 years in state prison.[8]

Jackson remained incarcerated until April 25, 2016, when he was released on parole after having been imprisoned for over 14 years. By then, he had served 5,282 days in prison solely as a

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[1] Attorney General Response Letter (AGRL), Ex. 7, at pp. 674-676; Ex. 12, at p. 978.

[2] AGRL, Ex. 7, at p. 691.

[3] AGRL, Ex. 1, at pp. 2, 7.

[4] AGRL, Ex. 2, at pp. 252-255.

[5] AGRL, Ex. 2, at p. 255.

[6] AGRL, Ex. 4, at p. 269.

[7] AGRL, Ex. 6, at pp. 613-618.

[8] AGRL, Ex. 6, at pp. 629-633.

result of his conviction for committing a forcible lewd act with a child.[9] His parole terminated on April 26, 2021.

B. Appellate Proceedings

Meanwhile, Jackson appealed his conviction in case number SC083323A to the California Court of Appeal, Fifth Appellate District. He alleged, inter alia, the trial court erred by finding that the prosecution's use of peremptory challenges to remove five female jurors was not gender-biased and that the use of propensity evidence pursuant to Evidence Code section 1108 violated due process. On January 14, 2004, the court ruled against Jackson and unanimously affirmed his conviction.[10]

C. Post-Conviction Proceedings

In subsequent years, Jackson filed four petitions for writ of habeas corpus in the Court of Appeal, Fifth Appellate District, all of which were denied.[11] In addition, Jackson filed two petitions in the Kern County Superior Court pursuant to Penal Code section 1473.7 based upon the discovery of new evidence, i.e., a notarized declaration from the victim insisting that he never engaged in the conduct that led to his conviction.[12] Jackson told the court that he had been attempting to secure legal assistance but had been unsuccessful.[13] Rather than appoint counsel to assist Jackson in curing any deficiencies or request an informal response from the District Attorney, the court simply denied the first petition due to Jackson's failure to appear on February 6, 2024, and then denied the second petition on March 6, 2024, based on the previous denial and told Jackson to appeal its decision.[14] Jackson did

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[9] AGRL at p. 1.

[10] See *People v. Jackson,* Court of Appeal, Fifth Appellate District, case number F040398, opinion filed Jan. 14, 2004, available online at 2004 WL 65150; Cal. Code Regs., tit. 2, §§ 640 (admissible evidence), and 617.8 (official notice).

[11] See docket for *In re Samuel Derek Jackson on Habeas Corpus*, Court of Appeal, Fifth Appellate District, case numbers F048635, F049502, F052455 and F088339, available online at https://appellatecases.courtinfo.ca.gov/; Cal. Code Regs., tit. 2, §§ 640 (admissible evidence), and 617.8 (official notice).

[12] Penal Code section 1473.7, subdivision (a)(2), was added in 2017 and allows a person who is no longer in custody to vacate a conviction on the basis of newly discovered evidence of actual innocence in the interests of justice.

[13] AGRL, Ex. 9, at p. 958.

[14] AGRL, Ex. 9, at pp. 958-960

so, and the Court of Appeal denied his writ on July 25, 2024, indicating he had failed to exhaust other legal remedies.[15]

D. CalVCB Proceedings

On January 6, 2025, CalVCB received Jackson's claim seeking compensation as an erroneously convicted person under Penal Code Section 4900.[16] The claim challenged his conviction for committing a forcible lewd act on a child. It requested compensation in the amount of "$718,340 approx" for 5,130 days of imprisonment.[17]

By letter dated January 29, 2025, a CalVCB hearing officer notified Jackson that his claim appeared deficient as it failed to provide supporting documentation, a statement of injury, and a statement of innocence.[18] The letter allowed Jackson 30 days to cure the deficiencies.

Jackson responded on March 1, 2025, which was received by CalVCB on March 4, 2025. The email included 55 pages of documentation, including partial transcripts, sex offender registry forms, and documentation related to his denied motion to vacate his conviction pursuant to Penal Code section 1473.7.[19]

On June 5, 2025, the hearing officer requested additional information from Jackson, including the abstract of judgment, documentation confirming the date of his release from custody, and a complete statement of injury.[20] On June 23, 2025, Jackson requested an extension of time to obtain additional documentation, which was granted.[21] On July 29, 2025, Jackson timely submitted an

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[15] See docket for *In re Samuel Derek Jackson on Habeas Corpus*, Court of Appeal, Fifth Appellate District, case number F088339, available online at https://appellatecases.courtinfo.ca.gov/; Cal. Code Regs., tit. 2, §§ 640 (admissible evidence), and 617.8 (official notice).

[16] Claimant's Application (APP), at p. 1.

[17] APP at p. 4.

[18] The letter was sent by then-CalVCB Senior Attorney Kristen Sellers, who was initially assigned to review this claim. Following her unavailability, the claim was reassigned to Supervising Attorney Laura Simpton. On June 10, 2026, it was reassigned again to CalVCB Senior Attorney Keri Klein. (Cal. Code Regs., tit. 2, § 615.10 (Assignment of Hearing Officer).)

[19] Claimant's Supplement, at pp. 1-55, received via email sent March 1, 2025.

[20] CalVCB Request for additional documentation, dated June 5, 2025.

[21] CalVCB Extension of Time, dated June 23, 2025.

additional 14 pages of documentation, including an abstract of judgment, court minutes, parole case records, and a complete statement of injury.

On August 13, 2025, the hearing officer deemed the claim filed and requested a response from the Attorney General within 60 days. Following four extensions of time for demonstrated good cause, the Attorney General timely submitted a response on June 8, 2026, along with 12 exhibits spanning 991 pages. The Attorney General expressly declined to object to Jackson's claim, finding "no basis to object to an award of compensation." The Attorney General conceded that Jackson was incarcerated for 5,282 days solely as a result of his challenged conviction and thus "is entitled to $739,480 in compensation at the rate of $140 per day of incarceration."[22]

On June 8, 2026, the hearing officer confirmed receipt of the Attorney General's declination and asked the Attorney General to clarify whether the underlying conviction had been vacated or reversed on any grounds.[23] The Attorney General responded the same day, clarifying that Jackson's conviction remained undisturbed and legally valid.[24] On June 10, 2026, the hearing officer asked the parties to meet and confer to determine whether Jackson wished to proceed with a hearing, and if so, the preferred timeframe and means of appearance. The hearing officer noted the Attorney General's declination was not binding on CalVCB and a hearing likely could not be set before October 2026. The hearing officer explained the parties' optional pre-hearing briefs would be due approximately one month before the hearing and the mandatory pre-hearing statements identifying all witnesses to be presented at the hearing would be due approximately two weeks before the hearing.[25]

On June 17, 2026, the Attorney General notified CalVCB that Jackson wished to have a hearing and would appear in person while the Attorney General would appear remotely via Zoom.[26] On June 23, 2026, the hearing officer notified the parties of potential hearing dates and asked that they

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[22] AGRL at p. 1.

[23] CalVCB AG Clarification Request, dated June 8, 2025.

[24] Attorney General email response to Clarification Request, dated June 8, 2025.

[25] CalVCB email to parties, sent June 10, 2026, with courtesy hardcopy sent by regular mail to Jackson; see also Cal. Code Regs., tit. 2, § 643, subds. (a) & (b).

[26] Attorney General email to CalVCB, dated June 17, 2026.

identify their preference as well as the anticipated duration.[27] On June 26, 2026, the Attorney General informed CalVCB the date of October 22, 2026, was the preferred hearing date for both parties.[28] On June 30, 2026, the hearing officer scheduled the hearing in accordance with the parties' request.

However, on August 3, 2026, the Attorney General submitted supplemental evidence in support of Jackson's claim. It included a videotaped interview of the alleged victim's recantation on April 15, 2026, as well as an investigation report concerning that interview dated April 22, 2026. The Attorney General queried whether a hearing was necessary given this new evidence.

On September 4, 2026, the Attorney General advised CalVCB that Jackson indicated he would like to waive the hearing.[29] On September 8, 2026, CalVCB asked Jackson to confirm.[30] That same day, Jackson expressly confirmed he agreed to waive the hearing.[31] Consequently, on September 9, 2026, CalVCB vacated the hearing, confirmed the claim would proceed on the written record, and allowed Jackson 30 days to file a reply to the Attorney General's response. On September 15, 2026, Jackson timely submitted an email entitled "Supplemental Brief In Support of Claim Eligibility," which he confirmed was his reply brief. The record closed thereafter.[32]

III. Factual Summary

A. 1994 Unrelated Prior Conviction

In 1994, Jackson was convicted by guilty plea of a violation of Penal Code section 288, subdivision (a), for committing a lewd and lascivious act on a child under 14 years of age.[33] Jackson admitted he engaged in oral intercourse with his then wife's daughter, Shirita,[34] who was approximately

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[27] CalVCB email to parties, sent June 23, 2026.

[28] Attorney General email to CalVCB, dated June 26, 2026.

[29] Attorney General email to CalVCB, dated September 4, 2026.

[30] CalVCB email to parties, dated September 8, 2026.

[31] Jackson email to parties, dated September 8, 2026.

[32] Jackson email to the parties dated September 15, 2026; CalVCB email to the parties closing the record, dated September 15, 2026.

[33] AGRL, Ex. 12, at p. 979.

[34] In an effort to protect their privacy, the victim and civilian witnesses are referred to by their first names only.

