




MEETING DATE: 10/3/05
ITEM NO. 12

COUNCIL AGENDA REPORT

DATE: OCTOBER 3, 2005

TO: MAYOR AND TOWN COUNCIL

FROM: DEBRA J. FIGONE, TOWN MANAGER 

SUBJECT: DISCUSS AND CONSIDER A REQUEST TO SUPPORT A RESOLUTION TO PLACE A MORATORIUM ON DEATH PENALTY

RECOMMENDATION:

Discuss and consider a request to support a resolution to place a moratorium on the death penalty.

BACKGROUND:

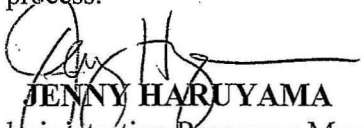
On Monday, August 1, 2005, members of the public requested that Council support a resolution to place a moratorium on the death penalty as described in the attached correspondence (Attachment No. 3). In accordance with Council's process for placing items on the agenda for consideration, Vice Mayor McNutt and Council Member Glickman voted to place the moratorium issue on a future agenda for discussion.

DISCUSSION:

The issue of placing a moratorium on the death penalty has not been referred to staff for analysis; however, Council has made specific information requests. In response to these requests, the following information is being provided for Council's review and consideration:

- *Has this issue been raised at the State level?*
See Attachment No. 1: Assembly Bill 1121, "California Moratorium on Executions Act"
- *What is the Town Council's policy on resolutions, commendations, and proclamations?*
See Attachment No. 2: Policy Statement Concerning Commendations and Proclamations
- *What is the League of California Cities' position on the moratorium legislation?*
The League of California Cities has taken a "watch" position on AB 1121 (California Moratorium on Executions Act), meaning it will observe and track the development and movement of the bill through the legislative process.

PREPARED BY:


JENNY HARUYAMA
Administrative Programs Manager

N:\MGRV\Haruyama\Staff Reports\moratorium.wpd

Reviewed by: PSJ Assistant Town Manager OK Town Attorney _____ Clerk Administrator
____ Finance _____ Community Development

Revised: 9/29/05 9:09 am

Reformatted: 5/30/02

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MAYOR AND TOWN COUNCIL

SUBJECT: DISCUSS AND CONSIDER A REQUEST TO SUPPORT A RESOLUTION TO
PLACE A MORATORIUM ON DEATH PENALTY

October 3, 2005

- *Have other municipalities been asked to support a resolution placing a moratorium on the death penalty? Which cities?*

Staff contacted various cities in Santa Clara County to determine if they have taken action on a resolution supporting a moratorium on the death penalty. The following is a list of municipalities that were contacted:

City of San Jose:	No action to date
City of Santa Clara:	No action to date
City of Los Altos:	No action to date
City of Sunnyvale:	No action to date
City of Mountain View:	Majority of the Mountain View City Council agreed to not authorize its Human Relations Commission to add the moratorium resolution to its current workplan for review and discussion.
City of Campbell:	No action to date
City of Palo Alto:	Adopted resolution supporting a moratorium on the death penalty
City of Saratoga:	No response to staff inquiry to date
City of Gilroy:	No response to staff inquiry to date
City of Morgan Hill:	No response to staff inquiry to date
County of Santa Clara:	Adopted resolution supporting a moratorium on the death penalty

Also attached for Council's information is correspondence received regarding the moratorium issue.

FISCAL IMPACT:

There is no fiscal impact associated with taking a support position on a moratorium on the death penalty, with the exception of any required administrative support associated with Council's action.

Attachments:

Attachment No. 1:	Assembly Bill 1121, "California Moratorium on Executions Act"
Attachment No. 2:	Policy Statement Concerning Commendations and Proclamations
Attachment No. 3:	Correspondence submitted by Tab Morales at the August 1, 2005 Council meeting
Attachment No. 4:	Correspondence submitted by Fellow Stearns, dated August 10, 2005
Attachment No. 5:	Correspondence submitted by Jane Hills, dated September 27, 2005

AMENDED IN ASSEMBLY JUNE 20, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 1121

**Introduced by Assembly Member ~~Koretz~~ Members Koretz and
Lieber**

(Principal coauthor: Senator Cedillo)

(Coauthors: Assembly Members Dymally and Leno)

February 22, 2005

An act to amend Section ~~1216~~ of 3700 of, and to add Section 3700.1 to, the Penal Code, relating to sentencing.

LEGISLATIVE COUNSEL'S DIGEST

AB 1121, as amended, Koretz. Sentencing.

Existing law establishes the sentence of death as the penalty for certain crimes under particular circumstances, as specified.

This bill would place a moratorium on the carrying out of any executions, as specified, until certain criteria are met, or, failing that, until January 1, 2009, as specified. The bill would require make findings and state declarations of the Legislature relative to the California Commission on the Fair Administration of Justice, as specified.

~~Existing law provides that if judgment is for imprisonment in the state prison, the sheriff of the county shall, among other duties, upon receipt of a certified abstract or minute order thereof, take and deliver the defendant to the warden of the state prison.~~

~~This bill would make a technical, nonsubstantive change to those provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. *The Legislature finds and declares the*
2 *following:*

3 (a) *Pursuant to Senate Resolution 44, on August 27, 2004, the*
4 *Senate resolved to establish the California Commission on the*
5 *Fair Administration of Justice.*

6 (b) *The California Commission on the Fair Administration of*
7 *Justice will study and review the administration of justice in*
8 *California to determine the extent to which that process has*
9 *failed in the past, resulting in wrongful executions or the*
10 *wrongful conviction of innocent persons. The commission will*
11 *examine ways of providing safeguards and making improvements*
12 *in the way the criminal justice system functions and make any*
13 *recommendations and proposals designed to further ensure that*
14 *the application and administration of criminal justice in*
15 *California is just, fair, and accurate.*

16 (c) *The commission will be conducting its work and must*
17 *complete its study and make any recommendations for reform by*
18 *December 31, 2007.*

19 (d) *There are currently more than 640 inmates on death row*
20 *in California, more than any other state in the country, and of*
21 *those 640, more than 20 have appeals pending in the Ninth*
22 *Circuit Court of Appeals, which is the final procedural step*
23 *before execution dates are set for those inmates whose*
24 *convictions and sentences are affirmed.*

25 (e) *Because of the mature state of the appeals and habeas*
26 *proceedings in so many death penalty appeals, it is highly likely*
27 *that prior to December 31, 2007, dozens of execution dates will*
28 *be set, clemency proceedings will occur in those cases, clemency*
29 *decisions will need to be made, and if clemency is not granted,*
30 *executions will occur, all without the benefit of the California*
31 *Commission on the Fair Administration of Justice's findings and*
32 *recommendations.*

33 (f) *In light of the final and irrevocable nature of the death*
34 *penalty, and to ensure that no innocent person is ever executed in*
35 *this state, it is necessary to place a moratorium on executions*
36 *until the work of the California Commission on the Fair*
37 *Administration of Justice is completed.*

38 SEC. 2. *Section 3700 of the Penal Code is amended to read:*

1 3700. No judge, court, or officer, other than the Governor,
2 can suspend the execution of a judgment of death, except the
3 warden of the State prison to whom he or she is delivered for
4 execution, as provided in the six succeeding sections this
5 chapter, unless an appeal is taken.

6 SEC. 3. Section 3700.1 is added to the Penal Code, to read:

7 3700.1. (a) There is hereby imposed a moratorium on the
8 carrying out of executions in this state. The warden of the state
9 prison to whom an inmate is delivered for execution shall not
10 carry out any executions during the moratorium period.

11 (b) The moratorium period shall commence upon the date this
12 section becomes effective, and shall continue until the
13 Legislature has fully considered any recommendations of the
14 California Commission on the Fair Administration of Justice and
15 has enacted legislation ending the moratorium period, provided
16 however, that if the Legislature fails to enact legislation ending
17 or extending the moratorium period, the moratorium shall end on
18 January 1, 2009.

19 (c) Once the moratorium has ended, any date for an execution
20 shall be set as provided by Section 1227.

21 SECTION 1. Section 1216 of the Penal Code is amended to
22 read:

23 1216. If the judgment is for imprisonment in the state prison,
24 the sheriff of the county shall, upon receipt of a certified abstract
25 or minute order thereof, take and deliver the defendant to the
26 warden of the state prison. The sheriff also shall deliver to the
27 warden the certified abstract of the judgment or minute order, a
28 Criminal Investigation and Identification (CII) number, a
29 Confidential Medical/Mental Health Information Transfer Form
30 indicating that the defendant is medically capable of being
31 transported, and shall take from the warden a receipt for the
32 defendant.

**COUNCIL POLICY
TOWN OF LOS GATOS**

Subject:
POLICY STATEMENT
CONCERNING COMMENDATIONS
AND PROCLAMATIONS


Enabling
Actions:

Page 1 of 1

Approved:

Effective
Date:
1/19/93

Revised
Date:



PURPOSE

To clarify the process for issuing proclamations and commendations.

POLICY

All matters proposed for Council or Mayoral action which commemorate a period of time or commend the actions of a person or a group or endorse a position or an idea not directly related to the affairs of the Town shall be screened by the Mayor.

