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Column: Help for the wrongfully convicted

Bill would provide same help to the innocent as given the guilty

By **JOHN VAN DE KAMP** and **KATHLEEN RIDOLFI**

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Over the past three years, the representatives of the people of California have put three measures before Gov. Arnold Schwarzenegger with the goal of correcting some of the systemic problems that lead to wrongful convictions. The governor vetoed all three bills.

Now, legislators have passed a new bill that does the morally right thing and provides

much needed support and services for people who have been wrongfully convicted and exonerated – the same services the state currently provides to parolees and ex-convicts. The governor has the opportunity to make the morally right choice by signing Assembly Bill 2937 into law and begin to right the wrongs suffered by people like Herman Atkins.

In 1986, Atkins, the son of a California Highway Patrol officer, had recently finished high school and planned to join the military. But Herman would never get that opportunity, after he was falsely accused of raping a woman during a robbery in Lake Elsinore. He was sentenced to more than 45 years in prison, and served nearly 12 years.

The actual rapist had left DNA evidence on the victim's sweater, and after nearly five years of requests and petitions the court finally ordered that the DNA evidence be retested, which proved conclusively that Atkins wasn't the attacker. He was subsequently released from prison and given \$200 – what he calls "gate money" – and told he was a free man.

While Atkins languished in prison, life in his Los Angeles neighborhood had moved on, and many of his family members and friends were gone. Even Atkins' father, the Highway Patrol officer, had begun to question his son's innocence. Fortunately for Atkins, he

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was able to move in with his sister and begin to rebuild his life.

In 2007, a federal court awarded Atkins compensation from the state, but he has yet to receive the funds or any other support.

The ironic thing is that if Atkins had been guilty, a lot more support would have been available. The state would have helped him find a place to live after his release, get job training and find a job. Exonerees who have been imprisoned for crimes committed by others, while facing the same difficulties as ex-cons, receive no such support. Even if they are granted compensation for the years stolen from them, it can take years for the state to stop appealing and pay its debt.

If you think this sounds like fiction, think again. Arthur Carmona of Santa Ana was 16 when he was sentenced to 12 years in prison for a robbery committed by someone else. He was not compensated for the years he spent in prison and did not receive any support services from the state.

Arthur died tragically earlier this year. However, his tireless advocacy work on behalf of wrongfully convicted persons inspired AB2937, which would ensure that wrongfully convicted people have the same access to resources that ex-offenders have. It would extend the time they have to file complaints against their defense attorneys

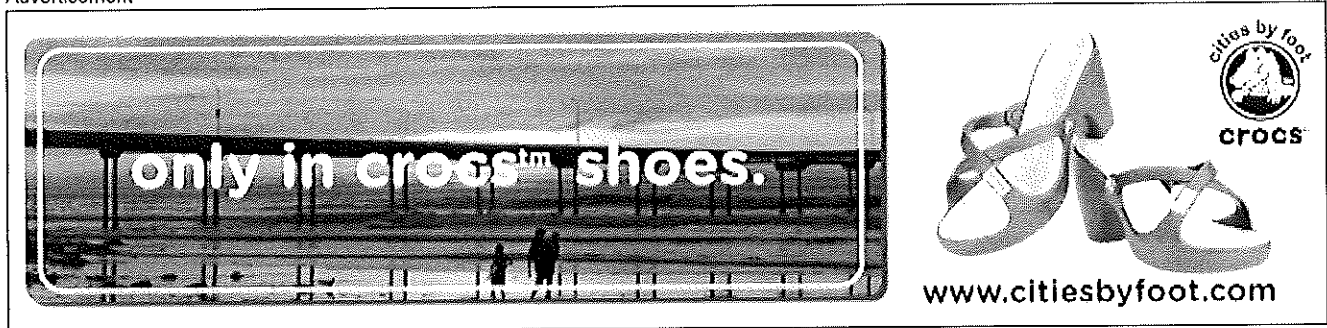
for conduct that may have contributed to their convictions. For those found factually innocent, it also would mandate that criminal records relating to their convictions be sealed, provide inflation adjustments for compensation and make it easier for them to receive due compensation.

AB2937 has bipartisan support and is co-sponsored by Orange County Assemblymen Jose Solorio, a Democrat, and Todd Spitzer, a Republican.

Of course, it would be better not to convict an innocent person in the first place, but once an innocent person is released, it is our moral responsibility to help that person live a normal and productive life.

It's time to do the right thing and sign AB2937 into law. The state must take responsibility for its errors and provide the wrongfully convicted the same support offered the guilty.

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