8 years old.[35] At the time, he and his wife were abusing drugs.[36] He had discovered his wife was engaging in extramarital affairs, including one that caused a sexually transmitted infection.[37] As a result of the infection, his child was born blind.[38] Jackson admitted he was at "the low part of his life…"[39] Shirita reported the incident when she moved to Texas to be with her grandmother about a year later.[40] When Jackson was approached about engaging in inappropriate conduct with Shirita, he voluntarily went to the police station and gave an inculpatory statement admitting the conduct and supplying additional details of which the police were unaware.[41] Jackson expressed remorse for his actions.[42] Following his plea, Jackson received a grant of probation, which he successfully completed.[43]

During her testimony at Jackson's trials in 2002,[44] Shirita's description of the events of the lewd act were specific and detailed. She remembered what show was playing on the television and what she was wearing. She also provided a detailed description of what happened during the lewd act, including what was said and what was not said. Her description confirmed that the lewd act committed by Jackson was not forceful and did not include vaginal intercourse.

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[35] AGRL, Ex. 1, at pp. 86-88.

[36] AGRL, Ex. 1, at p. 89.

[37] AGRL, Ex. 1, at pp. 88-89.

[38] AGRL, Ex. 1, at p. 89.

[39] AGRL, Ex. 1, at pp. 88-89.

[40] AGRL, Ex. 1, at p. 78.

[41] AGRL, Ex. 1, at pp. 87-91.

[42] AGRL, Ex. 1, a p. 89.

[43] AGRL, Ex. 12, at p. 979.

[44] AGRL, Ex. 1, at pp. 68-81; Ex. 4, at pp. 402-416.

B. 2002 Conviction

1. Pre-Trial Negotiations

Prior to the commencement of the first trial, on November 26, 2001, Jackson was offered a plea agreement wherein he would have received a sentence of 12 years in state prison. He rejected the offer and maintained his innocence.[45]

2. First Trial

In or around 1994, Jackson met Charlesa and her young daughter Chandra while living in Bakersfield, California. At the time, Jackson was facing the charges involving Shirita.[46] According to Charlesa, approximately two days into their relationship, Jackson told her he was going to jail and why.[47] In late 1999, they lived together in a home in Bakersfield.[48] Jackson began having health problems that caused financial difficulties, and they were relying on Charlesa's income to support the household.[49]

In the summer of 1999, they decided to move their family to Sacramento because Charlesa had a few job offers there.[50] However, they began to have serious problems with their living arrangements and at different times, lived with relatives of Jackson, a roommate, and in a homeless shelter.[51] Shortly after Christmas of 2000, when they realized they were going to be unhoused, Charlesa decided to send Chandra to the home of Chandra's paternal grandparents in Bakersfield, despite the fact that they had shown little active interest in Chandra.[52] At that time, Chandra was 10

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[45] AGRL, Ex. 7, at pp. 650-651.

[46] AGRL, Ex. 1, at pp. 203-204.

[47] AGRL, Ex. 1, at p. 204.

[48] AGRL, Ex. 1, at p. 198.

[49] AGRL, Ex. 1, at p. 199.

[50] *Id*.

[51] AGRL, Ex. 1, at pp. 199-200.

[52] AGRL, Ex. 1, at pp. 200-202.

years old. It was anticipated Chandra would live with the grandparents for about six months while Charlesa and Jackson got back on their feet.[53]

In 2001, about a month before Charlesa anticipated picking up Chandra, she spoke to Chandra on the phone. Chandra began crying and whispered her grandparents were trying to make her say Jackson had touched her.[54] Charlesa immediately asked if he had, and Chandra responded "no."[55] Thereafter, Charlesa repeatedly tried to talk to Chandra on the phone, but either the grandparents listened in and disconnected the call when something was said they did not like, or they simply did not answer the phone.[56] The grandparents refused to permit Charlesa to have any unsupervised contact with Chandra.[57] They also refused to return Chandra to Charlesa.[58]

By the time of the first trial in 2002, Chandra was 11 years old and in the sixth grade. Accompanied by her grandmother,[59] Chandra testified she was living with her grandparents and her three minor uncles and had been doing so for about one year.[60] Prior to that, she lived with her mother Charlesa and Jackson. Chandra testified that, one day when she was eight or nine years old, she was home alone with Jackson.[61] He came into her bedroom around noon, where she was lying on her bed listening to the radio.[62] She turned off the radio.[63] Chandra claimed that Jackson pulled off her pants as soon as he walked into the room. While pulling off her pants and holding her down, Chandra asserted that Jackson also pulled down his own pants and had sex with her.[64] Chandra stated she was

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[53] AGRL, Ex. 1, at p. 201.

[54] AGRL, Ex. 1, at p. 202.

[55] *Id*.

[56] AGRL, Ex. 1, at pp. 205-206.

[57] *Id*.

[58] AGRL, Ex. 1, at p. 206.

[59] AGRL, Ex. 4, at p. 288.

[60] AGRL, Ex. 1, at p. 9.

[61] AGRL, Ex. 1, at pp. 10-11.

[62] AGRL, Ex. 1, at p. 12.

[63] AGRL, Ex. 1, at pp. 12-13.

[64] AGRL, Ex. 1, at pp. 13-15.

trying to get away and screaming while Jackson was holding her down with both of his hands on each of her arms near her elbows.[65] She claimed Jackson told her to "stay still" over and over.[66] According to Chandra, her back was on the bed with her legs dangling off the bed and Jackson was standing up, while holding her down on the bed by her arms, when he "started going at it."[67] Chandra defined "going at it" as "[h]aving sex," which she described as when a man "sticks his penis in her vagina."[68] She added that Jackson put his penis "[j]ust a little bit" inside her vagina, while moving his body "back and forth" for about a minute. She testified that it "kind of hurt" and she heard "a slurping sound" during the act.[69] Chandra stated that the phone rang in the living room, and Jackson finally stopped in order to answer it.[70]Jackson never told her not to tell anyone and only said "stay still" over and over.[71]

Chandra claimed that after the sex act ended, she went out the window and climbed a tree.[72] She stated she stayed in the tree until late at night.[73] She eventually came back inside, even though she knew her mom was not home from work yet and only Jackson was home.[74] She acknowledged that Jackson did not kiss her or touch any other part of her body during the alleged sex act.[75]

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[65] AGRL, Ex. 1, at pp. 13-14.

[66] AGRL, Ex. 1, at p. 14.

[67] AGRL, Ex. 1, at p. 15.

[68] AGRL, Ex. 1, at pp. 15-16.

[69] AGRL, Ex. 1, at pp. 16-17.

[70] AGRL, Ex. 1, at p. 17.

[71] AGRL, Ex. 1, at p. 18.

[72] *Id*.

[73] AGRL, Ex. 1, at pp. 18-19.

[74] AGRL, Ex. 1, at pp. 19-20.

[75] AGRL, Ex. 1, at pp. 20-21.

Chandra testified she did not tell her mom about this incident.[76] She indicated she simply did not want her mom to know and was not afraid to tell her mom.[77] Chandra did not want to come to court but did so "so that other girls wouldn't get hurt."[78]

Chandra also testified about another incident that happened one summer.[79] She stated she was in the swimming pool with Jackson and some other children when he picked her up out of the water, and it made her uncomfortable.[80] She got out of the pool and told her mother.[81]

Chandra testified about a third incident. She claimed one day when they were living in Sacramento, she was home sick.[82] She said Jackson kissed her on the cheek, and she told him to "quit it." Then the woman they were living with came into the room and started yelling at Jackson.[83]

According to her testimony, the first person Chandra told about the sex act was her grandfather, Darrell, sometime during the summer of 2001, just before the Fourth of July.[84] She told her grandfather after he had repeatedly questioned her about it.[85] The first time her grandfather asked her about it, she said nothing happened.[86] Her grandfather insisted, "Why won't you just tell me the truth?" and "I know what he did to you. Tell me the truth."[87] The questioning persisted for about six hours, starting an hour after she got home from school until late at night, approximately 4:00 p.m. until 10:00 p.m.[88] As soon as Chandra told her grandfather something happened between her and Jackson,

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[76] AGRL, Ex. 1, at p. 21.

[77] *Id*.

[78] AGRL, Ex. 1, at p. 22.

[79] AGRL, Ex. 1, at p. 24.

[80] AGRL, Ex. 1, at pp. 24-26.

[81] AGRL, Ex. 1, at p. 27.

[82] AGRL, Ex. 1, at pp. 28-29.

[83] AGRL, Ex. 1, at p. 29.

[84] AGRL, Ex. 1, at pp. 22, 47.

[85] AGRL, Ex. 1, at pp. 48-49.

[86] *Id*.

[87] AGRL, Ex. 1, at pp. 53-54, 64-65.