If a group or individual requests such action, and the Mayor determines that there is no substantial political issue concerning such action, the Mayor may issue a proclamation or commendation.

If the supporting group or individual requests Council action rather than a Mayoral proclamation or commendation, the Mayor may place a resolution on the agenda for Council action depending on the importance of the action and the amount of additional business on the Council agenda.

APPROVED AS TO FORM:


Town Attorney

Information that Citizens Should Know About the Death Penalty

COSTS

First Degree murder trials cost about \$650K. Death Penalty cases cost about \$1.2 to \$1.3 M. First Degree Murder cases take about 5 to 7 years. Death Penalty cases take about 20 years. It costs approximately \$90,000 a year to house an inmate on death row compared to \$30,000 for the general population resulting in an additional cost of \$57.5 million annually.

It is planned to build a new death row in San Quentin at a cost of \$200M.

Under the death penalty system trials have two separate phases (conviction and sentencing). Convicted defendants are entitled to an automatic appeal. More investigative costs are generally incurred in capital case, particularly by the prosecution.

Innocence Issues

Over 117 persons have been exonerated and released from death row. 2/3 of death penalty convictions are set aside. Locally, Budddy Nickerson, sentenced to Life Imprisonment Without Parole on a Capital Murder charge, was released after serving 19 years. The cost of this case was several million dollars (there were two mistrials).

The Senate Rules Committee has appointed a Commission on the Fair Administration of Justice (created by SR 44) to study the criminal justice system and the death penalty.

Support for a Death Penalty Moratorium

Statewide over 300 organizations have passed moratorium resolutions, including Santa Clara County Board of Supervisors and Palo Alto City Council. Recently almost 200 Los Gatos residents have signed moratorium petitions. Also, we received 70 letters of support.

Town Council Business?

"California Law gave municipalities and counties the authority to pass resolutions pertaining to national, local and state policies." *Palo Alto Council Member Kleinberg.*

Unfortunately homicides do occur in Los Gatos. Innocent persons have been convicted of capital murder. Surely the case of a Buddy Nickerson qualifies as city business. The extra costs of the death penalty affects us all in the diversion of public funds that could be used for crime prevention, violence prevention, assistance to family members of victims and our schools.

Request to the Town Council

It is requested that Los Gatos Town Council support a resolution calling for a moratorium on the death penalty whilst the Commission on the Fair Administration of Justice studies the criminal justice system and the death penalty (scheduled to run for 3 years).

From: <fcstearns@verizon.net>
To: <pgarcia@town.los-gatos.ca.us>
Date: 8/10/2005 11:59:17 AM
Subject: Contact/Feedback

A contact/feedback form has been processed for the Town of Los Gatos and forwarded courtesy of Boardwalk Internet Corporation. The information provide follows:

Name: Fellow C. Stearns
Address: 14521 S. Bascom Ave.
City: Los Gatos
State: California
Zip Code: 95032
Telephone:
Facsimile: 408 356-9144
Email: fcstearns@verizon.net
Info: General Comment

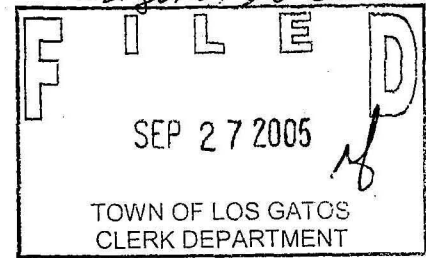
Comments: We strongly object to our town council wasting our tax dollars discussing issues they have no authority over. ie: death penalty, Iraq war. please keep topics of discussion on problems you are elected to solve.

Fellow & Molly Stearns
Dennis & Linda Dehart
Judy Fotion

Processed: August 10, 2005 (Wednesday)

September 27, 2005

Ms. Debra J. Figone, Town Manager
Town Manager's Office
Town of Los Gatos
110 E. Main Street
Los Gatos, CA 95031



OC [unclear]
RECEIVED

SEP 27 2005

TOWN MANAGER

Re: Packet for Council Members, October 3, 2005 Council Meeting

Dear Ms. Figone,

A group of concerned Los Gatos residents will address the Town Council at the scheduled October 3, 2005 Town Meeting requesting a Resolution to adopt a Moratorium on executions in California. Please find enclosed a packet of information containing important background information on this critical issue. We would be most grateful if you could distribute copies of this informational packet to the Mayor and to Council Members prior to the October 3, 2005 meeting. Thank you for your assistance with this matter.

Sincerely,

Jane Hills

Jane Hills
100 Vasona Oaks Drive
Los Gatos, CA 95032
(408) 395-8230

Enclosure: Death Penalty Moratorium Background Information

Death Penalty Moratorium Background Information

- **Summary Letter**
- **Moratorium Draft Resolution**
- **Commission on the Fair Administration of Justice**
- **Fact Sheet**
- **Death Penalty: Racial Disparities – San Jose Mercury 9/22/05**
- **Organizations Calling for a Time Out on Executions in California**
- **Exonerations in California**
- **Error Rates in Capital Cases – Columbia Law School**
- **Los Gatos Support for a Death Penalty Moratorium**
 - **Petitions**
 - **Letters to the Editor**
 - **Letters of Support**

To:

Mayor Mike Wasserman
Vice-Mayor Diane McNutt
Council Member Steve Glickman
Council Member Joe Pirzynski
Council Member Barbara Spector

September 25th, 2005

Dear Members of the Los Gatos Town Council,

As you are aware there is increasing discussion throughout the nation, the state and indeed Los Gatos about the acknowledged injustices, risk of execution of the innocent associated with implementation of the death penalty. Recognizing these flaws the State Senate has appointed a Commission on the Fair Administration of Justice to study the criminal justice system and the death penalty.

We urge the Los Gatos Town Council to pass a resolution calling for suspension of executions whilst the Commission on the Fair Administration of Justice studies the death penalty for a period of 3 years.

There is extensive support for a time out on executions. Locally, the cities of Palo Alto, Menlo Park, East Palo Alto, Oakland, Berkeley, Portola Valley and Santa Cruz have passed moratorium resolutions. Additionally, County Board of Supervisors for Santa Clara, Marin, San Francisco and Alameda have also passed resolutions calling for time out on executions. Additionally, over 300 organizations in California have passed moratorium resolutions, including the San Jose Mercury. The American Bar Association has also called for a halt in executions.


We are also concerned about the soaring costs of the death penalty. Executions cost far more than the alternative of Life Imprisonment Without Parole. These extra costs affect us all, including taxpayers of Los Gatos, in the diversion of public funds that could be used in crime prevention, support for family members of victims and in our schools.

Another major concern is the risk of execution of the innocent. There is mounting evidence that the death penalty is seriously flawed. There have been miscarriages of justice which have also touched residents of Los Gatos. Buddy Nickerson, a local resident, spent 19 years in prison for a crime he did not commit.

The question has been raised as to whether consideration of the death penalty by the council is city business. In fact it is very much city business. As citizens we are called on to sit on juries to decide the issue of life or death in capital cases. As noted by Palo Alto Council Member Kleinberg "California Law gave municipalities and counties the authority to pass resolutions pertaining to national, local and state policies." Additionally there is strong community support for a moratorium on the death penalty as evidenced by the hundreds of person that have signed petitions.

We urge you to join the cities of San Francisco, Oakland, Santa Cruz, Menlo Park, East Palo Alto and Berkley in calling for a moratorium on the death penalty.

Sincerely,


Jane Hills

For Los Gatos Citizens for a Moratorium on the Death Penalty

Resolution for a Moratorium on Executions in California

WHEREAS, more than 640 men and women currently await execution in the state of California, the most in the nation; AND at least five men convicted of capital murder in California since the death penalty was reinstated in 1977 were subsequently freed after having been found to be wrongly convicted; AND since 1973, 119 people in 22 states have been released from death row with evidence of their innocence;

WHEREAS, the application of the death penalty across the United States and in California has been shown to be arbitrary, capricious and unfair; AND a June, 2000 Columbia University study entitled "A Broken System" determined that appellate review of death sentences nationwide had found reversible error in 68% of these cases; that in 82% of the cases retried after reversal, a death sentence was not issued; AND the Joint Legislative Budget Committee of the California Legislature has estimated that elimination of the death penalty would result in a net savings to state and local governments of at least tens of millions of dollars annually - money that could be used by governments to fund measures that deal with the root causes of crime and other social needs; AND a June, 2000 Field poll indicated that 73% of the California public favor an immediate halt to executions in the form of a moratorium while the reliability and fairness of the death penalty are studied;

WHEREAS, the American Bar Association has called for a moratorium on executions and the Republican Governor of Illinois, George Ryan, enacted a moratorium in 2000 after 13 condemned individuals were exonerated and released from death row.; AND one of the largest nationally organized victims' rights groups, Murder Victims Families for Reconciliation, whose membership is comprised of those whose loved ones have been lost to murder, has called for abolition of the death penalty as a way of breaking the cycle of violence; AND over 3,000 organizations, 85 local governments, and numerous state legislatures (including legislatures of the states of Connecticut, Indiana, Kentucky, Mississippi, Missouri, New Jersey, North Carolina, Pennsylvania, Tennessee, Texas, Washington, and California jurisdictions such as the counties of Santa Clara, Alameda, Marin and San Francisco, and the cities of Menlo Park, Sebastopol, East Palo Alto, Palo Alto, Salinas, Oakland, West Hollywood, Berkeley, and Santa Cruz) have called for or have pending legislation calling for a moratorium on executions based on concerns about racial and economic discrimination, geographic disparities in sentencing, and the risk of executing innocent people and the mentally impaired.

