

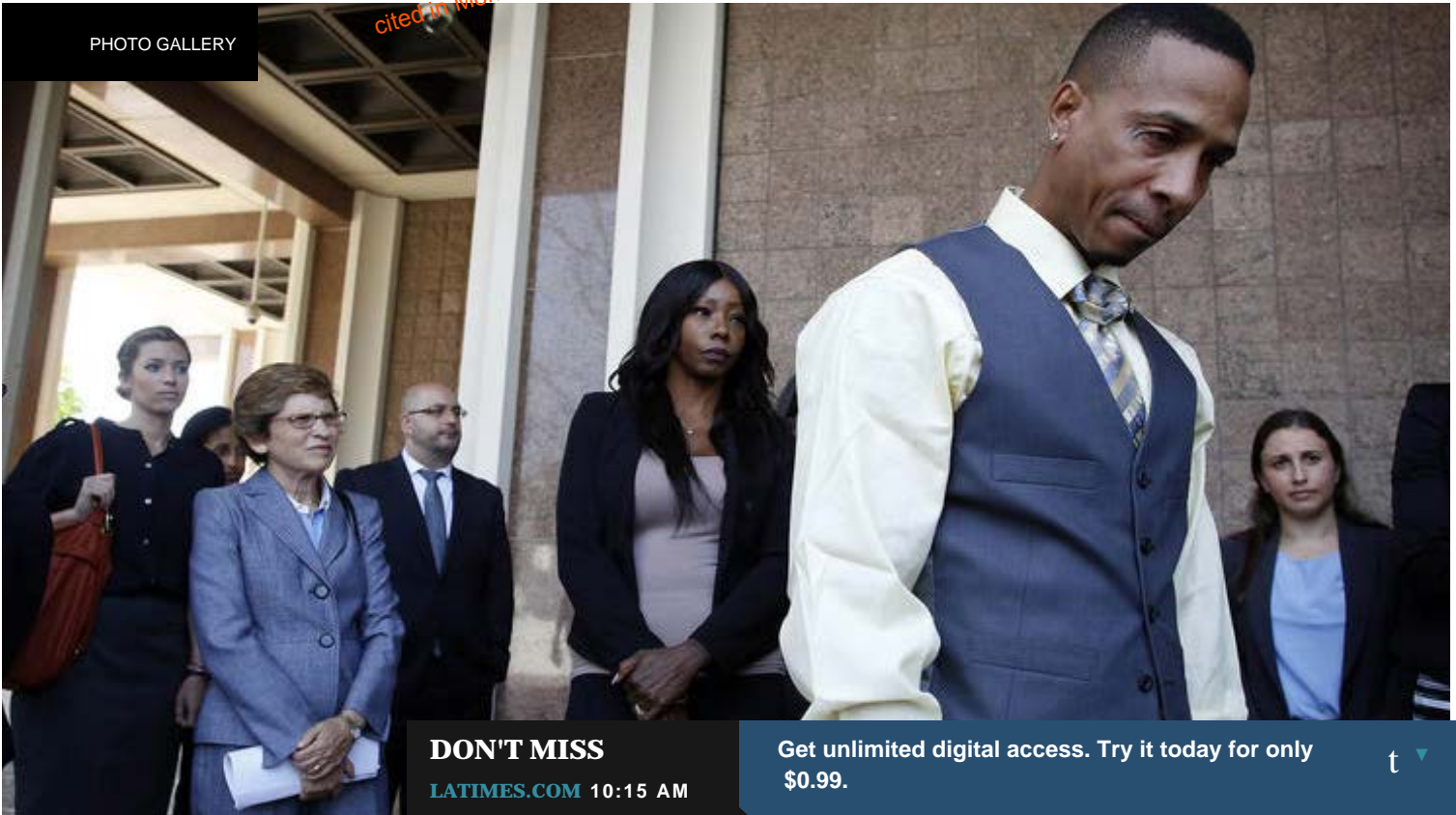
LOCAL / L.A. Now

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# L.A. County D.A. to create unit to review wrongful-conviction claims

*cited in Morrison v. Peterson, No. 13-15675 archived on December 31, 2015*

PHOTO GALLERY



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LATIMES.COM 10:15 AM

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The Los Angeles County district attorney's office is creating a unit dedicated to reviewing the integrity of past convictions.