[88] AGRL, Ex. 1, at p. 53.

the questioning finally stopped.[89] Chandra respected her grandfather, and he was the disciplinarian in the household.[90] She also indicated her grandfather was impatient when questioning her and asked the same questions over and over the entire six hours.[91] She said it felt like "forever" and there were no breaks for snacks or a rest.[92] By the time the questioning ended, she was very tired.[93]

Chandra testified she wanted to live with her mom.[94] Her grandfather led her to believe that if she told him something happened with Jackson, she could live with her mother.[95] She also stated she would never have said anything if he had not questioned her for so long that evening.[96] Throughout her testimony during the first trial, Chandra looked uncomfortable, looked away from the jurors, and appeared to be unhappy and forced.[97]

Darrell, Chandra's paternal grandfather, also testified. His granddaughter Chandra lived in his home with his wife and their three minor children in Bakersfield.[98] Chandra came to live with them until Charlesa found a place to stay and a permanent job.[99] Darrell heard Jackson had "done something to some – another child," and he questioned Chandra to find out if anything had happened to her.[100] He believed something had happened to Chandra because Charlesa moved their family and did not tell

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[89] AGRL, Ex. 1, at pp. 53-54.
[90] AGRL, Ex. 1, at p. 54.
[91] AGRL, Ex. 1, at pp. 54-55.
[92] AGRL, Ex. 1, at pp. 55-56.
[93] AGRL, Ex. 1, at p. 56.
[94] AGRL, Ex. 1, at p. 59.
[95] AGRL, Ex. 1, at pp. 61-62.
[96] AGRL, Ex. 1, at p. 63.
[97] AGRL, Ex. 4, at p. 288.
[98] AGRL, Ex. 1, at pp. 131-132.
[99] AGRL, Ex. 1, at p. 132.
[100] AGRL, Ex. 1, at p. 134.

them where they were.[101] Darrell never found out where they went but thought it may have been Sacramento.[102]

Darrell began questioning Chandra in late spring, early summer.[103] When he first questioned Chandra, she said nothing had happened. It took hours before Chandra said something happened.[104] While she was saying nothing happened, Darrell told her he wanted to make sure no other younger children would be molested by Jackson.[105] Darrell stated to Chandra many times she needed to tell the truth and "God would help her through this."[106] He testified he had to "drag it out of her."[107] As soon as Chandra told Darrell something had happened with Jackson, Darrell stopped his questioning, gave her a hug and allowed her to go inside.[108] The only disclosure Chandra made to Darrell was, "he did do it."[109] Darrell made no further inquiry of Chandra to find out what she meant and what happened.[110] Once Chandra said something had happened, Darrell told her everything would be okay because she had told the truth, and he was proud of her because it took courage to admit something like that.[111] He admitted that he had no training in questioning children about child molestation, but indicated it did not matter because he "had a lot of wisdom" and had raised five boys.[112]

According to Darrell, he and his wife delayed reporting the incident because they believed Chandra might be removed from their care.[113] Instead, they went to their pastor first, and upon her

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[101] *Id*.

[102] AGRL, Ex. 1, at pp. 134-135.

[103] AGRL, Ex. 1, at p. 133.

[104] AGRL, Ex. 1, at p. 136.

[105] AGRL, Ex. 1, at pp. 136-137.

[106] AGRL, Ex. 1, at pp. 137-138.

[107] AGRL, Ex. 1, at pp. 146-147.

[108] AGRL, Ex. 1, at pp. 150-151.

[109] AGRL, Ex. 1, at p. 151.

[110] AGRL, Ex. 1, at pp. 151-152.

[111] AGRL, Ex. 1, at p. 152.

[112] AGRL, Ex. 1, at pp. 149-150.

[113] AGRL, Ex. 1, at pp. 152-154.

recommendation, they went to the Alliance Against Family Violence rather than contacting the police.[114]

Darrell testified he knew Chandra was "heartbroken" over not living with her mother, but he was doing what was necessary to protect her. Once Jackson was no longer living with Charlesa and Charlesa had steady employment and a stable home, Darrell was still not willing to return Chandra to Charlesa's care.[115]

Bakersfield Police Department Detective Herman briefly testified about a statement he claimed Jackson made while being transported from Alameda County to Kern County. Detective Herman stated that, upon being told about Chandra's accusation, Jackson said that Shirita, the 1994 victim, was his last victim, and then added she was his only victim.[116]

Shirita also testified at the trial about Jackson's prior lewd act, which occurred when she was eight or nine years old in third grade. At about 8:00 p.m., Jackson came into the room he shared with her mother, where Shirita was watching Roseanne on the television.[117] Her sisters and brother were also in the house.[118] Jackson told Shirita's siblings to go to bed, but she was allowed to stay up since she was older.[119] Jackson left the room and then returned a few minutes later.[120] He told Sharita she could come onto the bed and lie down next to him, and she did.[121] He took off her pajama pants and started feeling her breasts under her shirt.[122] Jackson was rubbing Sharita's legs, and then he took off her underpants.[123] He lifted up her shirt and began kissing her breasts. Then he began kissing and

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[114] AGRL, Ex. 1, at pp. 152-153.

[115] AGRL, Ex. 1, at pp. 139, 158.

[116] AGRL, Ex. 1, at pp. 163-164.

[117] AGRL, Ex. 1, at pp. 70-71.

[118] AGRL, Ex. 1, at p. 72.

[119] AGRL, Ex. 1, at pp. 72-73.

[120] AGRL, Ex. 1, at p. 73.

[121] AGRL, Ex. 1, at pp. 73-74.

[122] AGRL, Ex. 1, at p. 74.

[123] *Id*.

licking her vagina.[124] Jackson went back to her breasts. Finally, he put her shirt down, pulled her underpants and pajama pants up, and Sharita left the room.[125] Jackson remained in the room.[126]

Sharita also testified regarding a second incident that occurred within a week of the first incident. Sharita was laying on the couch at bedtime.[127] Jackson sat in front of the coffee table and started feeling her breasts through her pajama shirt.[128] It did not go on for long and Sharita did not tell him to stop; he just stopped.[129] Sharita remembered that she was wearing a t-shirt and sweatpants.[130] Jackson did not talk to her during the incident.[131] Nor did he tell her not to tell her mom.[132]

Sharita never told her mom. Sharita eventually told her grandmother in 1994 when she moved to Texas to live with her grandmother.[133]

Detective Coodey was the investigating officer of the 1994 incident with Sharita.[134] He testified when he contacted Jackson, Jackson voluntarily came into the police station and fully confessed.[135] He stated that, in fact, Jackson included details of which Detective Coodey was unaware, even without any promise of leniency.[136] Specifically, Jackson told Detective Coodey that, in 1993, he was having marital problems.[137] His wife was having extramarital affairs and got a sexually transmitted infection

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[124] *Id*.
[125] *Id*.
[126] AGRL, Ex. 1, at p. 75.
[127] *Id*.
[128] *Id*.
[129] AGRL, Ex. 1, at pp. 75-76.
[130] AGRL, Ex. 1, at p. 76.
[131] AGRL, Ex. 1, at pp. 76-77.
[132] AGRL, Ex. 1, at p. 77.
[133] AGRL, Ex. 1, at p. 78.
[134] AGRL, Ex. 1, at p. 83.
[135] AGRL, Ex. 1, at pp. 88-90.
[136] AGRL, Ex. 1, at pp. 89-90.
[137] AGRL, Ex. 1, at p. 85.

that caused their baby to be born blind.[138] They were using and selling drugs, and Jackson had become addicted.[139] Jackson confessed to lewdly touching Sharita and was apologetic.[140] He admitted that he was at the absolute bottom of his life when he molested Sharita.[141]

An expert in Child Sexual Abuse Accommodation Syndrome, Dr. Musacco, testified for the prosecution. He indicated children are taught to obey parental figures and may be afraid to tell that they have been molested because they have been threatened by the perpetrator.[142] Children can feel helpless because the parental figure has control over their life.[143] As a result, the child does not do anything because the emotional impact on the child includes a great deal of hopelessness.[144] The child can learn to accommodate the abuse.[145] Further, it is common for a child to delay reporting, to tell an incomplete story, and to then try to retract their report.[146] They retract because they realize that their report has caused their home to break up, they are no longer financially supported, and they are blamed for a loved one being incarcerated.[147]

Dr. Musacco agreed that a child's rationale for some action they take may not seem rational to an adult and that children react to pressures in their environment.[148] He further discussed children making a false accusation. He testified that a child may make a false accusation because they are attempting to please someone or because they are reacting to pressures in their environment.[149] Those pressures include pressure from an authority figure, physical discomfort, thirst, hunger, fatigue,

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[138] AGRL, Ex. 1, at p. 89.

[139] *Id*.

[140] *Id*.

[141] *Id*.

[142] AGRL, Ex. 1, at pp. 100-101.

[143] AGRL, Ex. 1, at pp. 101-102.

[144] *Id*.

[145] AGRL, Ex. 1, at p. 102.

[146] AGRL, Ex. 1, at pp. 103-104.

[147] AGRL, Ex. 1, at p. 105.

[148] AGRL, Ex. 1, at pp. 115-116.

[149] AGRL, Ex. 1, at pp. 116-117.

and implied threats or promises.[150] Dr. Musacco agreed that one of the strongest threats or promises that could be made to a child would be being united with their mother.[151] Dr. Musacco agreed that a false accusation could arise when a child is being pressured by an authority figure over a long period of time, when they were in physical discomfort, including hunger and fatigue, and there are implied promises that making the accusation will result in them being reunited with their mother.[152] In addition, multiple interrogations of the child could result in a false accusation.[153] In addition, a false accusation is most commonly seen in a child custody situation.[154] He further agreed the child will maintain the false accusation due to pressure from an authority figure.[155]

Last to testify was Dr. Digges, a pediatric specialist in child abuse.[156] He evaluated Chandra and found no evidence of a penetrating injury to her hymen.[157]

After hours of deliberations over two days, the jury could not reach a verdict, and a mistrial was declared on February 1, 2002.[158] The jury split was eight for not guilty and four for guilty.[159]

3. Interim Plea Negotiations

On March 1, 2002, Jackson was offered a plea agreement in which he would receive a sentence of six years in state prison.[160] Otherwise, his exposure was up to 21 years in state prison.[161] Jackson rejected the offer, maintained his innocence, and the case was confirmed for another trial.[162]

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[150] AGRL, Ex. 1, at pp. 117-118.
[151] AGRL, Ex. 1, at p. 118.
[152] AGRL, Ex. 1, at pp. 118-119.
[153] AGRL, Ex. 1, at p. 119.
[154] AGRL, Ex. 1, at pp. 127-128.
[155] AGRL, Ex. 1, at p. 128.
[156] AGRL, Ex. 1, at p. 171.
[157] AGRL, Ex. 1, at pp. 175-176.
[158] AGRL, Ex. 2, at pp. 251-255.
[159] AGRL, Ex. 2, at p. 256.
[160] AGRL, Ex. 3, at p. 266.
[161] *Id*.
[162] *Id*.

