

September 12, 2007

**CALIFORNIA COMMISSION ON THE
FAIR ADMINISTRATION OF JUSTICE**

**Focus Questions for Hearing on Remedies for
Wrongful Conviction and Post Conviction Access to Testing.**

The Commission would like to focus on the following questions at a public hearing on the Remedies for Wrongful Conviction and Post Conviction Access to Testing, the topic to be addressed in its next report. The hearing will take place on Wednesday, October 17, 2007 from 9:30 a.m. to 12:00 p.m. in Kennedy Commons at Santa Clara University, 500 El Camino Real, Santa Clara. Please contact the Commission at 408-554-5002 to arrange for oral presentations, which will be limited to 15 minutes. Written submissions are also welcome, and may be submitted to the Commission at 900 Lafayette Street, Suite 608, Santa Clara, California 95050, or via Fax (408-554-5026) or email (cboscia@scu.edu). The Commission will consider written submissions for posting on its website.

1. Are current California laws adequate to assure the preservation of evidence that may be relevant to establishing future claims of innocence with the use of advancing technology? Are adequate storage facilities available to preserve such evidence? [California Penal Code §§1417-1417.9].

2. What are the practical obstacles faced by those who have been wrongfully convicted to having their claims of innocence examined? Do delays in asserting their claims inappropriately bar relief? Are California prosecutors cooperative in arranging laboratory testing? Are the California Innocence Projects able to assist those in need of legal assistance? Are the Projects adequately funded? Is there a need for a permanent Innocence Commission, on the model of the North Carolina Innocence Inquiry Commission?

3. Is laboratory testing readily available to support post-conviction claims of innocence? Is there need to expand access to the CODIS DNA data bank or to AFIS (fingerprints) to support post conviction claims of innocence?

4. Are those who have been exonerated by establishing their innocence in California receiving adequate statutory compensation for the wrongful deprivation of their liberty? Should the statute of limitations on raising claims under California Penal Code § 4900-4906 be extended? Are there inappropriate legal obstacles to asserting civil claims against the perpetrators of the injustices that led to their wrongful convictions?

**CALIFORNIA COMMISSION ON THE
FAIR ADMINISTRATION OF JUSTICE**

**WITNESS LIST FOR HEARING ON POST CONVICTION ACCESS TO
TESTING AND REMEDIES FOR WRONGFUL CONVICTIONS, SANTA
CLARA, ON OCTOBER 17, 2007.**

9:30 a.m. – 12:00 p.m.

Prof. Myrna Raeder, Southwestern University School of Law, Los Angeles; American Bar Association Criminal Justice Section Ad Hoc Innocence Committee.

Prof. Justin Brooks, California Western School of Law, San Diego; Executive Director, California Innocence Project.

Linda C. Starr, Santa Clara University School of Law, Santa Clara; Legal Director, Northern California Innocence Project.

Prof. Cookie Ridolfi, Santa Clara University School of Law; Director, Northern California Innocence Project.

Michael Chamberlain, Deputy Attorney General.

Mark Windham, Head Deputy, Los Angeles County Public Defenders Office; Representative of California Public Defenders Association.

Jon Eldan, Attorney at Law, Coblenz Hatch Duffy and Bass, LL.P.

Richard Schoenberger, Attorney for Exoneree Rick Walker, and Rick Walker, Exoneree.

Mark Merin, Attorney for Exoneree Pete Rose.

Herman Atkins, Exoneree.

Jeff Rawitz, Partner at Jones Day and Attorney for Exoneree Dwayne McKinney

PUBLIC COMMENT:

David Lockmiller.

WRITTEN SUBMISSIONS:

Karen McGagin, Director, California Victim Compensation and Government Claims Board.

Stephen Saloom, Policy Director, Innocence Project at Benjamin N. Cardozo School of Law, Yeshiva University

**CALIFORNIA COMMISSION ON THE FAIR
ADMINISTRATION OF JUSTICE**

**AGENDA FOR MEETING
OCTOBER 17, 2007**

9:30 a.m. to 3:30 p.m.

Santa Clara University
Kennedy Commons
500 El Camino Real
Santa Clara, California 95053

PLEASE BRING WITH YOU: Your copy of the binder on Defense Incompetence and Prosecutorial Misconduct, the binder on Remedies for Wrongful Conviction, and this agenda.

9:30 a.m. to 12:00 Noon: Public Hearing on Remedies for Wrongful Conviction.

12:30 p.m. to 3:30 p.m.: Meeting of the Commission.
[Professor Larry Benner will join us for this portion].

Report of Chair, John Van de Kamp:
Action by the Governor.

Report of Executive Director:
Budget Update.
Plans for future meetings.

Discussion:

1. Sign-off on final report on Professional Responsibility and Accountability. [Attached, pp. 2-30].
2. Draft Report on Funding Defense Services. [Attached, pp. 31-50].
3. Plans for Report on Brady Disclosure Policies.
4. Plans for Report on Remedies for Wrongful Conviction.