

To the Orange County Board of Supervisors:

I am writing to you today because I have been following news accounts of a debate that is taking place right now about who should run Orange County's new DNA lab. I have read that if you vote in favor of the proposal before you, the District Attorney's office would become part of a 3-person board directly supervising the lab and making all decisions about department protocols and policies. I urge you to reject this proposal.

My name is James Ochoa and I have a very personal story that I hope can shed some light on the discussion, since I understand that you are set to vote on the issue tomorrow. In December of 2005, at the age of 20, I was wrongfully convicted of a carjacking in Buena Park. On October 20, 2006, I was exonerated of this crime when DNA evidence not only proved that I was not the perpetrator, but identified the person who was actually guilty.

Before DNA conclusively proved my innocence, I had spent 16 hellish months in prison and what I learned later about the conduct of the District Attorney's office shocks me to this day. Before the DNA testing yielded a match to the actual perpetrator, the DNA analyst from the Orange County Sheriff's Department crime lab, Danielle Wieland, had determined that the DNA connected to the crime scene evidence did not belong to me. Then she received a visit from a Deputy District Attorney and three of her colleagues who tried to convince her that rather than exclude me as the source of the DNA, she should instead conclude that the results were inconclusive.

When Ms. Wieland testified about this, she also indicated that one of the people who visited her that day about my case told her that he wished to drop the case, but that a supervisor told her to push forward out of fear that my lawyer would bring attention to the fact that I had been incarcerated for all of that time. It seemed that prosecutors would be able to convict me anyway, on the strength of faulty eyewitness testimony. I knew I was innocent, but thought – based on the evidence they planned to use against me – that I would face a lengthy sentence if my case went to trial. Fearing the worst, I accepted a plea deal for a two-year sentence.

The fact that the prosecution proceeded with my case in order to protect their image when they knew they had insufficient evidence demonstrated to me that the District Attorney's office is willing to go too far. After what happened to me, it is pretty clear that the District Attorney doesn't care about guilt or innocence; he cares about his career.

Now, by running the DNA lab, they want to control the very type of evidence they used to keep an innocent man in prison. If you allow this proposal to go through, you can expect future injustices like what happened to me. But don't just take my word for it. The head of the county union that represents lab analysts was recently quoted as saying, "I've met with our members and they have indicated it is not uncommon to receive phone calls from prosecutors questioning samples and giving suggestions that could benefit their cases. They (analysts) feel it is unnecessary and puts them in a difficult position."

Crime labs need to operate completely independently from the District Attorney's office. Otherwise, we shouldn't even pretend that we are seeking the truth from forensic science. How many more James Ochoas are acceptable? If your answer is none, then please reject this proposal.

Sincerely,
James Ochoa