4. Second Trial

The second trial began on March 11, 2002, just over a month after the first trial ended in a mistrial.[163] Many of the same witnesses testified. There were some notable differences and similarities with the testimony from the first trial, as detailed below. As in the first trial, Jackson's prior offense with Sharita was admitted as propensity evidence pursuant to Evidence Code section 1108, despite the court's acknowledgement that it was not similar to the current charge involving Chandra.[164]

Chandra, who was still 11 years old and in sixth grade, testified in the second trial. Her testimony was generally the same about much of the alleged sex act that occurred two or three years earlier. But in the first trial, she claimed the incident happened around noon,[165] whereas in the second trial, she placed the time later in the afternoon.[166] Furthermore, in the second trial, unlike the first trial, she described that Jackson "started going at it" but was unable to explain what that phrase meant until prompted by the prosecutor.[167] She again described climbing into a tree after the offense and remaining there for hours before going back inside the home.[168] However, in the second trial, she stated that she went inside because she thought her mom would be home,[169] but in the first trial, she admitted that she knew her mom would not be home when she went back inside.[170]

Chandra also testified about the pool incident. While in the first trial, she stated the incident occurred in the summertime and made her so uncomfortable that she left the pool and went inside to

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[163] AGRL, Ex. 4, at p. 269.

[164] Evid. Code § 1108, subd. (a) ("In a criminal action in which the defendant is accused of a sexual offense, evidence of the defendant's commission of another sexual offense or offenses is not made inadmissible by Section 1101, if the evidence is not inadmissible pursuant to Section 352").

[165] AGRL, Ex. 1, at p. 12.

[166] AGRL, Ex. 4, at p. 318.

[167] AGRL, Ex. 4., at pp. 307, 310.

[168] AGRL, Ex. 4, at pp. 314-320.

[169] AGRL, Ex. 4, at p. 320.

[170] AGRL, Ex. 1, at pp. 19-20.

tell her mother what happened,[171] in the second trial, she did not remember being uncomfortable about it, did not know why she told her mother, and could not even state it happened in summertime.[172]

As in the first trial, Chandra admitted that she did not tell anyone Jackson had touched her until she told her grandfather.[173] She added that she only told him after he questioned her about it every day for months.[174] She insisted that she told him details about the sex act and climbing a tree afterwards.[175] By comparison, her grandfather testified during the first trial that the only detail Chandra disclosed to him was that Jackson "did do it."[176] Once again Chandra consistently described hours of questioning by her grandfather.[177] This time, she indicated her grandfather told her if she said Jackson did something to her, "things will be a lot better and he needs to get away from your mother" and it would help her get returned to her mother's custody.[178]

Chandra testified that she had very little contact with her mother after moving to Bakersfield to live with her grandparents.[179] She also indicated after telling her grandfather what Jackson had done, she told her mother.[180] Her mother never asked her for any details about what happened.[181] Throughout the second trial, Chandra had problems remembering what she had just testified about and what she had testified about in the first trial, mere weeks earlier.[182]

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[171] AGRL, Ex. 1, at pp. 25-27.

[172] AGRL, Ex. 4, at pp. 324-326.

[173] AGRL, Ex. 4, at pp. 332-333.

[174] AGRL, Ex. 4, at p. 337.

[175] AGRL, Ex. 4, at pp. 337-338.

[176] AGRL, Ex. 1, at p. 151.

[177] AGRL, Ex. 4, at p. 370.

[178] AGRL, Ex. 4, at p. 371.

[179] AGRL, Ex. 4, at pp. 391-394.

[180] AGRL, Ex. 4, at p. 395.

[181] AGRL, Ex. 4, at pp. 395-396.

[182] AGRL, Ex. 4, at pp. 309-310, 324-326, 333, 335-336, 339-340, 351-352, 353-354, 355-357, 358, 366-368, 370, 385, 388-389, 394-395, 396-399, 400-401.

As in the first trial, Chandra's reluctance to respond to questions and her answers thereto make it appear that she was uncomfortable, unhappy and forced to be there.

Shirita, Dr. Musacco, Dr. Digges and Detective Herman testified. The testimony each provided was consistent with their testimony in the first trial.[183]

Chandra's grandfather Darrell did not testify in the second trial. Instead, his wife Cynthia, who was also the step-mother of Chandra's father, testified. She stated Chandra came to live with their family in order for Charlesa to get her life together. They all initially agreed Chandra would live with her grandparents from February to August of 2001.[184] Chandra remained thereafter, even though Charlesa had repeatedly requested that Cynthia and Darrell return Chandra to her.[185]

Contrary to Chandra's testimony, Cynthia insisted that Chandra told her what happened with Jackson the same day her husband Darrell obtained the information from Chandra in May of 2001.[186] Cynthia added that, in June of 2001, she told Charlesa about the accusation by Chandra.[187] Approximately two days later, Cynthia supposedly saw Charlesa in Bakersfield.[188] Cynthia indicated when Chandra came to live with her family, it was her intention for Chandra to return to Charlesa's custody as soon as Charlesa was ready.[189] She had not filed any paperwork with the court to obtain custody of Chandra.[190] She was supposedly unaware of a pending custody dispute regarding Chandra between Chandra's mother and father.[191]

Cynthia claimed Chandra's maternal great-grandmother repeatedly asked her not to allow Chandra to return to the home of Charlesa and Jackson. The great-grandmother claimed Jackson

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[183] AGRL, Ex. 4, at pp. 402-473; Ex. 5, at pp. 476-489.

[184] AGRL, Ex. 5, at pp. 490-491.

[185] AGRL, Ex. 5, at pp. 491-493.

[186] AGRL, Ex. 5, at pp. 494-495.

[187] AGRL, Ex. 5, at pp. 495-496.

[188] AGRL, Ex. 5, at p. 497.

[189] AGRL, Ex. 5, at pp. 499-500.

[190] AGRL, Ex. 5, at p. 500.

[191] *Id*.

"hurt some little girls," and he raped a little girl.[192] The great-grandmother was Charlesa's grandmother.[193] Based upon this information, Cynthia began questioning Chandra. Chandra repeatedly told her no one had ever mistreated her or put their hands on her in a way they should not have.[194] Sometimes Cynthia and her husband would question Chandra together about this.[195] Chandra continued to state nothing had happened.[196]

Chandra's grandfather Darrell, Chandra's mother Charlesa, and Detective Coodey did not testify in the second trial.

On March 14, 2002, the jury returned a verdict unanimously finding Jackson guilty beyond a reasonable doubt of forcibly committing a lewd and lascivious act upon Chandra in violation of Penal Code section 288, subdivision (b)(1).[197]

5. Probation Report

On March 27, 2002, Jackson was interviewed by a probation officer for a sentencing recommendation.[198] Jackson asserted his innocence and his intention to appeal the jury verdict.[199] Attempts were made to obtain a victim impact statement from Chandra with no success.[200] On April 11, 2002, Jackson was sentenced to 17 years in state prison.[201]

C. CalVCB Evidence

In this administrative proceeding, Jackson presented various documents in an effort to demonstrate his innocence by a preponderance of the evidence. Notably absent is any live testimony

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[192] AGRL, Ex. 5, at pp. 501-502, 506.

[193] AGRL, Ex. 5, at p. 502.

[194] AGRL, Ex. 5, at p. 503.

[195] *Id*.

[196] AGRL, Ex. 5, at p. 504.

[197] AGRL, Ex. 5, at pp. 617-618.

[198] AGRL, Ex. 12, at p. 983.

[199] *Id*.

[200] AGRL, Ex. 12, at pp. 983-984.

[201] AGRL, Ex. 6, at pp 623-633.

from Jackson. Nonetheless, the evidence also includes the Attorney General's submission of the victim's recent and recorded recantation.

1. Jackson's Initial Claim

In his claim form, Jackson declared under penalty of perjury that he was innocent of his conviction for violating Penal Code section 288, subdivision (b)(1). He attributed his conviction to the actions of Chandra's grandparents, Darrell and Cynthia, to use as leverage in the custody dispute.[202] He pointed out that, in his first trial, the jury hung with a split of eight to four for acquittal. He claimed, without documentary support, that the judge allegedly suggested the prosecution not retry the case due to the lack of physical evidence of molestation, as well as the signs that the grandparents had exerted duress on Chandra.[203]

Jackson included the verdict form from the first trial and a report from Dr. Digges that states there was no physical evidence of sexual molestation.[204] He also included a copy of an Order to Show Cause directed at Charlesa by Chandra's father, which was filed shortly after Darrell and Cynthia reported the molestation to the Alliance Against Family Violence center.[205] Jackson submitted various court documents memorializing his unsuccessful attempts to vacate his conviction.[206] Most importantly, Jackson submitted a notarized statement from Chandra that states, "I Chandra [ ][207] swear that the charges brought against Samuel D. Jackson involving me as a victim are false. I write this statement of sound mind."[208]

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[202] APP, at p. 6.

[203] APP, at p. 6.

[204] APP, at p. 9.

[205] APP, at p. 10.

[206] APP, at pp. 14-18.

[207] To preserve her anonymity, only her first name is used here.

[208] APP, at p. 11.

