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October 9, 2015

Embassy of Pakistan
Interests Section of the Islamic Republic of Iran
2209 Wisconsin Ave. NW
Washington, DC 20007

Re: **Hooman Ashkan Panah**

To Whom it May Concern:

Our Office represents Hooman Ashkan Panah, a citizen of Iran, in his pending habeas corpus proceeding. Mr. Panah is currently incarcerated at San Quentin State Prison under a sentence of death. I write to provide a brief overview of his case and to explain the new evidence developed in post-conviction proceedings that demonstrate his innocence.

Mr. Panah was convicted in 1994 of the first-degree murder of a child found in a suitcase in his closet. At the time, the residence was shared by Mr. Panah, his mother, and an individual guest named Ahmed Seihoon, who was, incidentally, the last person seen with the deceased shortly before she went missing. The crux of the prosecution's case relied solely on circumstantial evidence including pathology and serological evidence. While DNA evidence was collected, the results of the DNA testing were not presented at Mr. Panah's trial. Instead, the prosecution presented serological evidence that purportedly showed that fluid found on various samples at the crime-scene contained a blood type AB mixture from the victim (blood type A) and Mr. Panah (blood type B), inferring intimate sexual contact between the two. The prosecution then used their pathologist to link Mr. Panah to the crime by establishing a time-of-death consistent with the state's theory. No DNA or biological material from Mr. Panah was found on the victim, nor was there DNA from the victim found on Mr. Panah.

Through his habeas proceeding, however, Mr. Panah has demonstrated that the conclusions derived from the pathology and serological evidence supporting Mr. Panah's conviction were false. Instead, the DNA and pathology evidence demonstrate that Mr. Panah is innocent of the crimes for which he was convicted. The DNA results disprove the prosecution's mixture-of-fluids theory, and indicate that no contact, sexual or otherwise, occurred between Panah and the victim. Prior to trial, the prosecution should have known that the DNA evidence

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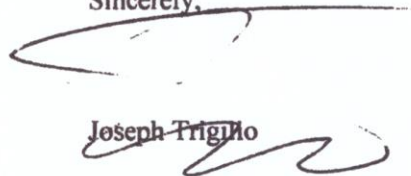
contradicted the serology evidence presented at trial. The prosecutor who presented the serology evidence and was responsible for the DNA evidence has since been disbarred from the practice of law, found to have lied while under oath, and deemed to be pathological liar who brought the judicial system into disrepute.

Also, an independent pathologist has confirmed that the victim likely died outside of the time-frame in which Mr. Panah was present in his apartment and while he was in police custody, showing that the prosecution's pathologist's testimony was also false. Indeed, while the police admitted entering and searching Mr. Panah's apartment at least four times, including his closet, and moving suitcases where the victim's body was ultimately discovered, before obtaining a search warrant, each of those searches yielded negative results for the body or any evidence of wrongdoing with the victim. No traces of blood, fluids, or other signs of struggle were found in the apartment. Moreover, there is evidence, obtained through post-conviction discovery, to suggest that additional warrantless searches of the apartment were conducted by the authorities, all with negative results; this includes searches by K-9 (search dog) Units that were brought to the vicinity but that did not alert the authorities to Mr. Panah's apartment.

With Mr. Panah's trial counsel explicitly prioritizing the settling of Mr. Panah's case over a complete investigation into the facts described above, much of this exculpatory evidence was left undeveloped. Even with competent counsel, however, the ability of Mr. Panah to obtain a fair trial was impeded by, *inter alia*, the fact that the trial court worked with the victim's mother and fiancé in the Courthouse, and the fact that a sitting juror was a member of the same Church-parish as the victim's family and the juror's children attended the same school as the victim.

We are currently litigating multiple claims in the Ninth Circuit Court of Appeals based on some of the postconviction evidence described above in the hopes of vacating Mr. Panah's wrongful conviction. Should you have any further questions please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Joseph Triguero", written over a horizontal line.

Joseph Triguero