

1 [Commending attorneys Elliot Peters, Ethan Balogh, Dan Purcell, and Stacey Wexler for their
2 work on the John Tension case.]

3 **Resolution commending attorneys Elliot Peters, Ethan Balogh, Dan Purcell, and Stacey**
4 **Wexler for their tireless efforts to ensure that the wrongful conviction of John "J.J."**
5 **Tension was overturned.**

6
7 WHEREAS, John "J.J" Tension was wrongfully convicted of murder and sentenced to
8 25 years to life in prison in 1990; and

9 WHEREAS, At Tension's trial, the prosecution withheld from Tension and his trial
10 counsel significant evidence that could have exonerated Tension and shown his factual
11 innocence before trial, and in so doing, denied Tension a fair trial; and

12 WHEREAS, The evidence withheld from Tension and his counsel included the
13 withdrawal by the prosecution of payments for witnesses from a "Secret Witness Fund," a
14 polygraph exam given to a prosecution witness in order to coerce her to retract a recantation
15 that showed the entire prosecution was based on false testimony, the suppression of a
16 videotaped interview of a witness showing that the prosecution possessed critical information
17 that undermined the entire case against Tension, additional eyewitness testimony that would
18 have shown Tension's innocence, and a confession of another individual to the crime that
19 exonerated Tension; and

20 WHEREAS, The United States Supreme Court has ruled that the prosecution is
21 constitutionally obligated to provide to an accused and his counsel evidence that may
22 potentially exculpate him; and

23 WHEREAS, United States District Judge Claudia Wilken found that Tension's right to
24 a fair trial had been violated, and overturned the conviction on August 26, 2003; and
25

1 WHEREAS, Judge Wilken found the case against Tennison to be weak and that the
2 prosecution withheld key evidence from the defense; and

3 WHEREAS, Judge Wilken concluded that regarding the only two witnesses for the
4 prosecution—young girls aged 11 and 14—one was improperly coached by the prosecution
5 and the other’s credibility was suspect; and

6 WHEREAS, Judge Wilken concluded that the prosecution withheld from Tennison and
7 his counsel evidence that it had sought and received \$2500 from a “Secret Witness Fund”
8 within the San Francisco Police Department to pay a witness in this case, and that one of the
9 prosecution’s two witnesses recanted her identification of Tennison as being at the scene of
10 the crime and informed the prosecution that she was coerced by the other young girl to testify
11 falsely against Tennison, and

12 WHEREAS, The conviction of John “J.J.” Tennison in 1990 was an egregious
13 miscarriage of justice; and

14 WHEREAS, Tennison has been imprisoned since 1990 for a crime for which he was
15 innocent; and

16 WHEREAS, Attorneys Elliot Peters, Ethan Balogh, Dan Purcell, and Stacey Wexler of
17 the San Francisco law firm Kecker & Van Nest, LLP took Tennison’s case on a pro bono basis
18 in 2001; and

19 WHEREAS, these attorneys won a court order in 2001 permitting them to depose key
20 members of the prosecution team, through which they uncovered significant evidence
21 previously withheld by the prosecution which demonstrated Tennison’s innocence; and

22 WHEREAS, These attorneys donated more than 1200 hours of their time to
23 Tennison’s case, ultimately resulting in Tennison’s conviction being overturned and vacated;
24 and

1 WHEREAS, Subsequent to the work of the Kecker & Van Nest attorneys, Tennison's
2 codefendant Antoine Goff was likewise exonerated; now, therefore, be it

3 RESOLVED, That the San Francisco Board of Supervisors commends Attorneys Elliot
4 Peters, Ethan Balogh, Dan Purcell, and Stacey Wexler for their tireless efforts to ensure that
5 justice finally be done for John "J.J." Tennison; and be it

6 FURTHER RESOLVED, That the San Francisco Board of Supervisors commends the
7 work of Diana Samuelson and Nancy Yamahiro for their work to obtain the release of Antoine
8 Goff.



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails
Resolution

File Number: 031622

Date Passed:

Resolution commending attorneys Elliot Peters, Ethan Balogh, Dan Purcell, and Stacey Wexler for their tireless efforts to ensure that the wrongful conviction of John "J.J." Tennison was overturned.

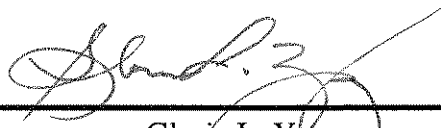
September 30, 2003 Board of Supervisors — ADOPTED

Ayes: 9 - Daly, Dufty, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

Absent: 2 - Ammiano, Ma

File No. 031622

I hereby certify that the foregoing Resolution was ADOPTED on September 30, 2003 by the Board of Supervisors of the City and County of San Francisco.


Gloria L. Young
Clerk of the Board

OCT 10 2003

Date Approved



Mayor Willie L. Brown Jr.