2. Jackson's Response to Deficiency Letter

Jackson responded to the letter of deficiency by attaching various portions of the transcripts from the two trials.[209] He also included various court documents, some of which he had already provided with his application.[210] He again provided both the report from Dr. Digges and the statement from Chandra.[211] He also submitted pages from his sex offender registration, a disbarment from Stephen F. Austin University, and an offer of employment from Penske.[212] Moreover, he provided a memorandum regarding an interview of Chandra that took place in 2002.[213] Last, he provided a complete statement of innocence declaring that he did not commit the offense with which he was charged, and the crime did not occur.[214] Jackson recounted that, when he and Charlesa were ready to get Chandra back from Darrell and Cynthia in 2001, Chandra indicated her grandparents were trying to get her to say Jackson touched her. When he returned the call to Darrell, Darrell kept on saying "I know what you did."[215]

3. Jackson Response to Request for Additional Information

In response to the CalVCB request for additional information, Jackson provided sentencing minutes from the superior court, his complete abstract of judgment, his parole supervision history, and his external movement history from the California Department of Corrections and Rehabilitation.[216] He also provided an additional "Personal Injury/Prayer for relief" and a notarized document requesting collateral review of his conviction.[217]

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[209] Claimant's Supplemental Response (SUPP), at pp. 1, 6, 12, 15, 22-23, 25-45.

[210] SUPP, at pp. 2, 3, 9-11, 16-20, 24, 49.

[211] SUPP, at pp. 13, 46-47.

[212] SUPP, at pp. 4, 5, 7, 8,

[213] SUPP, at p, 21.

[214] SUPP, at p. 51.

[215] SUPP, at pp. 51-52.

[216] Claimant's Additional Information (ADD), at pp. 1-4, 7-10.

[217] ADD, at pp. 5-6, 11-12. It is important to note that CalVCB is an administrative body that has no authority to address the validity of Jackson's underlying conviction. Only the courts may do so.

4. Attorney General's Response Letter and Exhibits

On June 8, 2026, the Attorney General submitted a response letter that states in pertinent part, "the Attorney General's Office reviewed the claim and concluded there is no basis to object to an award of compensation."[218] The Attorney General indicated Jackson was incarcerated for 5,282 days and was therefore entitled to $739,480. As exhibits, the Attorney General submitted the transcripts from both trials, the verdicts from both trials, the sentencing transcript, the clerk's transcript, Jackson's criminal history, Jackson's "C" file from prison, and the probation report. In addition, the Attorney General submitted the reporter's transcript from the hearings on Jackson's petitions to vacate his convictions pursuant to Penal Code section 1473.7, subdivision (a)(2).[219]

5. Attorney General's Supplemental Response Letter and Exhibits

On August 3, 2026, the Attorney General submitted a supplemental response letter with two exhibits. The exhibits were a videotaped interview of Chandra that took place on April 15, 2026, and an interview report authored by a Special Agent from the Department of Justice of the April 15, 2026, interview. The interview was 28 minutes long, and Chandra was questioned by two special agents from the Department of Justice Violent Crime Major Offender program and a Deputy Attorney General. In that interview, Chandra repeatedly and emphatically exonerates Jackson and indicates that her childhood statements and testimony were the result of manipulation and coercion by her paternal grandparents. She answered all questions put to her and was consistent throughout the interview. In addition, her statements in the interview are supported by evidence that was adduced at trial.

According to the interview of Chandra, she had not heard from Jackson until shortly before she wrote the notarized statement in 2023 indicating the charges against Jackson were false.[220] Other than that one conversation, they had not spoken to each other.[221] Jackson had called her unexpectedly and

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[218] AGRL, at p. 1.

[219] AGRL, Ex. 1-12.

[220] Video dated April 15, 2026 (Video) at 11:06-11:41.

[221] Video at 11:48-11:52.

said he was having a hard time finding a job.[222] He asked her if she would write a letter about what happened. She said nothing happened and thus, she was willing to write the letter. She just did not want him to contact her mom Charlesa because the relationship between Charlesa and Jackson involved domestic violence, even though Jackson "never touched me." [223] At no time did Jackson threaten to contact Charlesa if Chandra did not write the statement.[224] Chandra was concerned that her mother would be "triggered" if Jackson contacted her.[225] Chandra indicated Charlesa had no contact with Jackson since the trials in 2002.[226] Chandra also had no contact with Jackson between the trials in 2002 and around July of 2023, when she wrote the notarized statement.[227] Chandra insisted that she wrote the notarized statement without assistance and everything in it is true.[228] She agreed to write the statement so long as Jackson agreed not to contact her mother.[229] Jackson did not tell her what to put in the statement.[230] Neither Charlesa nor Chandra's grandparents know about the statement. She preferred Charlesa not find out she wrote it because she does not want to put her mother through the "emotional stress."[231] Chandra is not on speaking terms with her grandparents.[232] Jackson did not offer to pay her or otherwise compensate her for her statement.[233] If she was asked to testify, she would consider it because she wants to do the "right thing," and she does not believe it is fair that he has to pay for a crime he did not commit.[234]

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[222] Video at 11:53-12:01.
[223] Video at 12:10-12:19.
[224] Video at 21:22-21:49.
[225] Video at 13:32-13:59.
[226] Video at 14:03-14:12.
[227] Video at 14:18-14:24.
[228] Video at 14:29-14:46.
[229] Video at 14:58-15:09.
[230] Video at 15:35-15:38.
[231] Video at 16:09-16:23.
[232] Video at 16:12.
[233] Video at 23:32-23:44.
[234] Video at 23:44-24:34

While Jackson was “not great” to Chandra’s mom, Chandra insisted that what he was convicted of doing to her as a child did not happen.[235] Jackson only ever treated her like one of his children. Her grandparents assumed because he was abusive to Charlesa and he had a previous record, it was eventually going to happen to her.[236]

Chandra told her grandparents the truth the entire time, and they insisted she was lying.[237] Chandra indicated she was a child who was manipulated by her grandparents, as they told her she would never see her mother again if she did not say that Jackson molested her.[238] They wouldn’t believe her even after she was seen by the pediatrician and there were no physical signs of penetration.[239] Chandra stated she testified falsely because her grandparents told her she would be put up for adoption if she did not and she would never see her mother again.[240] For four months, Chandra’s grandparents interrogated her and made her believe she would never see her mother again if she did not say what they wanted her to say.[241] All she wanted was to live with her mother, not her grandparents.[242] Her grandparents kept taking her to therapists and doctors to find evidence she was lying about Jackson not molesting her.[243] When they could not find any evidence, they started pressuring her by doing things like separating her from the other kids in the family.[244]

She even told the officers nothing happened, but they “were kind of like, oh come on you can tell us the truth. Like it’s nothing for you to be embarrassed about. Kind of along those lines.”[245] The

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[235] Video at 24:56-25:07.

[236] Video at 26:42-26:57.

[237] Video at 16:31-16:44.

[238] Video at 16:54-16:58.

[239] Video at 17:09-17:14.

[240] Video at 17:27-17:32.

[241] Video at 18:07-18:16.

[242] Video at 18:20-18:29.

[243] Video at 18:29-18:45.

[244] Video at 18:29-18:56.

[245] Video at 19:11-19:43.

more she got upset and said nothing had happened, the less everyone believed her.[246] Chandra stated when she described Jackson molesting her, she said what her grandparents told her to say.[247] She did not have an understanding of what her grandparents were telling her to say, and no one bothered to confirm she understood the acts she was describing.[248]

Chandra indicated she always felt bad about the situation and wanted to try to help Jackson because, at the time, she was a child and no one was listening to her.[249] As an adult, she wanted to recant her statement and did tell her mother.[250] Her mother did not understand at first because her grandparents had "kind of spun everything" so that her mother believed "she was too wrapped up in trying to be with him that she couldn't see what was going on." [251] Her grandparents made her mother "second guess herself" until recently when her mother started to understand that Jackson did not molest her.[252] Her grandparents' actions broke the entire family.[253]

Chandra was returned to her mother's custody a month or two after Jackson was convicted.[254] She has only spoken to them a few times since then, and she has not seen them or spoken to them in at least a decade.[255] She does not know her grandparents' motivation for forcing her to lie.[256] She was only supposed to live with them for a few months and they kept her for a year and a half, not allowing her to return to her mother.[257]

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[246] Video at 19:45-19:53.
[247] Video at 20:29-20:46.
[248] Video at 20:51-21:03.
[249] Video at 22:00-22:11.
[250] Video at 22:17-22:36.
[251] Video at 22:36-22:59.
[252] Video at 22:59-23:11.
[253] Video at 23:21-23:24.
[254] Video at 25:48-26:00.
[255] Video at 26:04-26:28.
[256] Video at 26:57-27:18.
[257] Video at 27:18-27:28.

Chandra believes this conviction should not be on Jackson's record because he did not do anything to her and he paid for a crime he did not commit.[258]

IV. Determination of Issues

Penal Code section 4900 allows a person, who has been erroneously convicted and imprisoned for a felony offense they did not commit, to submit a claim for compensation to CalVCB for the injury sustained. Pursuant to Penal Code section 4901, the claim must be submitted within ten years after release from prison.[259] Once such a claim is timely received and filed, Penal Code section 4902 requires the Attorney General to submit a written response.[260] Thereafter, under Penal Code section 4903, an informal hearing before a hearing officer ensues, at which the claimant and Attorney General may present evidence concerning innocence and injury.[261] Pursuant to subdivision (a) of section 4900, claimants bear the burden to prove by a preponderance of the evidence that (1) the crime with which they were convicted either did not occur or was not committed by them and (2) they suffered injury as a result of their erroneous conviction and imprisonment.[262] If the claimant satisfies the burden of persuasion for both elements, CalVCB shall approve payment pursuant to Penal Code section 4904 for the purpose of indemnifying the claimant for the injury sustained if sufficient funds are available, upon appropriation by the Legislature, at a rate of $140 per day for their erroneous imprisonment.[263]

In limited circumstances, a different and expedited procedure may apply to claims filed by claimants whose convictions were reversed under specified circumstances. First, under Penal Code sections 1485.55 or 851.865, if the claimant received a court finding of factual innocence, then CalVCB

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[258] Video at 24:41-25:20.