By **Marisa Gerber** · **Contact Reporter**

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L.A. County D.A.'s office to create unit to examine wrongful-conviction claims

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APRIL 22, 2015, 6:23 PM

**C**iting a rise in wrongful-conviction claims by inmates, the Los Angeles County district attorney's office is launching a unit of veteran prosecutors to review the integrity of past convictions, joining a small but growing number of prosecutorial agencies around the country devoting resources to identify innocent prisoners.

Dist. Atty. Jackie Lacey is asking county supervisors for nearly \$1 million to fund the new team, which would include three prosecutors, a senior investigator and a paralegal.

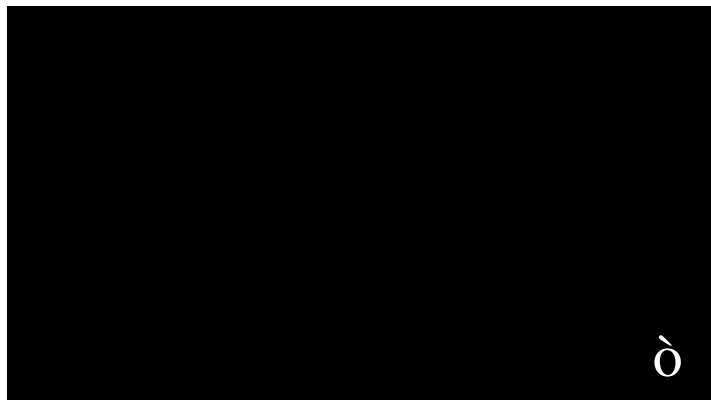
*cited in Morrison v. Peterson, No. 13-15675 archived on December 31, 2015*

In seeking the funds, Lacey's office said it wanted to keep up with an increasing number of wrongful-conviction claims that have followed the advent of similar units around the country, a growing number of innocence projects and heightened publicity surrounding innocence claims, county spokesman Dave Sommers said.

Innocence project groups and others hailed the move, saying that it would send a dramatic statement that the office is serious about reversing injustices and could spur

the creation of similar units in smaller counties across California.

“This is exactly what should happen in every district attorney’s office in America,” said Justin Brooks, director of the California Innocence Project at the California Western School of Law in San Diego. “We all have the same goal: to make sure the right people are in prison.”



Obie Anthony hugs members of his legal team during a news conference. Last month, Los Angeles agreed to an \$8-million settlement for Anthony, who was declared factually innocent by a judge after spending 17 years in prison. (Barbara Davidson / Los Angeles Times)

Although such units are still rare, Los Angeles would join more than 15 district attorney offices around the country that have created such teams, including Dallas County, Brooklyn and Manhattan, N.Y., as well as the U.S. attorney's office in Washington, D.C. In California, district attorneys in Santa Clara, Ventura and Yolo counties have established similar units.

Los Angeles’ proposal remained largely under wraps until last week, when Lacey addressed a group of attorneys and students at Loyola Law School on Friday and mentioned that she had been promised funding for a conviction review unit. She gave no details and did not return calls for comment.

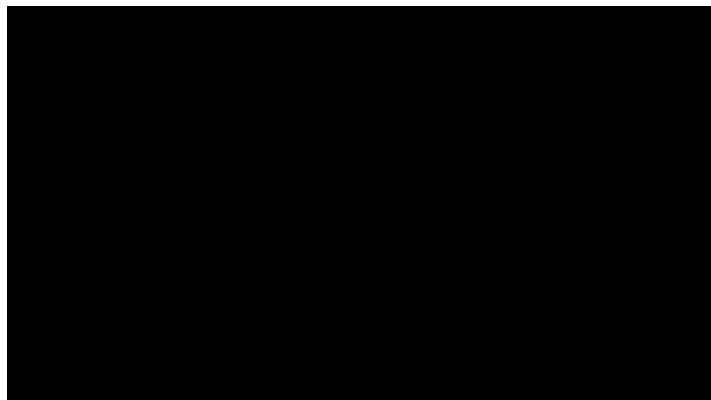
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A district attorney’s spokeswoman declined to discuss the plan until after the [Board of Supervisors](#) formally approves the funding in coming weeks. The county’s recommended budget includes money for the unit for the next fiscal year, which starts in July.