BE IT THEREFORE RESOLVED that The Town Council of Los Gatos join the call for a moratorium on executions in California whilst the Commission on the Fair Administration of Justice studies the death penalty because we believe: 1) there is a risk of executing innocent persons; 2) there is discrimination on the basis of race, ethnicity, national origin, geography, or economic status, and 3) unfair and unreliable death sentences are caused by inadequate representation by defense counsel and/or improper and arbitrary conduct by the police and prosecution.

Now, therefore, The Town Council of Los Gatos resolve that copies of this resolution shall be forwarded to Governor Schwarzenegger, our state representatives and members of our Congressional delegation.

Ratified by:

Contact Person:

Address:

City:

State:

Zip:

Phone:

Email:

Date:

Signature:

Commission on the Fair Administration of Justice

SACRAMENTO-The Senate Rules Committee today announced the following appointments made November 29:

Commission on the Fair Administration of Justice (Created by SR 44 / Sen. John Burton).

Judge John Moulds, Sacramento - Magistrate Judge for the U.S. District Court Eastern District of CA since 1986. He is a Democrat. Named as Chair.

Nina Salarno Ashford, Auburn - Attorney, Law Office of Nina Salarno Ashford and a member of Crime Victims United. She is a Republican.

Sheriff Lee Baca, San Marino - Sheriff of Los Angeles County since 1998. He is a Republican.

Kim Burton-Cruz, San Francisco - Managing Attorney, Children and Family Services, San Francisco City Attorney's Office; former San Francisco Public Defender. She is a Democrat.

Rabbi Allen Freehling, Pacific Palisades - Executive Director of the Los Angeles City Human Relations Commission. He is a Democrat.

Jim Fox, San Carlos - District Attorney for the County of San Mateo since 1983. He is a Democrat.

Bill Hing, San Francisco - Professor of Law and Asian American Studies at UC Davis. He is a Democrat.

Michael Judge, Pacific Palisades - Public Defender of Los Angeles County since 1994; has been an attorney with the department since 1969. He is a Decline to State.

Michael Laurence, San Francisco -Executive Director of the Habeas Corpus Resource Center since 1998. He is a Democrat.

Attorney General Bill Lockyer (or his designee)

Alejandro Mayorkas, Los Angeles - Former US Attorney and currently Partner with the law firm of O'Melveny & Myers LLP. He is a Democrat.

Doug Ring, Los Angeles - President and Owner of the Ring Group, a real estate development firm. He is a Democrat.

Kathleen Ridolfi, San Jose - Director of the Northern California Innocence Project, Santa Clara University School of Law. She is a Democrat.

Jon Streeter, Berkeley - Partner of the law firm of Keker & Van Nest; President of the Bar Association of San Francisco. He is a Democrat.

The commission is scheduled to sunset 12/31/07

Fact Sheet

COSTS

It costs approximately \$60,000 more a year to house an inmate on death row, than in the general prison population or additional cost of \$39 million annually.

First Degree murder trials cost about \$650K. Death Penalty cases cost about \$1.2 to \$1.3 M. First Degree murder cases take about 5 to 7 years. Death Penalty cases take about 20 years. Additionally, it is planned to build a new death row in San Quentin at a cost of \$200M.

Elimination of the Death Penalty may free up funds for local improved public safety, violence prevention programs and for schools.

Innocence Issues

Nationally, 119 persons have been exonerated and released from death row. 2/3 of death penalty convictions are set aside. Locally, Budddy Nickerson, sentenced to Life Imprisonment Without Parole on a Capital Murder charge, was released on a judge's order after serving 19 years. The costs of this case which led to 2 mistrials cost millions of dollars.

The Senate Rules Committee has appointed a Commission on the Fair Administration of Justice (created by SR 44) to study the criminal justice system and the death penalty.

Town Council Business?

"California Law gave municipalities and counties the authority to pass resolutions pertaining to national, local and state policies." *Palo Alto Council Member Kleinberg*. Unfortunately homicides do occur in Los Gatos. Innocent persons have been convicted of capital murder. The extra costs of the death penalty affects us all in the diversion of public funds that could be used in crime prevention, assistance to family members of victims and our schools. It should be noted that the Town Council has passed a resolution on a national issue with local implications dealing with the Patriot Act.

Request to the Town Council

It is requested that Los Gatos Town Council support a resolution calling for a moratorium on the death penalty whilst the Commission on the Fair Administration of Justice studies the criminal justice system and the death penalty (scheduled to run for 3 years).

Death penalty bias found

STUDY INDICATES
RACIAL DISPARITIES

By Howard Mintz
Mercury News

A convicted murderer is far more likely to be sentenced to death in California if the victim is white and if the crime occurs in a predominantly white, rural county, according to a study soon to be published in the Santa Clara University law review.

In an examination of more than 260 of the state's death penalty cases and data on California murders during the 1990s, two researchers concluded the state is plagued by racial and geographical disparities that have been identified in other capital punishment states.

Study findings

The study, distributed Wednesday by the American Civil Liberties Union, found that defendants who murder whites are four times more likely to be sentenced to death than those who kill Latinos, and three times more likely to face execution than those who murder African-Americans. There are more black and Latino murder victims than white murder victims.

The study was conducted by Glenn Pierce, a criminal justice professor at Northeastern University, and Michael Radelet, a Colorado University sociology professor. Radelet said Wednesday the study confirmed suspicions that California doesn't apply the death penalty equally.

"Nobody has ever done a race study in California, so we're able to tell the story more accurately than anybody told before," he added.

California, with nearly 650 condemned inmates, has the largest death row in the nation. The study discounted race of the murderer as a central factor in the imposition of a death sentence, a difference from some other states where critics say black defendants have been unfairly targeted.

California has executed 11 men since restoring the death penalty in 1978 and may be on the brink of several more executions in the coming year.

Court to hear appeals

The U.S. Supreme Court next week is scheduled to decide whether to hear the last-ditch appeals of two death-row inmates, including Stanley "Tookie" Williams, the former Los Angeles gang leader who has been nominated for a Nobel Peace Prize for his prison work against youth gangs.

Dave LaBahn, executive director of the California District Attorneys Association, was not available for comment Wednesday.

But the state's prosecutors have consistently maintained that California has a fair justice system for death penalty defendants. In a 2003 response to concerns about the death penalty, the organization said there is not racial bias in the state's system and that California death sentences get more thorough review from the courts than anywhere in the country.

A state commission formed by the Legislature is currently in the early stages of examining the death-penalty system.

Contact Howard Mintz at
hmintz@mercurynews.com or
(408) 286-0236.

[Welcome](#) [Facts](#) [Moratorium](#) [Join DPF](#) [About](#) [Merchandise](#) [Events](#)

[List of Endorsements](#)

Organizations Calling for a Time-Out on Executions in California

City of Berkeley
 City of East Palo Alto
 City of Menlo Park
 City of Palo Alto
 City of Portola Valley*
 City of Oakland
 City of Salinas
 City of Santa Cruz
 City of Santa Monica
 City of Sebastopol
 City of West Hollywood
 County of Alameda
 County of Marin
 County of San Francisco
 County of Santa Clara

100 Black Men of Los Angeles, Inc.
 A Course in Miracles Study Group (Weed)
 Abolition Road (Rohnert Park)
 Action Coalition for Global Change
 Action Resource Center (Venice)
 Adrian Dominican Sisters (California)
 Alameda County Democratic Central Committee
 Alameda County Democratic Lawyers Club
 Alameda County Democratic Party
 Alameda County Public Defenders Association
 Alpine Farms (Alpine)
 American Civil Liberties Union (ACLU):
 -of Northern California
 -of Southern California
 -Berkeley Chapter
 -Marin Chapter
 -Monterey Chapter
 -Redwood Chapter
 -Oakland Chapter
 -San Diego Chapter
 -Santa Barbara Chapter
 -Santa Clara Valley Chapter
 -Sonoma County Chapter
 All Saints Church (Pasadena)
 All Saints Catholic Church (Los Angeles)
 Americans for Democratic Action (Los Angeles)
 American Federation of Teachers, AFT Local 2121 (San Francisco)
 American Friends Service Committee
 -Pacific Southwest Region
 -Pacific Mountain Region
 American Jewish Committee (Los Angeles)
 American Jewish Congress
 American Arab Anti Discrimination Committee (ADC- West)
 Amnesty International USA
 -California High School Chapter
 -Hillcrest Chapter
 -Lake County Chapter