[259] Pen. Code, § 4901, subds. (a), (c).

[260] Pen. Code, § 4902, subd. (a); Cal Code of Regs., tit. 2, § 640.

[261] Pen. Code, § 4903, subd. (a); Cal Code of Regs., tit. 2, § 644.

[262] Pen. Code, §§ 4900, subd. (a); 4903, subd. (a).

[263] Pen. Code, § 4904, as amended by Stats.2022, c. 58 (A.B.200), § 19, eff. June 30, 2022.

must approve the claim, without a hearing and within 90 days, for the demonstrated injury.[264] A finding of factual innocence "must be made by at least a preponderance of the evidence and must reflect a determination that the person charged and convicted of an offense did not commit the crime."[265] Second, under subdivision (b) of Penal Code section 4900, if the claimant's conviction was vacated by a grant of habeas relief or pursuant to Penal Code sections 1473.6 or 1473.7, subdivision (a)(2), and the charges were dismissed or acquitted on remand, and the Attorney General declined to object with clear and convincing proof of guilt, then CalVCB must approve the claim, without a hearing and within 90 days, for the demonstrated injury.[266] Third, under subdivision (d) of section 1485.55, if a court granted a motion for administrative relief based upon a conviction that was vacated by a grant of habeas relief or pursuant to Penal Code sections 1473.6 or 1473.7, subdivision (a)(2), the charges were dismissed or acquitted on remand, and the district attorney failed to timely object with clear and convincing proof of the claimant's guilt, then CalVCB must approve the claim, without a hearing and within 90 days, for the demonstrated injury.[267] Unless one of these statutory exceptions applies, then the claimant bears the burden to prove innocence and injury by a preponderance of the evidence under subdivision (a) of Penal Code section 4900.

When determining whether the claimant has satisfied their burden of proof, the Board may consider the "claimant's denial of the commission of the crime; reversal of the judgment of conviction; acquittal of claimant on retrial; or the decision of the prosecuting authority not to retry claimant of the crime…."[268] The Board may also "consider as substantive evidence the prior testimony of witnesses [that] claimant had an opportunity to cross-examine, and evidence admitted in prior proceedings for

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[264] Pen. Code, §§ 851.865; 1485.55, subds. (a), (b), and (e), 4902, subd. (a); see also Cal. Code of Regs., tit. 2, § 640, subds. (e)(1)-(2).

[265] *Larsen v. CalVCB* (2021) 64 Cal.App.5th 112, 129 (interpreting Pen. Code, § 1485.55, subd. (a).).

[266] Pen. Code, §§ 4900, subd. (b), 4902, subd. (d); 4904.

[267] Pen. Code, § 1485.55, subd. (e). While a court order under subdivision (d) of section 1485.55 does not constitute a finding of factual innocence, it nevertheless requires expedited approval of a filed claim.

[268] Cal. Code Regs., tit. 2, § 641, subd. (a).

which claimant had an opportunity to object."[269] Ultimately, the Board may consider "any other information that it deems relevant to the issue before it," even if inadmissible under the traditional rules of evidence, so long as "it is the sort of evidence on which reasonable persons are accustomed to rely in the conduct of serious affairs."[270]

CalVCB's broad authority to consider all relevant evidence may be limited by various court decisions during the criminal proceedings. By statute, CalVCB is bound by "factual findings" and "credibility determinations" rendered by a court during proceedings on a claimant's petition for habeas corpus, motion to vacate judgment pursuant to Penal Code sections 1473.6 or 1473.7, subdivision (a)(2), or an application for a certificate of factual innocence.[271] Nonetheless, CalVCB is not bound by a court's "summary of, observations about, and characterizations of the trial record when the [court] is *not* finding *facts* after entertaining new evidence…."[272] Finally, a claim under Penal Code section 4900 may not be denied solely because the claimant failed to obtain a court finding of factual innocence.[273]

A. Penal Code Section 4900(a) Governs Jackson's Claim

Jackson seeks compensation for his 2002 conviction for committing a forcible lewd act with a child in violation of Penal Code section 288, subdivision (b)(1), in Kern County Superior Court case number SC083323A. His conviction remains legally valid and has never been reversed or vacated. As such, the burden shifting provisions of Penal Code sections 4900, subdivision (b), and 4902, subdivision (d), do not apply. Moreover, Jackson lacks a finding of factual innocence by any court under Penal Code section 1485.55 or 851.865. Therefore, his claim does not fall within any of the limited statutory exceptions to Penal Code section 4900, subdivision (a), and he bears the burden of demonstrating innocence by a preponderance of the evidence.

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[269] Cal. Code Regs., tit. 2, § 641, subd. (b).

[270] Cal. Code Regs., tit. 2, § 641, subds. (c), (d), and (f).

[271] Pen. Code, §§ 1485.5, subd. (c); 4903, subd. (c).

[272] *Gonzales v. CalVCB* (2023) 98 Cal.App.5th 427, 447, italics in original.

[273] Pen. Code, § 1485.55, subd. (d); Cal. Code of Regs., tit. 2, § 645, subd. (f).

B. CalVCB is Not Bound by the Appellate Court Findings

By statute, CalVCB is bound by "factual findings" made and "credibility determinations" rendered during proceedings on a petition for habeas corpus, motion to vacate a judgment pursuant to Penal Code section 1473.6 or 1473.7, subdivision (a)(2), or an application for a finding of factual innocence.[274] Notably, these statutory provisions omit decisions rendered by an appellate court on direct appeal, or during proceedings under any provision not specifically enumerated.[275]

Because Jackson's case falls outside the proceedings contemplated in sections 4903, 1485.5, and 1485.55, any appellate court findings are not binding and do not bar his claim of innocence for purposes of these administrative proceedings.

C. Persuasive Proof of Innocence

After considering the entire administrative record, Jackson has persuasively demonstrated his innocence by a preponderance of the evidence. As explained below, the overall weight of evidence proves that Jackson is more likely innocent than guilty of committing a forcible lewd act on a child in violation of Penal Code section 288, subdivision (b)(1), in Kern County Superior Court case number 083323A.

1. Inculpating Evidence

Jackson remains validly convicted of committing a forcible lewd act on a child. A jury found Jackson guilty after hearing live testimony from the alleged victim of his crime and reviewing physical evidence, all of which was subject to the stringent, formal rules of evidence. No court has ever found the jury's verdict to have been in error. Thus, the jury's verdict carries significant weight in this informal administrative proceeding.

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[274] Pen. Code, §§ 1485.5, subd. (c); 4903, subd. (c); see also *Gonzales v. California Victim Compensation Board, supra,* 98 Cal.App.5th at p. 427 (defining "factual findings" in this context to exclude "the habeas court's summary of, observations about, and characterizations of the trial record when the habeas court is not finding facts after entering new evidence").

[275] *Ibid*.; see also *Jack v. Ring LLC* (2023) 91 Cal.App.5th 1186, 1211-1212 ("Appellate courts do not make factual findings; we review 'the correctness of a judgment [or order] as of the time of its rendition'"); *People v. Cervantes* (2020) 46 Cal.App.5th 213, 224 ("appellate courts are not equipped to accept new evidence and make factual findings").

However, Jackson has repeatedly sought to vacate the conviction pursuant to Penal Code section 1473.7, subdivision (a)(2). This section was added by the Legislature in 2017 and allows a person no longer incarcerated to petition to vacate their conviction on the basis of newly discovered evidence of "actual innocence" that warrants vacatur "in the interests of justice."[276] Previously, only persons still incarcerated were eligible to vacate their conviction by seeking habeas relief on the basis of newly discovered evidence that "must undermine the entire prosecution case and point unerringly to innocence…."[277]

On February 6, 2024, the Kern County Superior Court denied relief under Penal Code section 1473.7, subdivision (a)(2), because Jackson failed to appear by 9:03 a.m. on the 8:30 a.m. calendar. The court added that Jackson had previously filed several habeas petitions and opined "this does appear to be collateral estoppel."[278] But a review of the docket does not show any prior habeas petitions filed in the Kern County Superior Court, and the last habeas petition filed in the appellate court was filed under a different and more demanding standard in 2007, when Jackson was still incarcerated.[279] Thus, it appears the petition was denied solely on procedural grounds without considering the merits.

Thereafter, Jackson refiled his petition in the Kern County Superior Court. On March 6, 2024, the court again denied the petition, without a hearing, based on its belief that Jackson had an identical petition for habeas relief pending in federal court.[280] That belief was misplaced. The federal filing alleged a civil rights violation for damages, initially against the Kern County District Attorney and then

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[276] Pen. Code, § 1473.7, subd. (a)(2), added by Stats.2016, c. 739 (A.B. 813), § 1, eff. Jan. 1, 2017.

[277] *In re Lawley* (2008) 42 Cal.4th 1231, 1239.

[278] AGRL, Ex. 8 at p. 952.

[279] See docket for *People v. Jackson*, Kern County Superior Court case number SC083323A, available online at https://www.kern.courts.ca.gov/online-services/case-information-search. Cal. Code Regs., tit. 2, §§ 640 (admissible evidence), and 617.8 (official notice).

