

**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 2023-2024

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 2023-2024. 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.)

For claims under subdivision (a) of Penal Code section 4900, compensation is available only if the claimants prove, by a preponderance of the evidence, that they did not commit the crime that resulted in their incarceration and that they sustained injury as a result of their erroneous conviction. (Pen. Code, § 4900, subd. (a).) Injury is shown if the claimant would have been free but-for the erroneous conviction. The claimant is entitled to a hearing to prove both innocence and injury, at which the Attorney General may appear. (Pen. Code, § 4903, subd. (a).)

Nonetheless, CalVCB's approval of a claim under subdivision (a) of Penal Code section 4900 is mandated, without a hearing and within 90 days (30 days for claims filed prior to January 1, 2024), if a court has found the claimant to be factually innocent of the challenged conviction. (Pen. Code, §§ 851.865, 1485.55, subds. (a), (b), & (e), 4902, subd. (a).) A court finding of factual innocence typically requires proof by a preponderance of evidence that the claimant did not commit the crime. (Pen. Code, §§ 851.8, 1485.55, subds. (a), (b), & (e).) As of January 1, 2024, approval is also mandated, without a hearing and within 90 days, if a court granted a motion under subdivision (d) of Penal Code section 1485.55 for approval of a claim based upon a conviction that was vacated by a grant of habeas relief or pursuant to Penal Code section 1473.6 or 1473.7, subd. (a)(2), the charges were dismissed or acquitted on remand, and the district attorney failed to timely object with clear and convincing proof of the claimant's guilt. (Pen. Code, §§ 1485.55, subd. (d).) Such a court order under subdivision (d) of section 1485.55 does not constitute a finding of factual innocence, but nevertheless requires approval of a claim under subdivision (a) of section 4900.

For claims under subdivision (b) of Penal Code section 4900, approval is mandated unless the Attorney General timely objects and presents clear and convincing evidence of the claimant's guilt within 90 days and without relying solely upon the trial record. (Pen. Code, § 4900, subd. (b), 4902, subd. (d), 4903, subd. (d).) This subdivision applies when the underlying conviction was vacated by a grant of habeas relief or pursuant to Penal Code section 1473.6 or 1473.7,

subd. (a)(2),¹ and the charges were dismissed on remand or resulted in acquittal. Absent a timely objection by the Attorney General, CalVCB is mandated to approve the claim, regardless of whether or not the evidence proves the claimant is likely innocent within 90 days.

Even when approval is mandated without a hearing for a claim under subdivision (a) or (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, as amended by Stats. 2023, c. 702 (S.B. 78), § 5, eff. Jan. 1, 2024.) The burden to prove injury rests with the claimant by a preponderance of the evidence. (Pen. Code, § 4904; see also Evid. Code, § 115.)

As summarized below, CalVCB approved 12 claims that totaled \$10,318,560 between July 1, 2023, and June 30, 2024. Of those, seven claims were mandated under subdivision (a) of section 4900 based upon a court’s finding of factual innocence. The remaining five claims were mandated under subdivision (b) of section 4900, after the Attorney General declined to object with clear and convincing evidence of the claimant’s guilt.

A. Approved Claims

The approved claims under Penal Code section 4900 are listed below. The list, which is organized in reverse chronological order, includes the claimant’s name, claim number, amount of compensation approved, and date of approval.

1. Abel Soto (24-ECO-08), \$909,720, approved May 16, 2024
2. Miguel Solorio (24-ECO-04), \$1,260,420, approved March 21, 2024
3. Maurice Caldwell (13-ECO-01), \$1,049,160, approved March 21, 2024
4. Giovanni Hernandez (23-ECO-64), \$859,600, approved January 31, 2024
5. Giovante Douglas (23-ECO-38), \$457,660, approved January 31, 2024
6. Cartier Hunter (23-ECO-20), \$449,960, approved January 31, 2024
7. Gerardo Cabanillas (23-ECO-56), \$1,447,740, approved December 20, 2023
8. Charles Heard (23-ECO-51), \$229,880, approved December 20, 2023
9. Brandon Washington (21-ECO-20), \$231,000, approved December 20, 2023
10. Juan Rayford (20-ECO-23), \$859,040, approved November 16, 2023
11. Dupree Glass (20-ECO-24), \$859,040, approved November 16, 2023
12. Daniel Saldana (23-ECO-31), \$1,705,340, approved August 24, 2023

¹ Different standards apply to vacate a conviction under these enumerated provisions. (Pen. Code, §§ 1473 (authorizing state habeas relief when new evidence would have more likely than not changed the outcome at trial); 1473.6 (authorizing reversal when conviction obtained by government fraud, false testimony, or misconduct); 1473.7, subd. (a)(2) (authorizing reversal when evidence of actual innocence requires vacating the conviction in the interests of justice); cf. 28 U.S.C. § 2254 (limiting federal habeas relief solely when a prejudicial violation of the federal constitution occurred, and the state court’s contrary adjudication was unreasonable under clearly established federal law).)