- Los Angeles Chapter #467
- Marin Chapter
- Oak View Chapter
- Oakland Chapter
- Ocean Beach
- Palo Alto Chapter
- San Diego
- San Francisco Chapter
- San Jose Chapter
- Santa Rosa Chapter
- Sierra Foothills Group #628
- University of Redlands Chapter
- Archdiocese of Los Angeles, Office of Detention Ministry
- Archdiocese of Los Angeles, San Gabriel Pastoral Region
- Archdiocese of San Francisco
- Area Support Group for Family & Friends of Prisoners
- Armenian Orthodox Church
- Art & Revolution Convergence (San Francisco and Santa Cruz Groups)
- Asian American Bar Association
- Asian Law Caucus (San Francisco)
- Asians & Pacific Islanders for Community Empowerment (API FORCE) (San Francisco)
- Association of Micro-Power Broadcasters (Berkeley)
- Bar Association of San Francisco
- Bay Area Campaign to Free Mordechai Vanunu
- Bay Area Police Watch (San Francisco)
- Berkeley Bowl Marketplace
- Berkeley Democratic Club
- Berkeley Fellowship of Unitarian Universalists
- Berkeley Gray Panthers (Berkeley)
- Berkeley Peace and Justice Commission (Berkeley)
- Berkeley Zen Center
- Beverly Hills Bar Association (Beverly Hills)
- BiPol, Jewish Bisexual Caucus (San Francisco)
- BiPol San Diego
- Board of Rabbis of Northern California
- Books Not Bars (San Francisco)
- Boys and Girls Club of Venice
- Buddhist Peace Fellowship (California)
- Buddhist Peace Fellowship Prison Project
- Butte Alliance for Medical Marijuana (Chico)
- California Attorneys for Criminal Justice
- California Catholic Conference
- California Church IMPACT
- California Coalition for Women Prisoners
- California Democratic Party
- California Faculty Association
- San Francisco State University
- San Jose State University
- California/Nevada Annual Conference of the United Methodist Church
- California Newsreel (San Francisco)
- California People of Faith Working Against The Death Penalty (CPF)
- California Prison Focus (San Francisco)
- California Province of the Society of Jesus
- California State Bar Conference of Delegates
- California Young Democrats
- Campaign to End the Death Penalty (Berkeley and Los Angeles chapters)
- Carmelite Sisters, DCJ (La Mesa)
- Catholic Worker of Orange County
- Catholics Against the Death Penalty
- Center for Environmental Health (Oakland)
- Central California Criminal Justice Committee (Fresno)
- Chico Bill of Rights Defense Committee
- Christian Prophets of Jehovah, Inc. (Fresno)
- Church in Ocean Park (United Methodist)
- CISPES (Los Angeles)
- City of Alameda Democratic Club
- Claremont United Methodist Church

Community of Nurturing Conversation (Santa Rosa)
Conference Board of Church and Society for the United Methodist Church
Conference of Delegates of the California Bar Association
Conference of Social Justice Coordinators of Southern California
Congregation of Beth-El
Council of Churches, Santa Clara County (San Jose)
Criminal Courts Bar Association
Criminal Defense Lawyers Club of San Diego
Criminal Justice Consortium (Oakland)
Critical Resistance (Oakland)
Culver Marina Bar Association
Death Penalty Action Team (San Francisco)
Death Penalty Focus
Democratic Women's Club of Santa Cruz County
Democratic Women's Forum (San Francisco)
Democrats of the Desert (Riverside County)
Diocese of Oakland
Diocese of Sacramento
Diocese of San Bernardino
Diocese of San Jose (Human Concerns Commission)
Dolores Mission Church (Los Angeles)
Dominican Sisters of Mission San Jose
Dominican Sisters of San Rafael
Dominican Sisters, St. Catherine Priory (Anaheim)
Dominican Sisters, St. Frances Cabrini Convent (Los Angeles)
East Bay Church of Religious Science
East Bay Community Law Center
East Bay Peace Action (Albany)
El Cerrito Democratic Club
Ella Baker Center for Human Rights
Esperanza! (Huntington Beach)
Evangelical Lutheran Church in America, Sierra Pacific Synod
Faith United Methodist Community Church (Los Angeles)
Families to Amend California's Three Strikes
Family and Friends of Prisoners Support Group
Father Bill O'Donnell Social Justice Committee (Berkeley)
First Hebrew Congregation of Oakland, Temple Sinai
First Mennonite Church of San Francisco
First Unitarian Universalist Church of San Francisco
First Unitarian Universalist Church of Stockton
First Unitarian Universalist Group of San Diego, Peace and Democracy Action Group
Fort Jones United Methodist Church, Administrative Council (Etna)
Franciscan Affinity Group (Berkeley)
Franciscan Sisters of the Sacred Heart (Altadena)
Fresno Center for Nonviolence
Friends Committee on Legislation of California (Sacramento)
Grandmothers for Peace International (Elk Grove)
Gray Panthers of Greater Oakland
Gray Panthers of Marin
Gray Panthers of Sacramento
Gray Panthers of San Francisco
Gray Panthers of West Contra Costa County (El Cerrito)
Greek Orthodox Cathedral of the Ascension (Oakland)
Greater Hayward Democratic Club
Green Party of Alameda County
Green Party of Lake County
Green Party of San Diego County
Hayward Democratic Club
Headwaters Action Video Collective (Redway)
High Desert Catholic Worker (Riverside County)
Holy Faith Episcopal Church (Inglewood)
Housing America (San Francisco)
Human Relations Commission, City of Los Angeles
Human Relations Commission, Orange County
Human Relations Commission, City of Palo Alto
Human Relations Commission, City of San Diego
Human Relations Commission, Santa Barbara County

Human Relations Commission, Santa Clara County
Human Rights Commission, Marin County
Human Rights Watch - California
Humboldt Mediation Services (Eureka)
Humboldt Unitarian Universalist Fellowship (Bayside)
Immaculate Heart Community
Inner Change (San Francisco)
Interfaith Council on Religion, Race, Economics, & Social Justice (San José)
International Jewish Peace Union (Berkeley)
International Museum of Human Rights (San Diego)
Islamic Networks, Inc. (San José)
James Markunas Society (San Francisco)
Jobs for a Future/Homeboy Industries (Los Angeles)
John George Democratic Club (Oakland)
Kehilla Community Synagogue (Berkeley)
Kennedy Club of the San Joaquin Valley (Fresno)
Kol Ami Congregation (West Hollywood)
La Pena del Sur (San Francisco)
La Raza Centro Legal (San Francisco)
Labor/Community Alliance (Coarsegold)
Labor/Community Strategy Center: Community Rights Project
Lake County Democratic Club
Lakeshore Baptist Church (Oakland)
League of United Latin American Citizens (LULAC)
-State Board
-Salinas Chapter
Legal Services for Prisoners with Children
Lesbian and Gay Insurrection (LAGAI)
Little Portion Franciscan Fraternity (Irvine)
Los Angeles Catholic Worker
Los Angeles County Bar Association
Los Angeles County Public Defenders Association
Los Angeles Times
Lutheran Office of Public Policy (Sacramento)
Lyrica Jerichombustion (Berkeley)
MAJESTIC: Mumia Abu-Jamal's Emancipative Stanford Team Investigating Change
Marin County Progressives
Marin Death Penalty Moratorium Movement
Marin Democratic Club
Marin Interfaith council
Marin Interfaith Task Force on the Americas
McDargh Communications (Dana Point)
Media Alliance (San Francisco)
Media Watch (Santa Cruz)
Men Enabling New Solutions (Los Angeles)
Mercy High School
Metropolitan Greater Oakland Democratic Club
Micah 6:8
Monterey County Interfaith Committee for Social and Economic Justice
Most Holy Redeemer Roman Catholic Church
Mt. Shasta Religious Science Society
Muslim Public Affairs Council (Los Angeles)
National Association for the Advancement of Colored People (NAACP)
-Eureka Chapter
-Monterey Peninsula Chapter
-Salinas Chapter
-Santa Cruz Chapter
-Santa Rosa/Sonoma County Chapter
National Alliance for Positive Action (Southern California)
National Coalition of Free Men, Northern California Chapter
National Lawyers Guild, San Francisco Bay Area Chapter
National Lawyers Guild, Los Angeles Chapter
Neighborhood Unitarian Universalist Church - Social Justice Outreach Council (Pasadena)
Network for a Hate Free Community, Santa Clara County
New Fellowship United Church of Christ Church (Berkeley)
Newman Center Catholic Community, UCSD
Nicaragua Center for Community Action (Berkeley)

