

Dear ACAJ members

As an Advocate for the wrongfully convicted I hope that you will please consider my five recommendations that are now before you. If not the five recommendations than at least two of them.

For those who have been wrongfully convicted, who have exhausted all of their appeals have only one possible hope left and that is a Petition for Exoneration. Without that exoneration they will remain in prison until they die.

You have been presented with recent cases of those who have been exonerated in Nevada.

Please consider my recommendation for compensation for the years they spent in prison for a crime they did not commit

I have attached a letter regarding Mr. John Franklin Smith.

Respectfully,

Tonja Brown, Advocate for the Innocent



Washoe County Public Defender

Michael R. Specchio / Public Defender

Standard of Excellence Since 1969

March 29, 2001

John Franklin Smith
Lovelock Correctional Center
Post Office Box 359
Lovelock, Nevada 89419

Re: CR94-2151
State of Nevada v. John Franklin Smith

Dear Mr. Smith:

As a former client of this office I believe you are entitled to know certain information relative to your conviction and sentence.

The information set forth herein may already be known to you, in such an event you can disregard this letter. Also, the information in this letter has not been confirmed nor verified.

It has come to my attention that the alleged victim in your case has, under oath, recanted her testimony and has indicated that any sexual involvement between the two of you was consensual.

It appears the alleged "victim" had filed a civil action against certain individuals and/or companies seeking damages for the act that you had allegedly committed...apparently on the basis that a security company was civilly liable (on a theory that I am not aware). I, admittedly, am not that familiar with the facts of your case.

In any event, during the course of the "victim's" civil action, she was deposed by the attorney for the defendant security company. The unconfirmed information provided to me is that during this deposition the "victim" admitted that the sexual act between you and the deponent was consensual.

One South Sierra Street / P.O. Box 30083 / Reno, Nevada 89520-3083
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This information, if accurate, should be of considerable interest to you.

I can only presume that you are without sufficient funds to retain counsel to assist you in this matter...that should *not* preclude you from seeking justice to which you may be entitled.

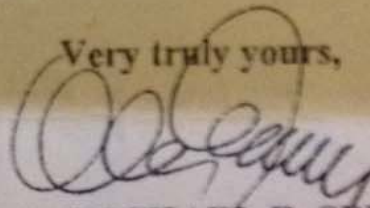
It is my suggestion to you to pursue your remedies under the Post-Conviction Statute. You can file a Pro Per Petition and ask for the appointment of an attorney and an investigator to confirm the validity of this information.

In the event you are precluded from filing a Petition for Post-Conviction Relief because of time limitations, you should file a Petition for Writ of Habeas Corpus. In either event you should seek the appointment of counsel. The attorney can make arrangements for an investigator or personally confirm the existence or non-existence of this information. I believe these are the only viable remedies available to you.

Further, the limited information that I have indicates that the "victim" was deposed by Bruce Laxalt, Esq. of the firm of Laxalt and Nomura. There should be a copy of that deposition in their possession. I believe that should be the starting point for your attorney.

I hope this information proves helpful for you and your future.

Very truly yours,



MICHAEL R. SPECCHIO
Washoe County Public Defender