

## James Ochoa Awarded \$581,700 After Judge Pressured Him To Falsely Plead Guilty To Carjacking

In May 2005 James Ochoa was at his Buena Park, California home watching television with his family. At the same time a man robbed two men at gunpoint and stole their car. The car was found around the corner from where the 20-year-old Ochoa lived. Since he had a record for methamphetamine possession, the police showed his mugshot to the two victims. One identified Ochoa and the other wasn't sure. Protesting his innocence, Ochoa was arrested and charged with robbery and carjacking.



James Ochoa

There were so many questionable aspects to the case that the local alternative newspaper, *The Orange County Weekly*, ran a story about Ochoa on November 5, 2005 titled, "The Case of the Dog That Couldn't Sniff Straight."

During his December 2005 trial a detective said that Ochoa was initially suspected because a police dog had followed a scent directly from the abandoned vehicle to Ochoa's front door. (This was later proven to be false.) Three days into the trial the prosecution offered Ochoa a deal — plead guilty in exchange for a two year sentence in addition to the six months he spent in jail awaiting trial. They said if he was convicted they would seek a 50-year sentence, and Judge Robert Fitzgerald told Ochoa he would sentence him to life in prison if he was convicted by the jury.

Ochoa told Judge Fitzgerald, "But it was not me [who did the crime]." Fitzgerald's response suggested he didn't think it was relevant if Ochoa was the wrong person: "Innocent people go to prison."

Afraid of being convicted and dying in prison, Ochoa agreed to plead guilty. He was subsequently sentenced to two years in prison.

What the prosecution didn't tell Ochoa's lawyer was they knew Ochoa did not commit the crime. The robber left a black baseball cap and long-sleeved gray shirt in the car. A month after the robbery the items were DNA tested by the Orange County Sheriff's forensic laboratory. Although an identifiable male DNA profile was detected, Ochoa was not that person. The robber's thumb print lifted from the car's gear shift knob also didn't

match Ochoa. So his prosecution was based on the two eyewitness identifications — while the exculpatory forensic evidence wasn't disclosed to Ochoa's lawyer.

Then on Oct. 13, 2006, during a routine check the California Department of Justice found a match between the DNA and a 20-year-old man locked up in a Los Angeles County Jail on carjacking charges. With the DNA directly linked to an accused carjacker, six days later the Orange County DA's Office filed a motion to dismiss the charges against Ochoa. Fitzgerald — the same judge who pressured Ochoa to falsely plead guilty — vacated his conviction and sentence. Later that day Ochoa was quietly released after 17 months of wrongful incarceration.

Ochoa filed a claim for the \$100 per day California state law provides for each day a person is wrongfully imprisoned. The claim amounted to \$31,700. The Victim Compensation and Government Claims Board's hearing officer recommended against granting the claim because Ochoa's guilty plea contributed to his wrongful conviction. However, on April 24, 2008 the full Board granted the claim after a review of the unusual circumstances contributing to Ochoa's false guilty plea.

Ochoa also filed a federal civil rights lawsuit against the City of Buena Park and several of its police officers. The week after the state Board awarded Ochoa his claim, Ochoa and Buena Park agreed to a tentative settlement of his lawsuit for \$550,000. So Ochoa's total compensation for his ordeal will be \$581,700.

Ochoa now lives in Texas, where his parents moved after his conviction.

### Sources:

Wrongly convicted OC man is free — and out of state, *Los Angeles Times*, November 2, 2006.

Justice — finally, and just barely — is served, *Los Angeles Times*, April 26, 2008.

Man jailed wrongfully for 16 months to get \$550,000 from Buena Park, *Orange County Register*, April 30, 2008.



NAPS is a group that supports juvenile and prison reform. We call for public safety by insisting that rehabilitation be brought back into juvenile facilities and adult prisons. We call for action!

All prisoners, lawyers and youth concerned about justice should join NAPS today! For more information go to:

[www.napsusa.org](http://www.napsusa.org)

## Schapelle Corby Documentary On HBO

Australian Schapelle Corby's story of being sentenced to 20 years imprisonment in Indonesia on a false drug smuggling charge was featured in *JD* Issue 32, Spring 2006, "Schapelle Corby's Bali Vacation Turned In- to 20 Year Prison Sentence By Planted Drugs."



Schapelle Corby during her 2005 trial.

Documentary maker Janine Hosking filmed Corby's pre-trial and trial proceedings, along with interviews of Corby's family, friends and legal team. The cooperation of the Corby family was conditioned on Hosking's agreeing not to air the documentary until all of Schapelle's appeals were exhausted, and until other media commitments were completed. With the documentary finished but unable to be released yet in Australia, Hosking reached an agreement with HBO for it to be broadcast in the United States on August 17, 2008.

The documentary, titled *Ganja Queen*, highlights errors made by Corby's legal team in defending her, which she also wrote about at length in her autobiography *My Story*, published in Australia in 2006. (See review of *My Story* in *Justice:Denied*, Issue 37, Summer 2007.) Hosking's describes the film as "a chilling reminder of the risks all travelers take when visiting countries with vastly different criminal justice systems and cultural mores."

*Justice:Denied's* 2006 article is the only magazine feature story about Corby's case published in the United States, and *JD's* review of *My Story* is the only one published by a magazine in this country.

## Belgian Thinks U.S. Judicial System Is Backward

Shame on you AMERICA! I hate your "justice." I hate your system of punishments which sends innocents in jail! Your laws are retrograde, your only interests are money and petrol. It is time that America cleans its system and their politicians!

I live in Belgium and I am very happy not to live in your country of savages!

This was posted on the *Dallas Observer's* blog for an April 28, 2008 article about the release of James Lee Woodward after more than 27 years of imprisonment in Texas for his false conviction of murdering his girlfriend.