North County Times
Northern California Interreligious Conference: Peace With Justice Commission
Northern California War Tax Resistance
Oakland Coalition of Congregations - Clergy Council
Oakland/East Bay Democratic Club
Occidental Arts and Ecology Center
O'Conner Hospital Parish Nurses
Office of the Americas (Los Angeles)
Older Women's League, San Francisco Chapter
OLINC Publishing (Fresno)
Orange County Coalition Against the Death Penalty
Orange County Death Penalty Watch
our developing world (Saratoga)
Our Lady of Guadalupe (Fremont)
Out of Control Lesbian Committee to Support Women Political Prisoners (San Francisco)
Pace e Bene Nonviolence Service (Oakland)
Pacific and Asian American Center for Theology and Strategies (Berkeley)
Padre Serra Parish
Pasadena Mennonite Church
Paulist Community of Los Angeles (Los Angeles)
Pax Christi, San Francisco Bay Area
Pax Christi, Sacramento
Pax Christi, St. Joseph-Fremont
Peace and Freedom Party, Los Angeles
Peace and Freedom Party, San Francisco Central Committee
Peace and Justice Center of Sonoma County
Peace Fresno
Peaceful Justice at Caltech
Peninsula Peace and Justice Center (Palo Alto)
People For Justice (San Diego)
People Power! (Santa Cruz)
Petaluma Progressives
Physicians for Social Responsibility, Los Angeles Chapter
Pilgrim's Hope Bible Church (Los Angeles)
Poor Claire Missionary Sisters
Porterville Unitarian Universalist Fellowship (Tulare County)
Prison Activist Resource Center (Berkeley)
Prison Educational Foundation of Sonoma County
Prison Moratorium Project (Oakland)
Prison Radio Project (San Francisco)
Progressive Jewish Alliance (Los Angeles)
PUEBLO (Oakland)
Queen of Angels Catholic Church (Alpine)
Rabbinic Association of Greater San Jose
Rainbow/PUSH Coalition
Religious of the Sacred Heart of Mary- Leadership Team of the Western American Province
Religious Society of Friends, Central Coast Preparative Meeting
Religious Society of Friends, Chico
Religious Society of Friends, Inland Valley
Religious Society of Friends, Marin
Religious Society of Friends, Monterey Peninsula
Religious Society of Friends, Orange Grove Meeting
Religious Society of Friends, Palo Alto
Religious Society of Friends, Redwood Forest
Religious Society of Friends, San Francisco
Religious Society of Friends, Sacramento Meeting
Religious Society of Friends, Santa Barbara
Religious Society of Friends, Santa Cruz
Religious Society of Friends, Ukiah
Religious Society of Friends, Whittier Monthly Meeting
Religious Witness with Homeless People (San Francisco)
Richmond District Democratic Club (San Francisco)
Rosalie Pizza (San Jose)
Sacramento County Green Party
Sacred Heart Church (Rancho Cucamonga)
Sacred Heart Convent of Dominican Sisters (Los Angeles)
Salinas Action League

Salinas Californian
San Bernardino Green Party Council
San Bruno Mountain Watch (Brisbane)
San Diego Criminal Defense Bar Association
San Francisco Bay Guardian
San Francisco Chronicle
San Francisco Examiner
San Francisco Food Not Bombs
San Francisco Labor Council
San Francisco Liberation Radio
San Francisco State University Academic Senate
San Francisco Women Against Rape
San Jose Mercury News
San Jose Peace Center
San Rafael First United Methodist Church
Santa Barbara County Green Party
Santa Clara Democratic Central Committee
Santa Cruz Action Network
Santa Cruz Peace Coalition
Santa Monica Democratic Club
Santa Rosa Catholic Worker
Santa Rosa Memorial Hospital, Pastoral Care Department
School of Sisters of Notre Dame
SEIU Local 616 (Oakland)
Siena Community (San Jose)
Sisters of Charity Blessed Virgin Mary (BVM), Sunland
Sisters of Charity Blessed Virgin Mary (BVM), West Leadership Team (Los Angeles)
Sisters of Mercy, Burlingame Regional Community
Sisters of Mercy, Fair Oaks
Sisters of Notre Dame De Namur, California Province
Sisters of Providence (Los Angeles)
Sisters of Santa Teresita (Los Angeles)
Sisters of Social Service, Los Angeles
Sisters of Social Service, Oakhurst
Sisters of St. Benedict (Grand Terrace)
Sisters of St. Joseph of Carondelet, Los Angeles Province
Sisters of St. Joseph of Orange
Sisters of St. Louis, Leadership Team (Woodland Hills)
Sisters of the Company of Mary
Sisters of the Holy Faith, St. Raymond's Convent (Downey)
Sisters of the Holy Names, California Province
Sisters of the Presentation (San Francisco)
Sisters of the Sacred Heart of Jesus (Los Nietos)
Social Justice Center (Marin)
Society for the Progress of Peace, Prosperity & Goodness (Diamond Bar)
Sophia Center (Oakland)
Southern California Criminal Justice Consortium
Southern California Federation of Scientists
St. Baranbas Episcopal Church
St. Benedict Catholic Worker (Fresno)
St. Bonaventure High School
St. Camillus Catholic Center for Pastoral Cares
St. Edward Community (Newmark)
St. Francis of Assisi Catholic Church (Sacramento)
St. Gabriel Parish Council
St. Gregory's Armenian Orthodox Church (Pasadena)
St. Ignatius Loyola Parish (Sacramento)
St. Joan of Arc (Blythe)
St. John the Baptist Pastoral Council (El Cerrito)
St. Joseph Church (Hawthorne)
St. Joseph/Old Mission San Jose (Fremont)
St. Luke's Presbyterian Church Session (Rolling Hills Estate)
St. Martin de Tours Social Ministry
St. Martin's Community (Fremont)
St. Mary of the Valley Church (Yucca Valley)
St. Patrick Respect Life Ministry (Moreno Valley)
St. Paul's Lutheran Church (Oakland)

St. Peter's Convent (San Francisco)
 St. Peter Clauer (Simi)
 St. Philip the Apostle Parish (Occidental)
 St. Raphael's Church (San Rafael)
 Survivors International (San Francisco)
 Temenos Catholic Worker (San Francisco)
 Temple Sinai (Oakland)
 Tenderloin Housing Clinic (San Francisco)
 Throop Unitarian Universalist Church
 Tikkun Community (San Francisco)
 TIKKUN Magazine (San Francisco)
 Tools for Change (San Francisco)
 Union for Reform Judaism - Pacific Southwest Council
 Unitarian Universalist Church of Davis
 Unitarian Universalist Church of Long Beach
 Unitarian Universalist Church of Monterey Peninsula-Social Concerns Committee
 Unitarian Universalist Congregation of Marin
 Unitarian Universalist Fellowship of Redwood City-Social Action Committee
 Unitarian Universalist Ministers Association-Pacific Southwest District Chapter
 Unitarian Universalists of San Mateo-Social Concerns Committee
 United Educators of San Francisco
 University of San Francisco Peace and Justice Coalition
 Ursuline Western Province (Santa Rosa)
 Valley Oak Park (Santa Rosa)
 Victim Offenders Reconciliation Program of Monterey
 Vote Health (Oakland)
 War Resisters League, Southern California Chapter
 West Contra Costa Rainbow Coalition (Richmond)
 Wordnet Productions (San Bernardino)
 Women and Work Study Group (Berkeley)
 Women's Equity Council of the United Nations Association - San Diego
 Women's International League for Peace and Freedom (WILPF)
 -Monterey Chapter
 -San Jose Chapter
 -Santa Cruz Chapter
 The Workmen's Circle/Arbeter Ring of Southern California (Los Angeles)
 Youth Advisory Task Force, Santa Clara County
 Youth Law Center (San Francisco)

*A majority of council members sent letters to the Governor in lieu of a resolution.

There are also over 100 National Organizations calling for a time-out on executions, including:

American Bar Association
 American Psychiatric Association
 American Psychological Association
 Amnesty International USA
 Black Radical Congress
 Catholic Charities USA
 Episcopal Church, 73rd General Convention Fellowship of Reconciliation
 Jewish Council for Public Affairs
 Jewish Peace Fellowship
 Leadership Conference of Women Religious
 League of Indigenous Sovereign Nations of the Western Hemisphere, Communications Group
 League of United Latin American Citizens
 MADRE
 NAACP
 National Association of Criminal Defense Lawyers
 National Association of Social Workers
 National Black Caucus of State Legislators
 National Black Police Association
 National Conference of Black Mayors
 National Gay and Lesbian Task Force
 Peace Action
 People for the American Way
 Union of American Hebrew Congregations

Union of Orthodox Jewish Congregations of America
Unitarian Universalist Association of Congregations
United Artists Against the Death Penalty
United Electrical, Radio and Machine Workers of America (UE)

To see a list of local jurisdictions that have passed a resolution, [click here.](#)

Last Updated March 2005

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Fact Sheet

COSTS

It costs approximately \$90,000 more a year to house an inmate on death row, than in the general prison population or \$57.5 million annually.

First Degree murder trials cost about \$650K. Death Penalty cases cost about \$1.2 to \$1.3 M. First Degree cases take about 5 to 7 years. Death Penalty cases take about 20 years.

It is planned to build a new death row in San Quentin at a cost of \$200M.

Elimination of the Death Penalty would free up funds for local improved public safety, violence prevention programs and for schools.

Innocence Issues

Over 117 persons have been exonerated and released from death row. 2/3 of death penalty convictions are set aside. Locally, Budddy Nickerson, sentenced to Life Imprisonment Without Parole on a Capital Murder charge, was released on a judge's order after serving 19 years. The costs of this case which led to 2 mistrials cost millions of dollars.

The Senate Rules Committee has appointed a Commission on the Fair Administration of Justice (created by SR 44) to study the criminal justice system and the death penalty.

Town Council Business?

