

1 On August 28, 2018, CalVCB staff contacted the LADA. Through investigation, the LADA
2 determined [redacted] was raped in 1974. Two suspects were prosecuted and convicted.
3 However, the OCDA stated the agency had no evidence that either suspect ever contacted Morgain M.,
4 or that Morgain M. was a victim of the 1974 assault. The LADA also contacted Morgain M.'s sister.¹⁸
5 Morgain M.'s sister stated Morgain M. was not sexually assaulted in 1974. Rather, she stated Morgain
6 M. was "mentally ill" and refuses all help.

7 Between the 29-year delay in reporting the incident and the conflicting evidence, the CalVCB
8 has insufficient evidence demonstrating a qualifying crime occurred with respect to Morgain M.'s
9 allegation of molestation in 1980.

10 Pursuant to California Code of Regulations, title 2, sections 647.20.1 and 647.31, the factual
11 and legal bases for denial of the appeal set forth in the letter dated May 30, 2018, and the staff
12 recommendation dated April 24, 2018, are adopted herein. The appeal is denied.

13 Morgain M. may request that the Board reconsider its decision by filing a request for
14 reconsideration with the Board within 60 days of the mailing of the Notice of Decision. A request for
15 reconsideration may only be granted if she provides new and additional evidence that was not
16 reasonably available to her at the time of the hearing. Alternatively, Morgain M. may, pursuant to
17 Government Code section 13960, challenge the decision by filing a Petition for Writ of Mandate with a
18 California State Court.

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20 Dated: November 5, 2018



21 Kati A. Franck
22 Hearing Officer
23 California Victim Compensation Board

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28 ¹⁸ The LADA investigator could not recall the sister's name.
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