[280] AGRL, Ex. 9, at p. 959.

Chandra's grandparents, and it was dismissed for failing to raise a cognizable basis for relief.[281] The court also indicated that Jackson had previously filed the same petition in the Kern County Superior Court, and it had been denied. It appears the court was referring to the February 6, 2024, proceedings.

Jackson appealed the superior court's ruling to the Court of Appeal, Fifth Appellate District. However, the appellate court found that he had failed to exhaust his lower court remedies and dismissed his petition.[282] Thus, Jackson repeatedly sought to vacate his conviction based upon new evidence of actual innocence under Penal Code section 1473.7, subdivision (a)(2), but all of his petitions were denied by multiple courts without ever considering the merits. These circumstances mitigate the inculpating weight of Jackson's still legally valid conviction.

In 2004, the Court of Appeal, Fifth Appellate District, unanimously affirmed Jackson's conviction on direct appeal. But the appellate court's review solely considered challenges to the jury selection process and the admission of Jackson's prior conviction. It found no error in either regard. Notably, the appellate court did not consider Jackson's guilt or innocence. Under these circumstances, the decision of the appellate court is neither inculpating nor exculpating.

2. Exculpatory Evidence

While the weight of the jury's verdict is not easily overcome, the proffered exculpatory evidence is overwhelming and does overcome the strength of the verdict.

a. The Trials

Partial transcripts of both trials were provided. In the first trial, Chandra's mother Charlesa and grandfather Darrell testified. Both were questioned at length about an ongoing custody dispute over Chandra. When the grandfather was questioned about his choice to withhold Chandra from Charlesa, he was combative with Jackson's defense lawyer and attempted to defend his decision. While

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[281] *Jackson v. Zimmer, et al*., U.S. District Court, E.D. Cal., case number No. 1:23-CV-1223 JLT HBK, opinion filed Mar. 19, 2024, available online at 2024 WL 1181731; Cal. Code Regs., tit. 2, § 617.8 (official notice).

[282] See docket for *In re Samuel Derek Jackson on Habeas Corpus*, Court of Appeal, Fifth Appellate District, case number F088339, available online at https://appellatecases.courtinfo.ca.gov/; Cal. Code Regs., tit. 2, §§640 (admissible evidence), and 617.8 (official notice).

Charlesa was uncomfortable with some of the questions about her mothering of Chandra, she remained cooperative. The testimony of both Charlesa and Darrell also underscored the timing of the accusations by Chandra, making it clear they were made immediately after Charlesa indicated she was ready for Chandra to be returned to her custody and care. In the second trial, neither Darrell nor Charlesa testified, the timing of the accusation was not clearly delineated as it was in the first trial, and the custody battle was not introduced. Indeed, the only evidence regarding the custody fight was from Chandra's grandmother Cynthia, and she indicated that there was no custody case and she intended to return Chandra to Charlesa. This detail is significant given Dr. Musacco's testimony that false accusations are most commonly seen in child custody disputes.[283] Because the child custody dispute was not introduced in the second trial, the jury was not aware of the substantial likelihood that Chandra's accusation was false. The proffered trial testimony about the custody dispute is exculpatory in light of the expert testimony that such a dispute is the most common cause for a false accusation of child molestation.

In addition, when Darrell testified in the first trial, he described what he had to do in order to make Chandra say Jackson had molested her. He said he had to "drag it out of her"[284] and described a process of interrogating Chandra over numerous days and finally for several hours at a time.[285] He stated when she denied something had happened with Jackson, he would tell her she just needed to tell the truth and "God would help her."[286] Then as soon as Chandra said something happened, although she did not describe what happened, he gave her a hug and stopped the interrogation.[287] Dr. Musacco's testimony indicates Darrell's conduct could have led to a false accusation. Dr. Musacco explained that a child may make a false accusation in order to please someone or because they are reacting to stressors in their environment, like being questioned over numerous days and/or for hours

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[283] AGRL, Ex. 1, at p. 130.

[284] AGRL, Ex. 1, at pp. 148-149.

[285] AGRL, Ex. 1, at pp. 133, 137-138.

[286] AGRL, Ex. 1, at p. 137.

[287] AGRL, Ex. 1, at pp. 150-151.

on end, as Darrell did to Chandra.[288] This testimony from the first trial is exculpatory as it demonstrates the amount of pressure being placed on Chandra to accuse Jackson of molestation. Indeed, Darrell's testimony, taken together with Chandra's, demonstrated that he would not accept the answer that Chandra had not been molested by Jackson. As Dr. Musacco testified, this can lead to a false accusation.

Moreover, Detective Coodey did not testify at the second trial. While his testimony in the first trial was short, he also explained the background circumstances of Jackson's prior conviction for committing a lewd act with a child, as well as the fact that Jackson confessed and did so at the outset of the investigation. Those circumstances could lead a jury to discount the prior conviction as propensity evidence because it underscored how different the circumstances were between the two offenses.

The record lacks any explanation for the failure to call these three witnesses or to fully explore the custody dispute in the second trial. Perhaps it was a tactical decision on the part of the defense lawyer or the court excluded the testimony. However, it clearly did make a difference, as the first jury was unable to reach a decision and leaned towards an acquittal with eight of the twelve jurors finding Jackson not guilty. The only substantial difference in the evidence produced was the first jury heard at length about the custody dispute and the second jury did not.

Furthermore, the testimony regarding the timing of Chandra's disclosure to her grandfather Darrell was contradictory in the trials. In the first trial, Chandra stated that she disclosed to Darrell in July, around the Fourth of July holiday. Darrell stated that she disclosed shortly before she was taken to the Alliance Against Family Violence Center, which happened in July. He further testified that he began questioning her in late spring, early summer. We know from both his testimony and Chandra's that he questioned her for months before she disclosed. Thus, a July disclosure date is reasonable. However, Darrell also testified they delayed reporting so Chandra could finish her schooling and agreed the disclosure could have been made in May. It is noteworthy and exculpatory that Darrell's testimony was internally contradictory, and he had no clear answer about when such an important

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[288] AGRL, Ex. 1, at pp. 115-130.

event occurred. It is reasonable to believe that if he believed the accusation to be true, he would remember when it was made. In the second trial, Chandra testified that she did not remember when she told Darrell. Her grandmother Cynthia testified that the disclosure was made in May. Assuming it was made in May and not in July, Darrell stated that he wanted to make sure Jackson did not treat any younger children "in this way".[289] Thus, it is unlikely he would have delayed reporting the allegations if he believed them to be true, since he was trying to protect other children. Furthermore, if Darrell and Cynthia believed the disclosure, it would be reasonable for them to have immediately obtained mental health treatment for Chandra's trauma. However, according to both of them, they waited to take any action. The internal inconsistencies in their stories, when combined with Chandra's testimony and their stated motivations, make it more likely than not that the disclosure did not occur until shortly before it was reported. This is exculpatory as the alleged offense was reported shortly after Charlesa notified Darrell and Cynthia she was ready for Chandra to be returned to her care.

Last, the fact the first jury could not reach a verdict is exculpatory. They heard additional testimony, presented closer in time to the alleged offense, and admitted subject to the formal and stringent rules of evidence that the second jury did not hear. Based upon what they heard, they were substantially more inclined to acquit Jackson than to convict him.

b. Jackson's Application

Jackson's application also included supporting documentation that is exculpatory. Most importantly, Jackson provided a notarized statement from Chandra that indicated the charges against Jackson were false. The statement is dated July 5, 2023, and while short, it states that the charges brought against Jackson involving Chandra as a victim are false. Chandra's written recantation adds additional exculpatory evidence to support Jackson's claim of innocence.

c. Jackson's Supplement

Jackson supplemented his application with additional exculpatory information. He submitted a three-page declaration of innocence explaining the timing of the accusation.[290] In it, he claimed when

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[289] AGRL, Ex.1, at pp. 136-137.

[290] SUPP APP, at pp. 50-52.

Charlesa asked the grandparents to return Chandra, they instead asked Charlesa to leave Jackson and move back to Bakersfield. They wanted Chandra to live near them. Charlesa refused. During a subsequent telephone conversation, Chandra told Charlesa her grandparents were trying to get her to say that Jackson had touched her. When Jackson called Darrell, Darrell kept saying, "I know what you did." Jackson indicated "This accusation [by Darrell] had happened in May months before the July admission."[291] This is exculpatory. It supports and is supported by Chandra's testimony at the first trial where she stated she made the disclosure to Darrell in July after he questioned her for months. It is also supported by her 2026 interview, wherein she states Darrell questioned her for four months. It is further supported by Darrell's testimony where he stated the disclosure was made shortly before it was reported in July. When combined with Dr. Musacco's testimony regarding false accusations, it points towards Jackson's innocence.

Jackson also made representations of statements made by the trial judge after the first jury failed to reach a verdict. Jackson indicated the judge stated there was no physical or psychological evidence that Chandra had been molested but there was evidence of duress by the grandparents, as well as a custody dispute. This representation was verified by Jackson and signed under penalty of perjury. It was not refuted by any evidence submitted by the Attorney General and thus, is accepted as true. The judge's characterization of the evidence presented during the first trial is exculpatory and tends to support Jackson's position in this matter that he is innocent.

d. Jackson's Conduct and Statements of Innocence

Jackson has always maintained his innocence. From his arrest in 2001, when he said Sharita was his last and only victim, to today, Jackson has had numerous opportunities to state he did engage in sexual conduct with Chandra. At every opportunity, he has denied doing so. Even when it would have inured to his benefit to admit the conduct, such as when he was offered a six-year prison sentence instead of the 21 years he faced, he instead denied it. That fact carries some exculpatory weight.