"California Law gave municipalities and counties the authority to pass resolutions pertaining to national, local and state policies." *Palo Alto Council Member Kleinberg*. Unfortunately homicides do occur in Los Gatos. Innocent persons have been convicted of capital murder. The extra costs of the death penalty affects us all in the diversion of public funds that could be used in crime prevention, assistance to family members of victims and our schools.

Request to the Town Council

It is requested that Los Gatos Town Council support a resolution calling for a moratorium on the death penalty whilst the Commission on the Fair Administration of Justice studies the criminal justice system and the death penalty (scheduled to run for 3 years).

Welcome Facts Moratorium Join DPF About Merchandise Events

Welcome

Message from Mike Farrell

Exonerations in California

Introduction

There have been numerous egregious miscarriages of justice in California. At least six men have been sentenced to death who were either acquitted on the charge of murder or had their murder convictions overturned. We have also listed the cases of several men who were convicted of capital murder, non-capital murder and/or rape and were later exonerated after serving years in prison for crimes they didn't commit. This is by no means a complete list, but it should demonstrate how often wrongful convictions do occur in California.

Read a report from *San Francisco* magazine on exonerations in California (November 2004)[.pdf]

Death Row

Oscar Lee Morris - 2000*

Oscar Lee Morris was freed in 2000 after 16 years in prison – six of them on death row – when his chief accuser issued a recantation and Los Angeles County Superior Court Judge William Pounders granted Morris a new trial. Prosecutors declined to try Morris anew, and he was set free.

Morris's case was marked by the controversial use of testimony from a felon granted leniency for his testimony, and the prosecution's failure to divulge this special relationship to the defense during the trial. The star witness later confessed that he had fabricated the entire case against Morris in return for favorable treatment in at least two criminal cases he was involved in. The chief prosecutor in the case, Arthur Jean, Jr., is today a Los Angeles County Superior Court Judge. In a deposition about the case, Judge Jean said, "I wish I wasn't on record having participated in giving him [Morris] something less than a perfect trial, but I am. It's an embarrassing situation that I didn't do well at the trial, and I didn't handle things well. And misjudgments occurred, and I made them. And it's tough to look people in the eye and 'fess up with them sometimes."

As a prosecutor, Mr. Jean had told the jury in Morris's case that "there is no evidence, not a shred, and you would know if it existed, if Mr. West [the witness] got any benefit from the handling of his criminal case." Records show that Mr. West in fact received a reduced sentence on a felony auto theft charge in return for his testimony against Mr. Morris, as well as termination of his prison sentence for parole violation. Mr. Jean's handling of the Morris case drew the wrath of the California Supreme Court when it considered Morris's automatic capital appeal and vacated his death sentence in 1988. Mr. Morris spent another 11 years in jail, until Mr. West recanted his testimony and Mr. Morris was released. (LA Daily Journal, Oct. 29, 2002)

Lee Perry Farmer - 1999

Farmer was convicted of fatally shooting 18-year-old Riverside, California resident Allyyn Schmidt-Till in June 1981. He spent 8 years on death row until a penalty phase retrial ordered by the California Supreme Court in 1991 ended with Riverside jurors reducing his sentence to life without parole. In 1997, the 9th Circuit Court of Appeals held that Farmer's own attorney at trial had ignored a confession to the murder by another man, Charles Huffman. On January 15, 1999, Mr. Farmer was acquitted in a retrial by a jury, which was convinced that another man committed the murder. (San Jose Mercury News, Jan. 1, 2003; SF Daily Journal, May 13, 1998)

Troy Lee Jones - 1996*

The California Supreme Court ruled in June, 1996 that Jones should have a new trial because he was not adequately defended at his original trial for the murder of Carolyn Grayson in 1981 (*In re Troy Lee Jones on Habeas Corpus*, 917 P.2d 1175 (1996)). The Court found that the defense attorney failed to conduct an adequate pretrial investigation, speak with possible witnesses, obtain a relevant police report, or seek pretrial investigative funds. Moreover, the attorney elicited damaging testimony against his own client during cross-examination of a witness. The prosecution dropped all charges against Jones in November 1996, after he had been on death row for 14 years. (Associated Press, 11/19/96).

Patrick "Hootie" Croy - 1990

Croy was convicted of and sentenced to death for the murder of a police officer. The State Supreme Court overturned the conviction because the trial jury had been improperly instructed. On retrial, Croy's self-defense argument was supported by the fact that he had been shot by a police officer first and that he was trying to protect his life. Croy was acquitted because self-defense is a constitutionally protected claim. (*People v. Croy*, 710 P.2d 392 (Cal. 1985) and *The San Francisco Daily Journal*, 10/18/90).

Jerry Bigelow - 1988

Mr. Bigelow was convicted of the murder of John Cherry on October 9, 1980 in Merced, California. He was sentenced to death after acting as his own attorney. After eight years on death row, his conviction was overturned by the California Supreme Court and at his retrial; Mr. Bigelow's attorney argued that Michael Ramadanovic committed the murder while Mr. Bigelow slept in the back seat of the car. Bigelow presented witnesses that testified Ramadanovic had boasted about the killings and took sole responsibility. Bigelow was acquitted on the charge of murder at retrial. (*People v. Bigelow*, 691 P.2d 994 (Cal. 1984) and *Los Angeles Times*, 6/23/89 & 7/6/89).

Ernest (Shujaa) Graham - 1981*

In November 1973, while incarcerated in a state prison facility, Ernest Graham and co-defendant Eugene Allen were charged with killing a state correctional officer. Graham's first trial resulted in a mistrial when the jury could not agree on a verdict. Graham was sentenced to death in 1976 after his second trial. The Supreme Court of California reversed the conviction because prosecutors improperly used their peremptory challenges to exclude prospective jurors who were black. Graham and Allen, who are both black, "belonged to the group whose members the district attorney had excluded whereas the alleged victim was a member of the group to which [all] of the remaining jurors belong." (*People v. Allen*, 590 P.2d 30, 34 (Cal.1979) (internal citations omitted)). Graham's third trial ended in another hung jury, and he was acquitted by the jury in his fourth trial. (Phone conversation with now Magistrate-Judge James Larson, October 6, 2003, who represented Graham). (Source: Death Penalty Information Center, www.deathpenaltyinfo.org)

*These three cases have also been included in the Death Penalty Information Center's (DPIC) innocence list. The criteria for inclusion in this list are slightly different than those listed above. For more on DPIC's list visit: www.deathpenaltyinfo.org.

Life Without the Possibility of Parole

Harold Hall - 2004

Hall was convicted of a double murder in 1985 in Los Angeles County. His conviction was based on unreliable testimony from informants. Hall was only 18 when he was convicted. He narrowly escaped the death penalty and was sentenced to Life Without Parole instead. Hall spent 19 years in prison before the 9th Circuit Court of Appeals vacated his conviction and prosecutors decided not to retry him. He was freed in August 2004. (*Los Angeles Times*, August 21, 2004)

Glen "Buddy" Nickerson - 2003

LOS GATOS RESIDENT AT TIME OF ARREST.

On March 17, 2003, U.S. District Court Judge Marilyn Hall Patel vacated Glen Nickerson's conviction because she found that "There is almost no evidence in the case against Nickerson which cannot reasonably be questioned as potentially the product of improper police conduct." Nickerson spent 19 years in prison charged with two murders committed in Santa Clara County in 1984. Nickerson was the first of three defendants convicted of the murders and was serving a term of Life in Prison without

Parole. In the years following his conviction, a key witness retracted his identification of Nickerson, saying that the 400-pound-plus Nickerson could not have been the man he saw running from the scene; a superior court judge found that the detectives who investigated the case committed perjury and suppressed evidence; and the state recently charged a fourth man, William Jahn, whose blood has been DNA-matched to that left at the scene, and whose "average build" fits the description given by witnesses. In addition, in a recent prison interview with Nickerson's attorney, Gerald Schwartzbach, William Jahn admitted he was at the crime scene on the night of the murders, and not only was Nickerson not there, but he said that he has never even met Nickerson. Nickerson was released in May 2003 after spending 19 years in prison for a crime he did not commit.

