

*In the Supreme Court of the State of California*

**Application of Wright for Executive  
Clemency.**

**First Amendment Coalition,**

**Petitioner,**

**v.**

**Governor Edmund G. Brown Jr.**

**Respondent.**

Case No. S251879

**DECLARATION OF KRISTINA B. LINDQUIST IN SUPPORT  
OF RESPONDENT'S OPPOSITION TO MOTION TO UNSEAL  
CLEMENCY-RELATED COURT RECORDS**

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*Attorneys for Respondent Governor  
Edmund G. Brown Jr.*

I, Kristina B. Lindquist declare:

1. I make this declaration in support of Respondent Governor Edmund G. Brown Jr.'s Opposition to Unseal Clemency Materials. Except where a fact is specifically stated to be on the basis of information and belief, I have personal knowledge of the facts set forth in this declaration, and were I called to testify to those facts under I oath, I could and would do so.

2. I am an attorney licensed to practice law in the State of California. I am a Deputy Legal Affairs Secretary for Governor Edmund G. Brown Jr., a position I have held for over seven years. Prior to joining the Brown Administration, I was a Staff Counsel for the California Department of Corrections and Rehabilitation.

3. I am the lead attorney for commutations in the Governor's Office. In that capacity, I oversee all aspects of the commutation process, including how cases are investigated by the Board of Parole Hearings, how those cases are presented to the Governor for his decision, and which cases involving individuals with more than one felony conviction are sent to the California Supreme Court for their recommendation pursuant to Article V, section 8.

4. I have reviewed over a thousand commutation files and am familiar with the kind of information that is typically contained in a

commutation file. Those files include summary criminal history information (also known as a RAP sheet), Probation Officer's Report and/or appellate history, pertinent trial court records, and information about the individual's performance in prison – disciplinary reports, work evaluations, educational records, vocational certificates, suspected gang involvement, and participation in self-help groups. A clemency file may contain medical or financial records. A commutation file includes letters from district attorneys, judges, inmate attorneys, victims or their surviving family members or friends, witnesses to the crime, jurors, or inmate family members or friends.

5. Confidential reports by investigators from the Board of Parole Hearings are also included in a commutation file. Investigations include an interview the inmate that covers the individual's childhood, family situation, drug use, gang involvement, and history of abuse as a child. They ask the inmate to explain the reasons for his or her participation in criminal activity and what he or she has done to prepare for re-entry into the community. When appropriate, investigators will call those who claim to have details of an inmate's innocence. In cases related to claims of intimate partner battery, investigators will also contact individuals who may have witnessed abuse around the time of the crime, obtain the criminal histories of other individuals, and examine hospital records or arrest reports that may or may not substantiate the inmate's claims. If relevant, an

investigator will consider material – including complete reports of inmates dropping out and debriefing from gangs or reporting criminal activity in the prisons – that if disclosed, would pose significant risk to the safety and security of prison staff and inmates. In addition, the assigned Investigator from the Board of Parole Hearings will routinely speak or correspond with prison staff to get their impressions of the inmate, the inmate’s interactions with peers and staff, and their suspected involvement in criminal or gang-related activities in prison. The Investigator will include any information they believe is relevant in a confidential report addressed to the Governor’s Legal Affairs Secretary.

6. I have received numerous calls from the family members of victims or Deputy District Attorneys on their behalf inquiring whether the inmate will have access to their letters to the Governor if they choose to submit input on the case. Many have been reluctant to provide their contact information or have hesitated to write about their unique perspective about whether clemency is appropriate in a particular case. I have always explained that our office considers the clemency file confidential, including letters both supporting and opposing clemency. The input of these individuals is quite important when evaluating whether clemency is appropriate in a specific case. Based on these conversations, I believe if these individuals thought their correspondence to the Governor was to be

made public, it would have a chilling effect on the information they provide.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed the 26th of November, 2018, in Sacramento, California.

A handwritten signature in cursive script that reads "Kristina Lindquist". The signature is written in black ink and is positioned above a horizontal line.

Kristina B. Lindquist