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[291] SUPP APP, at app. 52.

e. Attorney General's Response

On June 8, 2026, the Attorney General, through Deputy Attorney General Gonzalez, submitted a response letter to Jackson's application. In it, the Attorney General states, "The Attorney General's Office reviewed the claim and concluded there is no basis to object to an award of compensation." This position is exculpatory. Jackson remains validly convicted of the charged offense after a jury trial. Despite that fact, the Attorney General concluded there was no basis to object to his request for compensation as an erroneously convicted person. On August 3, 2026, the Attorney General again stated their non-opposition to compensation. This position is again exculpatory in light of Jackson's still valid conviction.

But most importantly, the Attorney General submitted two exculpating exhibits: a 28-minute video of an interview of Chandra from April 15, 2026, and an investigative report of that interview. Present at the interview were two special agents from the Department of Justice, as well as Deputy Attorney General Gonzalez.

Chandra's recantation is compelling evidence of innocence. Throughout the 28-minute recording, during which she faced questions from two Department of Justice Agents, Chandra appeared credible, sincere, and without any apparent motive to lie. She clearly and unequivocally denied any lewd act by Jackson. By comparison, the testimony she provided in both trials about her descriptions of the alleged sex act are cursory and confusing. There was little to no cross examination exploring her understanding of the actual sex act, and some of her account appeared implausible. For example, Chandra testified Jackson was holding her down on the bed by her arms, which were by her sides. This implies Jackson was using both of his hands to hold her down. However, while doing that, he also supposedly pulled off her pants and his own pants, while she was struggling and screaming. This version of events does not appear possible. These inconsistencies with Chandra's testimony at both trials support the veracity of her current statement in 2026 that she was told what to say and no one confirmed she understood the acts she was describing.

In addition, Chandra's testimony at both trials, Darrell's testimony at the first trial, and Cynthia's testimony at the second trial, all support Chandra's current assertion that her grandparents manipulated her into accusing Jackson of lewd acts. All three testified of repeated interrogations, some

lasting hours, and involving the withholding of food, drink, and rest, that only terminated when she said Jackson molested her. Darrell testified that he knew Chandra was "heartbroken" she was not living with her mother. Chandra also testified in the first trial she had been led to believe she would not get to live with her mother unless she said Jackson molested her. Thus, Chandra's statement that Darrell and Cynthia used her desire to live with her mother to manipulate her is reasonable and believable.

Furthermore, Chandra's credibility is bolstered by her lack of contact with Jackson for over 20 years between 2002 and 2023, when Jackson asked her for the notarized statement. She denies any sort of collusion with Jackson or expectation of compensation from him for her exonerating statement. Instead, she appears conflicted about helping a man who was abusive to her mother, but who has served a substantial penalty as a result of a false accusation she made under extreme duress when she was a child.

Chandra's interview completely exonerates Jackson. Not only does she exonerate Jackson by saying the conduct did not happen, Chandra also explains who forced her to falsely accuse him, what she was forced to say, when she was forced to say it, how she was forced, and why she lied.

The investigation report prepared by the Special Agent for the Department of Justice on April 22, 2026, confirms the details of the interview with Chandra. The report omits any personal opinion about Chandra's veracity but confirms that "[t]his investigation is ongoing." The Attorney General's subsequent and express refusal to object to Jackson's claim suggests that Chandra's recantation was credible.

3. Comparative Analysis

After evaluating all of the inculpating and exculpating evidence detailed above, Jackson has proved he is more likely innocent than guilty of violating Penal Code section 288, subdivision (b)(1), in Kern County Superior Court case number SC083323A . Due consideration is given to the fact that he remains convicted of this offense. However, the strength of that conviction is mitigated substantially by Jackson's efforts to get it set aside and being denied for procedural reasons. On balance, the fact of this still valid conviction is overcome by the detailed and complete recantation by the alleged victim, Chandra. This decision is consistent with the Attorney General's implicit concession, which is an important, although not binding, consideration.

It is possible Jackson may actually be guilty and Chandra is now lying. However, that possibility does not appear to be the most likely version of events. Chandra made clear she and Jackson have only had one contact since 2002 and her credible statement in 2026 is supported by the testimony given by her and other witnesses in the trials in 2002, as well as the lack of physical evidence. Based upon the evidence in this administrative proceeding, it appears more likely than not that Jackson is actually innocent of having committed a forcible lewd act upon Chandra. Therefore, Jackson has satisfied his burden under Penal Code section 4900 to demonstrate his innocence by a preponderance of the evidence.

D. Persuasive Proof of Injury

Jackson has similarly satisfied his burden to demonstrate injury by a preponderance of the evidence. Given the manner by which compensation is calculated, the injury contemplated by section 4904 is "each day … spent illegally behind bars, away from society, employment, and [ ] loved ones."[292] Thus, injury occurs within the meaning of Penal Code section 4904 upon a persuasive showing that, but-for the erroneous conviction and imprisonment, the claimant would have been free.[293]

Jackson was incarcerated for over 14 years as a result of his conviction in Kern County Superior Court case number SC083323A. His confinement began at his arrest on November 8, 2001, and he remained incarcerated until his release on April 25, 2016.[294] Jackson did not sustain any new convictions during this period of incarceration. As conceded by the Attorney General, but for his erroneous conviction, Jackson would not have spent 5,282 days incarcerated in state prison. Jackson, therefore, is entitled to a recommendation for compensation under Penal Code section 4904 in the amount of $739,480, representing $140 for each day of his erroneous confinement.

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[292] *Holmes v. Calif. Victim Comp. & Gov't Claims Board* (2015) 239 Cal.App.4th 1400, 1405.

[293] See Assembly Floor Analysis of Sen. Bill No. 636 (2015-2016), as amended April 29, 2015, at p. 4 (noting author's intent to provide compensation "when our own justice system erroneously takes those precious rights from an individual," which are "enshrined in the Declaration of Independence" as "life, liberty, and the pursuit of happiness").

[294] AGRL, Ex. 10, at p. 969; Ex. 11, at p. 975, Ex. 12, at p. 978.

V. CONCLUSION

In accordance with subdivision (a) of Penal Code section 4900, the undersigned Hearing Officer recommends that CalVCB grant Jackson's claim and approve payment in the amount of $739,480, is sufficient funds are available, upon appropriation by the Legislature, as indemnification for the injury sustained by his 5,282 days of imprisonment solely as a result of his conviction in Kern County Superior Court case number SC083323A.

Date: October 21, 2026

Keri Klein

Keri Klein
Senior Attorney
California Victim Compensation Board

RESPONSE RECEIVED

Samuel Derek Jackson
420 I st Apt #422
Sacramento, CA 95814
279-224-1731
sjnac1269@gmail.com
TO: California Victims Compensation Board
(CalVCB)
Erroneous Conviction Claims Program
PO BOX 3036
Sacramento, CA 95812-3036
NOTICE OF CLAIM AND EXERCISE OF RIGHTS:
DEMAND FOR FULL
STATUTORY COMPENSATION
[Pursuant to CA Penal Code Sections 4900-4905] The March 14th 2002 conviction for a lewd and lascivious act with a child under 14yrs of age by use of force or fear of bodily injury(pc sect.288, subd(b)(1) on April 11th 2002 was sentenced to 17yrs in State Prison plus 5yrs parole ankle monitored with mandated mental health counseling #SC083323A
Kern County Superior Court
I, Samuel Derek Jackson. hereby exercise my explicit rights under PC sections 4900-4905 to demand full financial indemnification for injuries which I sustained due to an erroneous felony conviction.
My conviction has been concluded under an eligible statutory framework, and all underlying criminal charges have been factually disputed in favor of a 'prima facie' case for actual innocence.
Preponderance of the Evidence standard.
[pc sect.1485.55]
1:Primary Compensation Tier; In-Custody Rate $140/day
This covers all days spent in continuous physical confinement, including time in the CA State Prison system and any pre-sentencing county jail time that was counted towards the felony term.
2:Secondary Compensation Tier; Parole/Supervised Release Rate $70 per day
This covers the time an individual was placed under mandatory parole supervision (ankle monitored..5yrs mental-health counseling)
solely as a result of the wrongful conviction.
Demand for full line item statutory payments PC sect. 4804
I demand full compensation for both physical and all the post-confinement supervision terms , solely as result of the erroneous conviction.
Line item 1: physical incarceration

- I served a total of 5282 days in physical custody

Pursuant to PC 4904(1) I am legally entitled to the flat rate of $140 per day. 5,282 × $140 =739,480.00
Line Item 2: parole/supervised release

- Following my physical release, I served from 04/25/16 - 04/26/21

1,826 days under active parole/
supervised release. Pursuant to PC 4904(2) I am legally entitled to the flat rate of $70 x per/1,826 days
$127,820.00
Total demanded principal:
benefit/$867,300.00
Accordingly, because this claim strictly satisfies the criteria outlined in penal code sect 4900(b), the State bears the burden of proof to object. Of which with clear and convincing evidence presented by the Attorney General would come to conclude that 'but for the erroneous conviction the claimant should not have spent one night in prison'. I demand that the Board approve of this calculation of $867.300.00 and schedule full payment without unnecessary administrative delay.

VERIFICATION

I, Samuel Derek Jackson, declare under penalty of perjury under laws of the State of California that the foregoing statements, custody timeliness, and demands are true and correct to the best of my knowledge, information, and belief.

Executed on this 3rd day of November, 2026 at Sacramento, California.

11/03/26

Samuel Derek Jackson

Jackson, Samuel Derek

271-224-1731

Syn2c1269@gmail.com