Dwayne McKinney - 2000

Charged with the murder of a Burger King Manager in 1981, McKinney was convicted largely on the eyewitness testimony of four young employees at the Orange County outlet. They were shown photographs of McKinney before he appeared in a lineup, and told – falsely – that he was caught with the proceeds of the robbery. The prosecutor pursued the death penalty but only 8 of the 12 jurors agreed. McKinney was sentenced to life without the possibility of parole. In 2000 – 19 years after his conviction – a man who knew the true perpetrators came forward and Mr. McKinney was exonerated and released. (Orange County Register, January 29, 2000)

Other Sentences

Thomas Lee Goldstein - 2004

Thomas Lee Goldstein, wrongfully imprisoned for 24 years, was freed on April 2, 2004 by Long Beach Superior Court Judge James B. Pierce. He was convicted on the basis of testimony from a jailhouse informant and an eyewitness who later recanted. Five federal judges agreed that Goldstein's constitutional rights had been violated by the district attorney's office during his 1980 trial. The Los Angeles District Attorney's office now admits that it has no case against him. Goldstein was sentenced to 27 years to Life in prison. (Weinstein, Henry, *The Los Angeles Times*, April 3, 2004)

Quedellis Ricardo "Rick" Walker - 2003

In June 2003, Quedellis Ricardo Walker was freed after spending 12 years locked up for a crime he didn't commit. His conviction had rest heavily upon the testimony of Walker's co-defendant, who received leniency in exchange for his testimony. Walker had been accused of the 1991 murder of his ex-girlfriend. Finally after 12 years, his lawyer, Alison Tucher, was able to convince the district attorneys office that they had the wrong guy. The Santa Clara DA's office now admits that Walker is innocent. In Septmeber 2003, the California State Legislature granted Walker \$400,000 in compensation for his wrongful imprisonment. (San Francisco Chronicle, June 10, 2003)

John J. Tennison - 2003

On Aug. 29, 2003, John J. Tennison was released from Mule Creek Prison near Sacramento after serving 13 years for a murder he did not commit. He was accused of murdering 17-year-old Roderick Shannon in 1989. U.S. District Court Judge Claudia Wilken overturned Johnson's conviction citing serious San Francisco police and prosecutorial misconduct, including payment to a witness who testified falsely and deliberate concealment of another suspect's confession, as well as the identity of a potentially exonerating witness. (San Francisco Bay Guardian, Sept. 3, 2003, San Francisco Chronicle, Sept. 15, 2003)

Antoine "Soda Pop" Goff - 2003

One week after J.J. Tenison was released, his co-defendent, Antoine Goff was also set free. U.S. District Court Judge, Claudia Wilken voided Goff's conviction becuase of blatant police and prosecutorial misconduct. Goff had been convicted on the basis of a witness idenitfication. The witness, a young girl, finally admitted that she had been coerced to by the police into lying about what she had seen. (San Francisco Bay Guardian, Sept. 10, 2003)

Kevin Green - 1996

On September 30, 1979, Dianna Green was struck and severely injured while in her apartment. At the time of the attack, Dianna Green was pregnant. She was transported to the hospital where an

obstetrician detected fetal heart tones and concluded that the fetus did not appear to be in jeopardy. On September 30, 1979, however, fetal heart tones could no longer be detected and the fetus was considered still-born.

Kevin Lee Green, Dianna's husband, said he was not home at the time of the event. He testified that he left the apartment, went to a hamburger stand for food, and when he returned found his wife had been attacked. Police confirmed his presence at the hamburger stand with a counter-girl and the food in his possession was warm. Still, he was arrested and convicted on October 2, 1980, after his wife, who had received a severe injury causing extensive brain damage and amnesia, testified against him. During the investigation it was learned that vaginal slides taken from Dianna Green showed the presence of spermatozoa.

Kevin Green was found guilty by a jury of second degree murder for the death of the unborn fetus, the attempted murder of Dianna Green, and assault with a deadly weapon on Dianna Green. On November 7, 1980, the court sentenced Green to fifteen years to life in state prison.

After the creation of an offender DNA database, California's Department of Justice laboratory in California, a DNA profile from the spermatozoa in Green's case was found to match another felon. Gerald Parker, a serial killer called the "Bedroom Basher" for breaking into women's bedrooms to rape and kill them, confessed to the attack as well as five other murders. Based on this DNA database hit and Parker's confession, Kevin Green was exonerated and released after spending sixteen years in prison. In October 1999, Governor Gray Davis awarded Green \$620,000 in compensation for the years he spent in prison for a crime he did not commit. (Source: The Innocence Project)

Aaron Owens - 1985

Aaron Owens was convicted in 1973 for a double homicide in Alameda County. Owens would likely have received a death sentence if the Supreme Court had not held only a few months earlier, in *Furman v. Georgia*, that the death penalty was unconstitutional. Because of the moratorium on the death penalty in 1973, Owens received a sentence of Life in Prison. Owens was eventually exonerated with the help of the prosecutor from his original trial, John Taylor. Taylor realized that Owens had been misidentified by the key eyewitness when Owen's co-defendant finally admitted that he and another man had committed the murders. Owens spent 8 years in prison, and if it had not been for the Supreme Court imposed moratorium on the death penalty, he may have been executed.

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A Broken System: Error Rates in Capital Cases, 1973-1995
James Liebman et al, Columbia Law School, 2000

Abstract:

There is a growing bipartisan consensus that flaws in America's death-penalty system have reached crisis proportions. Many fear that capital trials put people on death row who don't belong there. Others say capital appeals take too long. This report, the first statistical study ever undertaken of modern American capital appeals (4,578 of them in state capital cases between 1973 and 1995), suggests that both claims are correct.

Capital sentences do spend a long time under judicial review. As this study documents, however, judicial review takes so long precisely because American capital sentences are so persistently and systematically fraught with error that seriously undermines their reliability.

Our 23 years worth of results reveal a death penalty system collapsing under the weight of its own mistakes. They reveal a system in which lives and public order are at stake, yet for decades has made more mistakes than we would tolerate in far less important activities. They reveal a system that is wasteful and broken and needs to be addressed.

Our central findings are as follows:

Nationally, during the 23-year study period, the overall rate of prejudicial error in the American capital punishment system was 68%. In other words, courts found serious, reversible error in nearly 7 of every 10 of the thousands of capital sentences that were fully reviewed during the period.

Capital trials produce so many mistakes that it takes three judicial inspections to catch them, leaving grave doubt whether we do catch them all. After state courts threw out 47% of death sentences due to serious flaws, a later federal review found "serious error", error undermining the reliability of the outcome, in 40% of the remaining sentences.

Because state courts come first and see all the cases, they do most the work of correcting erroneous death sentences. Of the 2,370 death sentences thrown out due to serious error, 90% were overturned by state judges, many of whom were the very judges who imposed the death sentence in the first place; nearly all of whom were directly beholden to the electorate; and none of whom, consequently, were disposed to overturn death sentences except for very good reason. This does not mean that federal review is unnecessary. Precisely because of the huge amounts of serious capital error that state appellate judges are called upon to catch, it is not surprising that a substantial number of the capital judgments they let through to the federal stage are still seriously flawed.

To lead to reversal, error must be serious, indeed. The most common errors, prompting a majority of reversals at the state post-conviction stage, are (1) egregiously incompetent defense lawyers who didn't even look for, and demonstrably missed, important evidence that the defendant was innocent or did not deserve to die; and (2) police or prosecutors who did discover that kind of evidence but suppressed it, again keeping it from the jury. [Hundreds of examples of these and other serious errors are collected in Appendix C and D to this Report.]

High error rates put many individuals at risk of wrongful execution: 82% of the people whose capital judgments were overturned by state post-conviction courts due to serious error were found to deserve a sentence less than death when the errors were cured on retrial; 7% were found to be innocent of the capital crime.

High error rates persist over time. More than 50% of all cases reviewed were found seriously flawed in 20 of the 23 study years, including 17 of the last 19. In half the years, including the most recent one, the error rate was over 60%.

High error rates exist across the country. Over 90% of American death-sentencing states have overall error rates of 52% or higher. 85% have error rates of 60% or higher. Three-fifths have error rates of 70% or higher.

Illinois (whose governor recently declared a moratorium on executions after a spate of death-row exonerations) does not produce atypically faulty death sentences. The overall rate of serious error found in Illinois capital sentences (66%) is very close to, and slightly lower than, the national average (68%).

Catching so much error takes time, a national average of 9 years from death sentence to the last inspection and execution. By the end of the study period, that average had risen to 10.6 years. In most cases, death row inmates wait for years for the lengthy review procedures needed to uncover all this error. Then, their death sentences are reversed.

This much error, and the time needed to cure it, impose terrible costs on taxpayers, victims' families, the judicial system, and the wrongly condemned. And it renders unattainable the finality, retribution and deterrence that are the reasons usually given for having a death penalty.

Erroneously trying capital defendants the first time around, operating the multi-tiered inspection process needed to catch the mistakes, warehousing thousands under costly death row conditions in the meantime, and having to try two out of three cases again is irrational.

Town should get involved in death penalty issue

The Los Gatos Town Council is to be complimented for putting the issue of the death penalty on its agenda.

The death penalty is racially biased and disproportionately applied to the poor.

Death penalty costs are much more than the alternative of life imprisonment without parole. These savings could be used for violence prevention, increased public safety and assistance to victim family members.

The Los Gatos Town Council should call for a death penalty moratorium while the issue is being studied by a commission established by the state Senate.

TERRY MCCAFFREY,
Amnesty International
Cupertino

Death penalty is a state, federal and 'local issue'

I write in support of the Los Gatos Town Council adopting a resolution requesting the governor to declare a moratorium on the death penalty.

Gov. George Ryan, a conservative Republican who favored capital punishment, declared a moratorium in Illinois after discovering that, of 25 persons on death row, 13 were innocent.

Is this a matter of concern to the town council? I think it is. So did the Santa Clara County Board of Supervisors, the Palo Alto City Council and scores of other counties and cities throughout California. They all declared publicly that they believed that capital punishment is a "local issue" as well as a matter of deep concern on the state and federal levels.

