



Man's Name Cleared After 10 Years Based on New Evidence and New California Law

SANTA CLARA, Calif., Jan. 17, 2018— Thanks to new evidence and a California law enacted in January 2017, a man's 1991 conviction has been vacated by the Butte County Superior Court. Attorney Paige Kaneb of the Northern California Innocence Project (NCIP) made the motion to vacate Darwin Crabtree's child molestation conviction and was able to do so based on the newly-enacted California law, which allows one who is no longer incarcerated or restrained to pursue a motion to vacate when that person provides "newly discovered evidence of actual innocence . . . that requires vacation of the conviction or sentence as a matter of law or in the interest of justice." The District Attorney conducted their own investigation of the case, agreed that the conviction be reversed, and issued an apology to Crabtree for its role in his conviction.

Crabtree served 9 years in prison for a crime he did not commit. In 1991, he was convicted of sexually molesting his 2 sons who were 12 and 8 at the time of the trial. False statements made by the boys during their parents' tumultuous divorce were the only direct evidence against Crabtree. Both sons, now adults, have maintained for over 9 years that their father is innocent and he never molested them.

In the care of an unlicensed therapist in training, the young boys "remembered" several incidents under what we now know was *suggestive and improper questioning*. In 2008, the sons reunited with their father and apologized for what they had done when they were too young to understand the consequences. By that time, Crabtree had been tried, convicted, served his sentence, and completed his parole. He remained a lifetime sex offender registrant subject to the stigma associated with that status.

After their reunion and in an effort to correct the injustice, the sons contacted NCIP and submitted written statements explaining Crabtree's innocence. But it wasn't until the newly-enacted law that NCIP was able to bring this case forward. According to Crabtree, "The new law gave my boys the opportunity to right the wrong, to alleviate the burden they've carried for all these years. This allows them to be good with the world."

"With the adoption of [Penal Code section 1473.7](#), California has recognized that innocent people are entitled to have their names - and records - cleared regardless of when new evidence is discovered." said Linda Starr, NCIP executive director and co-founder.

It's been 27 years since his conviction and Crabtree has experienced many struggles associated with the stigma of registering as a sex offender. But, he's also prevailed. For the last 10 years, he has worked as a contractor. He has a wife and grandchildren and he continues to rebuild his

relationship with his sons. “These 27 years have made me who I am. I have a voice that can be heard now,” he says.

“We have struggled with this case for years. Somehow, Darwin and his sons each found a way to heal enough to live productive lives and redevelop a loving and close relationship even though we couldn’t do anything to clear Darwin’s name. They are amazing people who have lived with this trauma for 27 years. They deserve to have this day, where the court and the State finally validate the truth.”

About the Northern California Innocence Project (NCIP)

NCIP is a non-profit clinical program of Santa Clara University School of Law whose mission is to promote a fair, effective, and compassionate criminal justice system and protect the rights of the innocent. Since its inception in 2001, NCIP has processed over ten thousand requests for inmate assistance, investigated hundreds of cases, pursued litigation or collaborative resolution in dozens, and obtained the freedom of 20 wrongfully convicted individuals. Learn more at www.ncip.scu.edu

Media Contact

Lori Reinauer | NCIP | (408) 551-3254 | lreinauer@scu.edu

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