The proposal comes after a string of high-profile wrongful convictions.

Last month, the city of Los Angeles

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L.A. murder saga costs city \$8 million

agreed to pay more than \$8 million to Obie Anthony, who was declared factually innocent after spending 17 years behind bars for a killing outside a brothel in South Los Angeles.

In October, a judge threw out the murder conviction of Susan Mellen, saying that she was wrongfully imprisoned for 17 years based on the word of a habitual liar and adding that “the criminal justice system failed.”

A year earlier, another judge threw out Kash Delano Register’s conviction in the 1979 murder of an elderly man in West Los Angeles.

All three cases were brought to court by innocence projects. In Mellen’s case, the district attorney’s office agreed to her release after its habeas corpus litigation team, which often opposes legal requests to throw out convictions, conducted an investigation.

Los Angeles County Supervisor [Mark Ridley-Thomas](#) said he expects that a new conviction review unit would particularly help people of color, who he said are wrongfully convicted at disproportionately high rates.

“It sends the message to law enforcement officers that trumped-up charges will not work,” he said. “It’s another dimension of checks and balances in the criminal justice system, which I think is sorely needed.”

The units have already had an effect in other places in California.

On Wednesday, at the request of the Ventura County district attorney’s office, a judge dismissed a murder case against Michael Ray Hanline, who was convicted in 1980. The office said it made the request after an investigation by its conviction integrity unit, along with the California Innocence Project, which turned up new evidence casting doubt on Hanline’s guilt.

Santa Clara’s unit, whose work helped exonerate at least four people, has also led efforts within the office to implement measures to ensure reliable witness identifications and prevent future wrongful convictions, said David Angel, an assistant district attorney in charge of the unit.

The creation of such a team in the biggest county in the state could result in more California prosecutors following suit, said Laurie Levenson, a former federal prosecutor

and founding director of Loyola Law School's Project for the Innocent.

"I think L.A. could be real leaders," she said.

To "really ferret out injustice," the unit in Los Angeles would need some autonomy from the rest of the office, she said.

"There is a natural inclination," she said, "to not want to believe that your colleagues convicted an innocent person."

Barry Scheck, co-founder of the New York-based Innocence Project, said that setting up a unit won't necessarily translate into meaningful change or exonerations.

"There are lots of people who can say, 'Oh gee, I have a conviction integrity unit,' because that's now the necessary fashion accessory," he said.

To be successful, Scheck said, Los Angeles County should search for someone with "a different way of looking at the cases" — like a former defense attorney — to lead the unit. The other key, he said, is fostering robust relationships between prosecutors and defense lawyers in which neither side expects to be "sandbagged."

"It's no longer an adversarial relationship," he said. "It's a joint search for the truth."

When Dallas County established its conviction integrity unit in 2007, it selected Mike Ware, a former defense attorney, as its head. Anyone who leads a unit that scrutinizes past convictions, Ware said, needs to be comfortable with making decisions that will be unpopular with some people in the office.

Although he rarely felt overt resentment, he said, he once got a phone call from a former prosecutor who had helped convict a man who was exonerated when Ware's unit discovered that DNA cleared him of murder.

The former prosecutor was "not shy about calling me and telling me that I didn't know what I was doing," said Ware, who left the unit after four years and returned to private practice.

Forgoing an antagonistic view toward the defense has worked well for prosecutors in Brooklyn's conviction review unit, said Ron Sullivan, a Harvard law professor who designed and implemented the unit, which has helped exonerate 13 people since it began

in 2014.

In October, the office moved to throw out murder convictions against David McCallum and Willie Stuckey after concluding that their confessions were false. McCallum spent nearly three decades in prison and Stuckey died behind bars.