B. Case Summary

Each approved claim is summarized below. The summary identifies whether approval was based upon subdivision (a) or (b) of Penal Code section 4900 (i.e., PC 4900(a) or PC 4900(b)). A copy of the Board Decision for each claim is available upon request.

1. Abel Soto – Murder and Assault with a Deadly Weapon (PC 4900(a))

In 2007, Abel Soto (Soto) was convicted of one count of murder and two counts of assault with a deadly weapon with enhancements for benefiting a criminal street gang and personal use of a firearm. In 2024, Soto was granted habeas relief and found factually innocent of all charges.

As mandated by Penal Code section 1485.55, CalVCB approved Soto's claim under subdivision (a) of Penal Code section 4900 on May 16, 2024, in the amount of \$909,720 for having been imprisoned a total of 6,498 days for his vacated convictions.

2. Miguel Solorio – Murder and Assault with a Deadly Weapon (PC 4900(a))

In 2000, Miguel Solorio (Solorio) was convicted of one count of first-degree murder and six counts of assault with a firearm and enhancements to all seven counts. In 2023, Solorio was granted habeas relief and found factually innocent of all charges.

As mandated by Penal Code section 1485.55, CalVCB approved Solorio's claim under subdivision (a) of Penal Code section 4900 on March 21, 2024, in the amount of \$1,260,420 for having been imprisoned a total of 9,003 days for his vacated convictions.

3. Maurice Caldwell – Murder and Attempted Murder (PC 4900(b))

Maurice Caldwell (Caldwell) was convicted in 1991 of murder, attempted murder, and discharging a firearm into an occupied vehicle. In 2010, the convictions were vacated by a writ of habeas corpus. In 2011, the charges were dismissed due to the death of the sole eyewitness. The court denied Caldwell's motion for a finding of factual innocence for insufficient evidence, and that denial was affirmed on appeal.

In 2019, CalVCB denied Caldwell's claim under then-existing law for failing to demonstrate his innocence by a preponderance of the evidence. Caldwell filed a petition for writ of mandate, which was granted in part in 2022. Without deciding whether CalVCB had erred, the writ nevertheless ordered CalVCB to augment the record with newly discovered evidence and reconsider the claim under the recently enacted burden-shifting provision in subdivision (b) of section 4900.

On remand, the Attorney General declined to object to Caldwell's augmented claim. As mandated by subdivision (b) of Penal Code section 4900, CalVCB approved Caldwell's claim on March 21, 2024, in the amount of \$1,049,160 for having been imprisoned a total of 7,494 days for his vacated convictions.

4. Giovanni Hernandez – Murder and Attempted Murder (PC 4900(a))

Giovanni Hernandez (Hernandez) was convicted in 2012 of one count of first-degree murder, four counts of attempted first-degree murder, and shooting at an occupied motor vehicle with enhancements for the personal use of a firearm and committing these acts for the benefit of a criminal street gang. In 2023, Hernandez was granted habeas relief and found factually innocent of all charges.

As mandated by Penal Code section 1485.55, CalVCB approved Hernandez's claim under subdivision (a) of Penal Code section 4900 on January 31, 2024, in the amount of \$859,600 for having been imprisoned a total of 6,140 days for his vacated convictions.

5. Giovante Douglas – Murder (PC 4900(b))

Giovante Douglas (Douglas) was convicted in 2016 of first-degree murder with an enhancement for use of a firearm. In 2022, Douglas's conviction was vacated by a writ of habeas corpus and the case dismissed immediately thereafter without a finding of factual innocence.

The Attorney General declined to object to Douglas's claim under subdivision (b) of Penal Code section 4900. As mandated by statute, CalVCB approved Douglas's claim on January 31, 2024, in the amount of \$457,660 for having been imprisoned a total of 3,269 days for his vacated conviction.

6. Cartier Hunter – Murder and Possession of a Firearm (PC 4900(b))

Cartier Hunter (Hunter) was convicted in 2016 of first-degree murder and being a felon in possession of a firearm. In 2023, both convictions were vacated by a writ of habeas corpus and the case dismissed immediately thereafter without a finding of factual innocence.

The Attorney General declined to object to Hunter's claim under subdivision (b) of Penal Code section 4900. As mandated by statute, CalVCB approved Hunter's claim on January 31, 2024, in the amount of \$449,960 for having been imprisoned a total of 3,214 days for his vacated convictions.

