

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

ANNUAL REPORT OF APPROVED CLAIMS FOR FISCAL YEAR 2025-2026

As mandated by Penal Code section 4904.5, the California Victim Compensation Board (CalVCB) provides this Annual Report of approved claims for erroneously convicted persons under Penal Code section 4900 during Fiscal Year 2025-2026. Relief under section 4900 is available to claimants who, being innocent, were erroneously convicted and imprisoned because the charged crime either did not occur or was not committed by the claimant. (Pen. Code, § 4900, subd. (a).) The claim must be submitted within ten years of the claimant's release from custody, dismissal of charges, judgment of acquittal, or pardon granted, whichever is later. (Pen. Code, § 4901.) A successful claim results in the Board's approval of compensation, if sufficient funds are available, upon appropriation by the Legislature, for the demonstrated injury sustained by the claimant, as calculated in the amount of \$140 per day of the claimant's erroneous imprisonment. (Pen. Code, § 4904.)

Typically, for claims that fall within subdivision (a) of Penal Code section 4900, the claimant must prove their innocence in a hearing by a preponderance of the evidence to be eligible for compensation. (Pen. Code, §§ 4900, subd. (a), 4903.) However, a different and expedited process applies in three enumerated circumstances. First, approval may be mandated, without a hearing and within 90 days, if a court declared the claimant to be factually innocent. (Pen. Code, §§ 851.865, 1485.55, 4902, subd. (a).) Second, approval may be mandated, without a hearing and within 90 days, if a court granted a motion for mandated relief where the conviction was vacated under specified circumstances and the district attorney failed to timely object with clear and convincing evidence of guilt without relying solely upon the trial record. (Pen. Code, § 1485.55, subd. (d).) Third, for claims that fall within subdivision (b) of section 4900, approval may be mandated, without a hearing and within 90 days, if the challenged conviction was vacated by a grant of habeas relief or pursuant to section 1473.6 or 1473.7, subdivision (a)(2), and the charges were dismissed or resulted in acquittal upon remand, unless the Attorney General timely objects with clear and convincing evidence of guilt without relying solely upon the trial record. (Pen. Code, §§ 4900, subd. (a), 4902, subd. (d), 4903, subds. (b) & (d), 4904.)

Even when approval is mandated without a hearing for a claim under subdivisions (a) and (b) of Penal Code section 4900, CalVCB is statutorily obligated to determine the extent of injury caused by the erroneous conviction and incarceration. (Pen. Code, § 4904.) To that end, CalVCB may "request from both parties additional documents or arguments as needed to calculate compensation." (Pen. Code, § 4904.) The burden to prove injury rests with the claimant by a preponderance of the evidence. (Pen. Code, § 4904; see also Evid. Code, § 115.)

During the fiscal year, CalVCB received 72 claims and closed 64 claims. Of the closed claims, 59 were rejected because, as a matter of law, the claims do not qualify for relief, even assuming the truth of all allegations made in the claim form. Typical examples include lack of a felony conviction or prison sentence, or an incomplete claim form that lacks supporting court

documentation. Before the claim may be rejected, a hearing officer notifies the claimant of all deficiencies by letter and allows 30 days (or longer upon request) for the claimant to submit a response that addresses the deficiencies. The hearing officer carefully reviews all submitted documentation to determine whether the deficiencies have been resolved.

Of the remaining five claims, four were denied because the claimant did not prove their innocence by a preponderance of the evidence. The remaining fifth claim was approved as detailed below.

CalVCB approved one claim that totaled \$1,485,120.00 between July 1, 2025, and June 30, 2026. The claim was mandated under subdivision (a) of section 4900 based upon a court's finding of factual innocence.

Case Summary – Humberto Duran (Claim #25-ECO-06)

On December 26, 1993, Humberto Duran (Duran) was arrested and subsequently charged with one count of murder and one count of attempted murder with enhancements for personal use of a gun. Following a jury trial, Duran was convicted as charged on December 13, 1994, and sentenced to two consecutive life sentences with the possibility of parole.

On October 18, 2024, Duran was granted habeas relief and both convictions were vacated. A finding of factual innocence was granted for both convictions on April 18, 2025.

As mandated by Penal Code section 1485.55, CalVCB approved Duran's claim under subdivision (a) of Penal Code section 4900 on July 17, 2025, in the requested amount of \$1,485,120.00 for having been imprisoned a total of 10,608 days solely as a result of his vacated convictions.