



THERE IS NO REMEDY TO FIX THE DEATH PENALTY [WHY? Because Justice Takes Time -- and Money]

A faster review of death penalty cases requires a \$95-million increase in the cost to taxpayers.

FACT: All attempts to “speed up” justice have been costly and have FAILED.

California has enacted numerous reforms in the past 30 years that have failed to streamline the death penalty, and instead cost the taxpayers more money. Failed attempts to “rush” justice include:

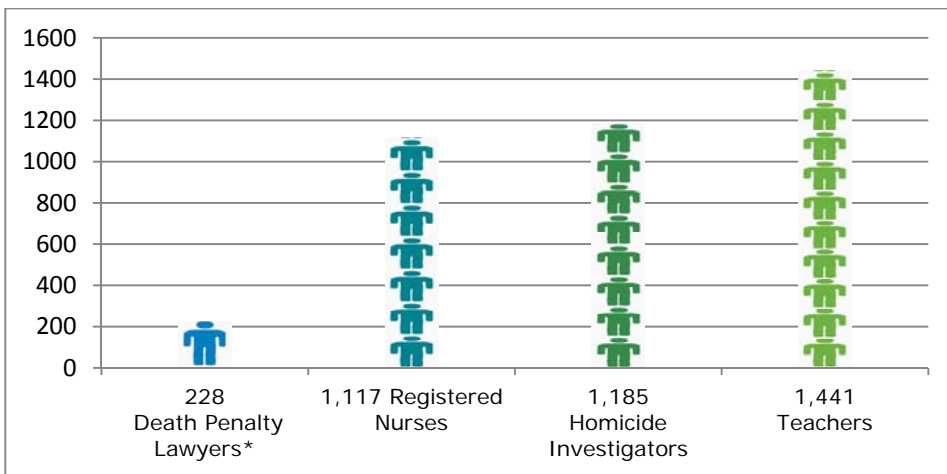
- Creation of special state agencies to handle death penalty defense,
- Deadlines on record correction and requirements for “speedy review” of death penalty cases, and
- Incentives for lawyers to take capital cases.

Every reform enacted to make the system move more quickly has cost us more money. That’s how we got where we are.

FACT: Trying again means THROWING GOOD MONEY AFTER BAD.

If California tries to “speed up” the death penalty without increasing the risk of executing an innocent person, taxpayers will have to spend even more money to reform the current system. A 2008 report by the California Commission on the Fair Administration of Justice found that in order to increase the pace of review of death penalty cases without decreasing the quality of justice, the state would have to spend an additional \$95 million a year. In a new study, U.S. 9th Circuit Court Judge Arthur L. Alarcon (a former prosecutor) and Loyola Law School professor Paula M. Mitchell reached a nearly identical conclusion.

\$95 MILLION MORE TO “SPEED UP” THE DEATH PENALTY How else can we invest our taxpayer dollars?



OPTION #1: Invest in our dysfunctional death penalty by hiring 228 more death penalty attorneys plus additional funding to the California Supreme Court and the Attorney General’s office.

OR

OPTION #2: Invest in our communities by hiring additional teachers, homicide investigators, or nurses.

* The \$95-million figure represents the cost of 228 additional lawyers for post-conviction defense plus more attorneys at the California Supreme Court and the Attorney General’s office.

FACT: When we rush we MAKE MISTAKES.



Cameron Todd Willingham
and his daughter.

Cameron Todd Willingham was executed for a fire that killed his three children, even though experts now agree the fire was an accident and he was innocent.

The grave risk of wrongful execution remains in California and cannot be overlooked. Nationally, more than 100 people have been released from death row after new evidence proved they were in fact innocent.

On average, it took nine years for the new evidence to be located and presented in court. In some cases, it has taken nearly two decades, as in the case of John Thompson, who was wrongfully sentenced to die in Louisiana and nearly executed. And in some cases, mistakes have not been caught in time.

WRONGFULLY CONVICTED: FRANKY CARRILLO

On March 14, 2011, the Los Angeles County Superior Court reversed Francisco "Franky" Carrillo Jr.'s 1992 conviction for the murder of Donald Sarpy, and ordered his release after two decades behind bars. At 16, Franky was wrongfully convicted of the 1991 murder based solely on identification testimony from six people, including the victim's son. All six witnesses recently admitted that they were unable to see the shooter, and were influenced to make their identifications of Franky by the police and each other. In addition, two other men have since confessed to the shooting and said that Franky was not involved.

Though innocence issues were raised early in his trial, and again during Franky's failed appeals, it was not until Ellen Eggers, an attorney with the Office of the State Public Defender, the law firm of Morrison and Foerster, and the Northern California Innocence Project (NCIP) stepped in to represent him for free, that Franky was able to establish his innocence with overwhelming evidence, and win release.

Franky's case is another stark example of the problems that contribute to wrongful convictions. All too often, eyewitnesses end up choosing the wrong person because of outdated witness identification protocols and because law enforcement officers, eager to solve serious crimes, inadvertently prompt witnesses. In their 2006 report, the CCFJA made specific recommendations to improve eyewitness identification procedures to reduce the likelihood of error and erroneous convictions. None of these reforms have been implemented to date.

Nowhere is this risk of wrongful conviction greater than in death penalty cases. Eyewitness misidentification remains the leading cause of erroneous convictions in the nation, responsible for an alarming 47 innocent men and women sentenced to death, and contributing to many more wrongful convictions. Franky's case shows not only how easy mistakes can be made in California, but also how difficult innocence is to prove when they are.



GET INVOLVED!

Text SAFECA to 74700 to receive SAFE CA updates
Textea PENAJUSTA a 74700 para información en español
WWW.SAFECALIFORNIA.ORG