7. Gerardo Cabanillas – Robbery, Carjacking, Kidnapping, and Sexual Offenses (PC 4900(a))

Gerardo Cabanillas (Cabanillas) was convicted in 1995 and 1996 of a total of 13 counts including robbery, carjacking, kidnapping, and multiple forcible sexual offenses. In 2023, Cabanillas was granted habeas relief and found factually innocent of all charges.

As mandated by Penal Code section 1485.55, CalVCB approved Cabanillas's claim under subdivision (a) of Penal Code section 4900 on December 20, 2023, in the amount of \$1,447,740 for having been imprisoned a total of 10,341 days for his vacated convictions. CalVCB denied compensation for 131 additional days requested by Cabanillas that were not part of the term of incarceration for his erroneous convictions.

8. Charles Heard – Murder and Attempted Robbery (PC 4900(a))

Charles Heard (Heard) was convicted in 2010 of murder and attempted robbery under California law. In 2014, Heard was indicted on federal charges under the Racketeer Influenced and Corrupt Organizations Act (RICO), which included two murder counts unrelated to Heard's California convictions. Heard was eventually transferred to federal custody for trial after the federal court issued a writ of habeas corpus *ad prosequendum*. In 2018, Heard was convicted of the federal charges and sentenced to four consecutive life sentences. Heard returned to California custody shortly thereafter to serve the remainder of his state sentence. But in 2020, Heard's California convictions were vacated by grant of habeas corpus, and he was transferred back to federal prison to serve the life sentences for his still valid federal convictions. In 2023, Heard was found factually innocent of his California convictions only.

As mandated by Penal Code section 1485.55, CalVCB approved Heard's claim under subdivision (a) of Penal Code section 4900 on December 20, 2023, in the amount of \$229,880 for having been imprisoned a total of 1,642 days solely for his vacated California convictions. No compensation was granted for any period of time that Heard remained in state custody after the federal court issued the writ of habeas corpus *ad prosequendum*, as Heard would not have been free thereafter but for his erroneous California convictions.

9. Brandon Washington – Assault with a Firearm (PC 4900(a))

Brandon Washington (Washington) was convicted in 2013 of two counts of assault with a firearm. In 2020, Washington's convictions were vacated and dismissed with prejudice. In 2023, Washington was found factually innocent of both charges.

As mandated by Penal Code section 851.865, CalVCB approved Washington's claim under subdivision (a) of Penal Code section 4900 on December 20, 2023, in the amount of \$231,000 for having been imprisoned a total of 1,650 days for his vacated convictions. CalVCB denied compensation for four additional days requested by Washington that were not part of the term of incarceration for his erroneous convictions.

10. Juan Rayford – Attempted Murder (PC 4900(b))

Juan Rayford (Rayford) was convicted in 2004 of 11 counts of attempted murder and one count of shooting at an inhabited dwelling. In 2020, Rayford's 11 convictions for attempted murder were vacated pursuant to a writ of habeas corpus. Subsequently, in 2023, his sole remaining conviction for shooting at an inhabited dwelling was vacated pursuant to Penal Code section 1473.7, subdivision (a)(2).

The Attorney General declined to object to Rayford's claim under subdivision (b) of Penal Code section 4900. As mandated by statute, CalVCB approved Rayford's claim on November 16, 2023, in the amount of \$859,040 for having been imprisoned a total of 6,136 days for his vacated convictions.

11. Dupree Glass – Attempted Murder (PC 4900(b))

Dupree Glass (Glass) was convicted in 2004 of 11 counts of attempted murder and one count of shooting at an inhabited dwelling. In 2020, Glass's 11 convictions for attempted murder were vacated pursuant to a writ of habeas corpus. Subsequently, in 2023, his sole remaining conviction for shooting at an inhabited dwelling was vacated pursuant to Penal Code section 1473.7, subdivision (a)(2).

The Attorney General declined to object to Glass's claim under subdivision (b) of Penal Code section 4900. As mandated by statute, CalVCB approved Glass's claim on November 16, 2023, in the amount of \$859,040 for having been imprisoned a total of 6,136 days for his vacated convictions.

12. Daniel Saldana – Attempted Murder (PC 4900(a))

Daniel Saldana (Saldana) was convicted in 1990 of six counts of attempted murder, shooting at an occupied vehicle, and several enhancements related to the use of a firearm, infliction of great bodily harm, and association with a criminal street gang. In 2023, Saldana was granted habeas relief and found factually innocent of all charges.

As mandated by Penal Code section 1485.55, CalVCB approved Saldana's claim under subdivision (a) of Penal Code section 4900, in the amount of \$1,705,340 for having been imprisoned a total of 12,181 days solely as a result of the vacated convictions.