

SAN FRANCISCO PUBLIC DEFENDER

JEFF ADACHI – PUBLIC DEFENDER
MATT GONZALEZ – CHIEF ATTORNEY



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***** PRESS RELEASE *****

APPEALS COURT OVERTURNS SF DOUBLE MURDER CONVICTIONS

San Francisco—A state appeals court on Friday overturned a mentally ill San Francisco man's murder convictions after a judge found his trial continued despite his grave disability, San Francisco Public Defender Jeff Adachi announced today.

Hong Ri Wu, then 59, was convicted in 2014 of the murders of Qiong Han Chu and Fen Ping Ou. Wu and the decedents were neighboring merchants in Fisherman's Wharf. Prosecutors alleged Chu and Ou were murdered over a business rivalry, while Deputy Public Defender Sandy Feinland argued that Wu was bullied by the pair and acted in the heat of passion.

Wu showed symptoms of a major mental illness from the time of his arrest and went on a hunger strike, but a court-appointed psychiatrist in 2012 concluded he was competent to assist in his defense.

The trial was delayed until 2014 due to Wu's mental deterioration and refusal to eat. He was hospitalized and tube-fed. A different court-appointed psychiatrist declared him gravely disabled and unable to make decisions for himself. Superior Court Judge Donald Sullivan, however, reaffirmed the 2012 ruling that Wu was competent. Wu was hospitalized for the entirety of his trial, convicted, and sentenced to life in prison. Throughout the trial, Feinland argued that Mr. Wu was mentally incompetent to assist in his defense and that he was deprived of his right to attend his own trial.

The First District Court of Appeal in San Francisco ruled that Sullivan should have ordered a hearing on Wu's ability to understand the proceedings in 2014 rather than relying on an outdated report from two years earlier. Attorney Neil Rosenbaum represented Wu in his appeal.

The case will now return to the trial court for a hearing to determine if Wu was competent at the time of the trial. If the trial court finds he was incompetent, or concludes it is unable to make that determination, Wu will receive a new trial.

Feinland applauded the appeals court's decision.

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“This is no surprise. The trial judge rolled up his sleeves and pushed this case out to trial when my client was severely mentally ill and unable to assist me with his defense,” Feinland said. “Outrageously, his trial proceeded without him while he was committed to a mental hospital, force-fed, and given medication. Thanks to the Court of Appeal, he can finally get a fair trial.”

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