

September 14, 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 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?

3. Is there a need for a permanent Innocence Commission, on the model of the North Carolina Innocence Inquiry Commission?

4. 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 the AFIS Fingerprint data bank to support post conviction claims of innocence?

5. Are those who have been exonerated by establishing their innocence in California receiving adequate statutory compensation for the wrongful deprivation of their liberty? [California Penal Code § 4900-4906]. Are there inappropriate legal obstacles to asserting civil claims against the perpetrators of the injustices that led to their wrongful convictions? Is legal counsel available for exonerees to seek compensation or assert civil claims?