A big part of putting the unit in place, Sullivan said, was creating a new ethos in the office and reinforcing the “notion of prosecutors doing justice instead of trying to get convictions.”

**For more news from the Los Angeles County criminal courts, follow [@marisagerber](#) on Twitter.**

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# Most Popular

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World / Middle East

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## Dubai New Year's fireworks kick off while fire engulfs nearby 63-story tower

By **Associated Press**

DECEMBER 31, 2015, 1:38 PM

**A** massive fireworks display kicked off for New Year's at the world's tallest tower in Dubai, while plumes of smoke billowed in the air from a fire raging at a nearby luxury tower.

Tens of thousands of people whistled and cheered at the show taking place at the Burj Khalifa skyscraper as teams of firefighters were working to put out the blaze that had engulfed a 63-story luxury hotel and residential building.

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BUSINESS / Michael Hiltzik

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## Column Admit it:



# 'Star Wars: The Force Awakens' stinks -- and here's why



By **Michael Hiltzik**  
The Economy Hub

DECEMBER 28, 2015, 10:46 AM

**O**n Christmas Day, I fulfilled my duty as an American consumer and took the family to see the new "Star Wars" movie. The excursion solved a mystery: Why do so many of the reviews, even the enthusiastic ones, carry an undertone of disappointment?

The simple answer is that "Star Wars: The Force Awakens," is not very good. It's professionally made in the sense that it displays an industrial level of Quality Control.

*cited in Morrison v. Peterson, No. 13-15675 archived on December 31, 2015*

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BUSINESS

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## Mega ships bring benefits and challenges to ports of L.A. and

# Long Beach



By **Chris Kirkham**

DECEMBER 30, 2015, 9:51 PM

**T**he largest container ship ever to unload in North America arrived at the Port of Los Angeles on Dec. 22. Four days later, an even bigger one showed up: the CMA CGM Benjamin Franklin, a ship just about as long as the Empire State Building is tall.

The advent of the two mega ships — capable of carrying twice as much as the largest ships arriving five years ago — is a sign of the rapid changes underway in the global shipping industry as ocean carriers seek to cut costs through economies of scale.

Now that revolution has landed on U.S.

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Politics

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## Interactive California's new laws for 2016: See how you are affected

By **Patrick McGreevy, Christine Mai-Duc and Jon Schleuss**

DECEMBER 31, 2015, 12:05 AM

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Nation / Nation Now

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# Terrorism arrest in upstate New York caps busy year for FBI



By **Richard A. Serrano**

DECEMBER 31, 2015, 11:17 AM | REPORTING FROM WASHINGTON

**F**BI arrests man in upstate New York for allegedly planning terrorist attack on New Year's Eve.

[Read Full Article](#) □

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ENTERTAINMENT / ARTS & CULTURE

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# Column Transforming the end of the 2 Freeway could be

# the beginning of a new L.A.



By **Christopher Hawthorne**

DECEMBER 31, 2015, 3:00 AM

**A**round the country, cities are demolishing stretches of highway, turning them into parks or boulevards.

Los Angeles has an opportunity to do something even more dramatic: to close a piece of elevated freeway to traffic but keep it intact as a huge platform for new open space and housing.

In a single gesture, the city could produce significant parkland and a monument to the ambition that produced the Southern California highway network in the first place.

[Read Full Article](#) □

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[Science](#) / [Science Now](#)

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## New maps show spread and impact of drought on California forests

By **Sean Greene**

DECEMBER 31, 2015, 3:00 AM

California's forests have already lost

**C**millions of trees in recent years due to rising temperatures, the drought and a plague of bark beetle infestations.

But if the drought persists, millions of more trees throughout the state could die, according to [a study](#) published this week in Proceedings of the National Academy of Sciences.

The researchers used an airplane, remote sensing technology and satellite imagery to produce the first maps that show how much water the state's trees have lost.

[Read Full Article](#) □

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Politics

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# Higher pay, hoverboards and vaccinations: Hundreds of new laws in California



By **Patrick McGreevy**

DECEMBER 31, 2015, 12:05 AM | REPORTING FROM SACRAMENTO

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