

## **City Approves \$4.6 Million Settlement In Wrongful Incarceration Case**

9/3/09 (San Francisco, Calif.)—San Francisco Mayor Gavin Newsom has signed off on a \$4.6 million settlement between the City and County of San Francisco and John J. Tennison, who spent nearly 14 years in prison for a crime he did not commit.

Six years ago, Keeker & Van Nest partner Elliot Peters convinced a federal judge that Tennison had been wrongly convicted of and incarcerated for the murder of a San Francisco teen. After Tennison's release from prison, he sued the City and County of San Francisco, claiming that members of the San Francisco Police Department unconstitutionally withheld exculpatory evidence during his trial—including another man's taped confession to police and statements corroborating that confession.

Tennison accepted the city's \$4.6 million settlement offer in June. Approved by the San Francisco Board of Supervisors in mid-August and Mayor Newsom last week, it is reportedly the largest settlement of a lawsuit for wrongful incarceration in San Francisco's history.

“We have been proud to seek for John Tennison first his freedom and then compensation for the horrific violations of his constitutional rights,” Peters said. “This is a great day for our justice system.”

Peters got involved in the case after Tennison's brother, Bruce, who works at a parking lot next to the firm, mentioned Tennison's story to Peters and gave him a copy of a newspaper article about the case. At that point, Tennison had already spent 11 years in Mule Creek Prison. But Peters—working with Keeker & Van Nest partner Daniel Purcell and other firm attorneys—took the case pro bono and unearthed exculpatory evidence which the police had hidden and proved Tennison's innocence.

In 2003, U.S. District Judge Claudia Wilken granted Tennison's *habeas corpus* petition, issuing a 100-page opinion finding violations of Tennison's constitutional right to a fair trial and reversing his conviction. A state court subsequently declared Tennison to be factually innocent.

Since being freed from prison, Tennison has remained in the Bay Area. He currently works at the San Francisco Public Defender's Office.