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6 **BEFORE THE VICTIM COMPENSATION BOARD**
7 **OF THE STATE OF CALIFORNIA**
8

9 In the Matter:

10 **Raymond Lee Jennings**

11 Claim No. 17-ECO-01

Proposed Decision

(Penal Code § 4900 et seq.)

12
13 **Introduction**

14 On April 3, 2017, Raymond Lee Jennings (Jennings) submitted an application for
15 compensation as an erroneously convicted person to the California Victim Compensation Board
16 (CalVCB). His application includes a court finding of actual innocence pursuant to Penal Code
17 section 1485.55. Jennings is represented by attorney Jeffrey I. Ehrlich. No appearance has been
18 requested by the California Attorney General. Senior Attorney Laura Simpton of CalVCB was
19 assigned to this matter. After reviewing the application and supporting documentation, CalVCB is
20 mandated to recommend that the Legislature appropriate \$538,440 as payment to Jennings for being
21 wrongfully imprisoned for 3,846 days.

22 **Procedural Background**

23 On December 13, 2005, Jennings was arrested for the murder of Michelle O'Keefe. O'Keefe's
24 body was found inside her blue Mustang in a Park-and-Ride parking lot on February 22, 2000. She
25 had been shot multiple times and sustained blunt force trauma to her head. Jennings was the
26 security guard at the Park-and-Ride who had reported hearing gunshots. Jennings was also a
27 member of the National Guard and had previously deployed to Iraq. No eyewitnesses or physical
28 evidence directly tied Jennings to the murder. An expert opined that the murder was sexually

1 motivated because only her red cell phone had been taken; not her purse. After two split verdicts, a
2 third jury convicted Jennings on December 18, 2009. On February 18, 2010, he was sentenced to 40
3 years to life.

4 On June 22, 2016, the Conviction Review Unit of the Los Angeles County District Attorney's
5 Office (LADA) submitted a letter on Jennings' behalf to the Los Angeles County Superior Court, which
6 was deemed to be a petition for writ of habeas corpus. According to LADA, newly discovered
7 evidence suggested that O'Keefe had been killed by gang members but additional investigation was
8 needed. At LADA's request, Jennings was released on his own recognizance the next day.

9 On December 20, 2016, LADA informed the Los Angeles County Superior Court that its
10 investigation had uncovered evidence that "points unerringly" to Jennings' innocence. LADA believed
11 that gang members "Jane Doe" (Jane) and "John Doe" (John) were responsible for O'Keefe's
12 murder.¹ Jane testified in Jennings' first trial that she had been present in the parking lot with John
13 and two others when she heard "tapping noises" and then saw a security car with flashing lights.
14 Both Jane and John were members of the Flushing Fifties Blood gang, and John was implicated in
15 several carjackings around that time. When arrested a few months after O'Keefe's murder for a
16 different offense, John was wearing a yellow metal earring with a white stone that looked like
17 O'Keefe's earrings. Also, a defect in one of the shell casings appeared to match another shell casing
18 for an unsolved murder involving the Flushing Fifties Bloods which may have been committed by
19 John. An anonymous caller reported overhearing two gang members admit to the shooting after
20 trying unsuccessfully to carjack O'Keefe. Additional DNA testing of O'Keefe's clothes and Jennings'
21 uniform did not yield any connection between the two, despite the fact that O'Keefe was shot at close
22 range. After considering this new evidence, the original expert who had testified that O'Keefe's
23 murder was sexually motivated withdrew his opinion. A new expert opined that the murder was gang-
24 related.

25 Based upon this evidence, and with the express agreement of LADA, the Los Angeles County
26 Superior Court granted Jennings' habeas petition on January 23, 2017. The following week, on

27
28 ¹ The suspects' true identity was not revealed by LADA in order to protect the integrity of ongoing
investigations against them.

1 January 30, 2017, the court also granted Jennings' motion for a finding of factual innocence. The
2 court expressly concluded that Jennings "has met his burden for a finding of factual innocence
3 pursuant to [Penal Code] sections 1485 and 1485.55."

4 **Determination of Issues**

5 Penal Code section 4900 allows any person, who has been erroneously convicted and
6 imprisoned for a felony offense, to apply for compensation from CalVCB.² Penal Code section 1485.55
7 provides that, if a court has granted a habeas petition and found that person to be factually innocent,
8 that finding is "binding" on CalVCB.³ Therefore, "the board shall, without a hearing, recommend to the
9 Legislature that an appropriation be made and the claim paid...."⁴ CalVCB's recommendation must
10 occur "within 30 days of the presentation of the claim...."⁵ The recommended amount "shall be a sum
11 equivalent to one hundred forty dollars (\$140) per day of incarceration served, and shall include any
12 time spent in custody, including in a county jail, that is considered to be part of the term of
13 incarceration."⁶

14 Here, Jennings was incarcerated for O'Keefe's murder from the date of his arrest on December
15 13, 2005, until he was released on his own recognizance on June 23, 2016, for a total of 3,846 days.
16 Jennings was expressly found to be factually innocent pursuant to Penal Code section 1485.55. As a
17 result, CalVCB shall recommend to the Legislature compensation in the amount of \$538,440,
18 representing \$140 for each day of Jennings' incarceration.

19 Date: April 7, 2017

20 _____
21 Laura Simpton
22 Hearing Officer
23 California Victim Compensation Board

24 _____
25 ² Pen. Code, § 4900.

26 ³ Pen. Code § 1485.55, subd. (a).

27 ⁴ *Ibid.*

28 ⁵ Pen. Code § 4902, subd. (a)

⁶ Pen. Code § 4904.

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**BEFORE THE VICTIM COMPENSATION BOARD
OF THE STATE OF CALIFORNIA**

In the Matter:
Raymond Lee Jennings
Claim No. 17-ECO-01

Notice of Decision
(Penal Code § 4900 et seq.)

On April 20, 2017, the California Victim Compensation Board adopted the attached Proposed Decision of the Hearing Officer as its Decision in the above-referenced matter.

Date: April 24, 2017

Tisha Heard
Board Liaison
California Victim Compensation Board