DANIEL N. HOFFMAN
Saratoga

**Letter from Professor Ruth Silver Taube to the Los Gatos Weekly Times,
August 2005**

I am very disappointed in your Editorial of August 10, 2005 entitled Town faces death penalty - Garcia would be very happy and of your coverage of the issue. You made no attempt to provide a balanced discussion of the pros and cons of the moratorium or its relevance to local governments. Instead you chose to ridicule the Town Council's decision because there hasn't been a hanging in Los Gatos since 1883. In fact, Vice Mayor Diane McNutt and Councilman Steve Glickman should be applauded for voting to place the moratorium issue on the agenda because of its fiscal impact on local governments. According to a March 18, 1988 article in the Sacramento Bee, California spends \$90 million dollars on capital cases annually in addition to the ordinary costs of the justice system. The cost of a death penalty sentence far exceeds the alternative of life imprisonment. As Connecticut's Chief State Attorney stated "[e]very dollar we spend on a capital case is a dollar we can't spend anywhere else." A total of 11 California cities and 4 counties have passed resolutions urging lawmakers to halt executions in California until the fairness and risk of executing innocent people are studied. This call for a moratorium on executions coincides with the State's appointment to study the criminal justice system and the death penalty. Santa Clara County passed a resolution to urge lawmakers to halt California executions until its fairness and the risk of executing innocent people are studied. In his study of the death penalty in 2000, James Leibman of Columbia University School of Law concluded that the system is "collapsing under the weight of its own mistakes." According to the Death Penalty Information Center, 69 people have been released from death row with evidence of their innocence from 1970 to 1997. A local Los Gatos resident, Buddy Nickerson, was recently released from prison with evidence of innocence. Los Gatos should join the 11 California cities and 4 counties to support the moratorium.

Ruth Silver Taube
Attorney
Adjunct Professor, Santa Clara University School of Law
Los Gatos

September 25th, 2005

Dear Members of the Los Gatos Town Council,

As you are aware there is increasing discussion throughout the nation, the state and indeed Los Gatos about the acknowledged injustices, risk of execution of the innocent and soaring costs associated with implementation of the death penalty. Recognizing these flaws the State Senate has appointed a Commission on the Fair Administration of Justice to study the criminal justice system and the death penalty.

COSTS (Source Prof. Brennan USC Law School)

It costs approximately \$60,000 more a year to house an inmate on death row, than in the general prison population or additional cost of \$39 million annually.

First Degree murder trials cost about \$650K. Death Penalty cases cost about \$1.2 to \$1.3 M. First Degree murder cases take about 5 to 7 years. Death Penalty cases take about 20 years. Additionally, it is planned to build a new death row in San Quentin at a cost of \$200M.

Innocence Issues

Nationally, 119 persons have been exonerated and released from death row. The death penalty process is very flawed. (cf Liebman, Columbia Law School, June 200). Locally, Budddy Nickerson, sentenced to Life Imprisonment Without Parole on a Capital Murder charge, was released on a judge's order after serving 19 years. The costs of this case which led to 2 mistrials cost millions of dollars.

Town Council Business?

The question has been raised as to whether consideration of the death penalty by the council is city business. In fact it is very much city business. As citizens we are called on to sit on juries to decide the issue of life or death in capital cases. Unfortunately homicides do occur in Los Gatos. Innocent persons have been convicted of capital murder. The extra costs of the death penalty affects us all in the diversion of public funds that could be used in crime prevention, assistance to family members of victims and our schools. As noted by Palo Alto Council Member Kleinberg "California Law gave municipalities and counties the authority to pass resolutions pertaining to national, local and state policies." Additionally there is strong community support for a moratorium on the death penalty as evidenced by the hundreds of persons that have signed petitions.

I urge the Los Gatos Town Council to pass a resolution calling for suspension of executions whilst the Commission on the Fair Administration of Justice studies the death penalty for the period of 3 years.

Sincerely,

Terry McCaffrey
Area Coordinator, South Bay
Amnesty International
11154 La Paloma Dr., Cupertino, CA 95014

LOS GATOS PETITIONS

First	Last	Address	City	State	Zip	Email
ALETHEA	ANDREWS	244 MISTLETOE RD	Los Gatos	CA	95032	ALLYFLIP@YAHOO.COM
ANGELA	ANTON	14685 OKA RD #26	Los Gatos	CA	95030	
LARRY	ANTUN	14685 OKA RD #26	Los Gatos	CA	95032	
AUBREY	ARDEMA	20715 BRUSH RD	Los Gatos	CA	95033	AUBREYARDEMA@HOTMAIL.CO
LOURDES	ARNOLD	15544 CORINE DR	Los Gatos	CA	95032	
LEX	ARNOLD	15544 CORINNE DR	Los Gatos	CA	95032	
CATHERINE	ARNOLDY	PO BOX 1906	Los Gatos	CA	95031	
ROSARIO	ASTURIAS	PO BOX 907	Los Gatos	CA	95031	
MARY	AYRES	200 PROSPECT AVE	Los Gatos	CA	95030	
MARY	AYRES	PO BOX 1906	Los Gatos	CA	95031	
Chanda	Baggarly	428 University Ave	Los Gatos	CA	95032	chanda@baggarly.com
IL	BEASSER	119 AUVRA	Los Gatos	CA	95032	
Lisa	Bernardo	157 Kensington Way	Los Gatos	CA	95032	hope4healing@aol.com
barbara	bernasconi	17100 melody lane	Los Gatos	CA	95033	msbisme@earthlink.net
BOYD	BOWDISH	107 OAKRIVER	Los Gatos	CA	95033	
F	BRETZ	200 PROSPECT AVE	Los Gatos	CA		
Mark	Burnham	102 Paseo Laura	Los Gatos	CA	95032	revmrb@mindspring.com
RYAN	BUSHAM	108 TELESITA WAY	Los Gatos	CA	95031	
Nancy	Buss	112 Arroyo Grande Way	Los Gatos	CA	95032	bussnbd@acninc.net
ANN	CAMPBELL	282 CASITAS BULEVAR	Los Gatos	CA	95032	ANNNCAMPBELL@ATTBI.COM
CANDICE	CARIS	231 ALMENDRA AVE	Los Gatos	CA	95030	
AILEEN	CARISSIMI	200 PROSPECT AVE	Los Gatos	CA	95030	
CHARLES	CARLSON	25870 ADAMS RD	Los Gatos	CA	95033	
TRISHA	CARTER	345 PENNSYLVANIA AVE	Los Gatos	CA	95030	
JOANNE	CASTIGLOUE	21348 SUNNYSIDE RD	Los Gatos	CA	95033	
LILIA	CHAVEZ	110 CALLE ESTORIA	Los Gatos	CA	95032	
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HELEN	COCKRUM	159 ESCOBAR AVE	Los Gatos	CA	95032	HCOCKURM@APR.COM
JONATHAN	COHEN	211 RICHMORE LN #6	Los Gatos	CA	95032	

LOS GATOS PETITIONS

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MARY	CONNELL	200 PROSPECT AVE	Los Gatos	CA		
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SARAH	DEFALLA	?	Los Gatos	CA		
Nancy	Dempsey	18054 Virginia Dr	Los Gatos	CA	95033	ndempsey@brio.com
JILL	DEVINE	SOLLITTO 26756 ADAMS RD	Los Gatos	CA	95033	
HELEN	DONNELLY	200 PROSPECT AVE	Los Gatos	CA	95030	
PATRICIA	DONOHUE	PO 1906	Los Gatos	CA		
ALLISON	DONOHUE	14625 GOLF LINKS DR	Los Gatos	CA	95032	
Rhondalee	Donovan	24177 Loma Prieta Ave.	Los Gatos	CA	95033-	rrdonovan@starband.net
Gladwyn	d'Souza	140 Whitney Ave	Los Gatos	CA	95030	godsouza@mac.com
KATHY	EDER	213 1/2 CALDWELL	Los Gatos	CA	95032	
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MARY	EHRET	200 PROSPECT AVE	Los Gatos	CA	95031	JMMEHRET@YAHOO.COM
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Alison	Farhner	14850 Oka Rd. 44	Los Gatos	CA	95032	alibaba@netgate.net
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Barbara	Fishman	20159 Beatty Ridge Road	Los Gatos	CA	95033	barbara@barbarafishman.com
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JOANN	FREDA	15899 UNION AVE	Los Gatos	CA	95032	ANNIEDF@ATTBI.COM
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ALMA	GAFFNEY	200 PROSPECT AVE	Los Gatos	CA	95031	
CHUCK	GARLAND	25870 ADAMS RD	Los Gatos	CA	95033	
CHUCK	GARLAND	25870 ADAMS RD	Los Gatos	CA	95033	

LOS GATOS PETITIONS

ERIC	GELPIRE	345 PENNSYLVANIA AVE	Los Gatos	CA	95030	
VIRGINA	GHIGLIOTTI	200 PROSPECT AVE	Los Gatos	CA	95031	
JENNIFER	GRABER	1996OB SKYLINE BLVD	Los Gatos	CA	95033	
JEAN	GRIFFIN	PO BOX 1903	Los Gatos	CA	95031	
JEAN	GRIFFIN	PO BOX 1906	Los Gatos	CA	95031	
MEG	GRUBB	46 HERNANDEZ AVE	Los Gatos	CA	95030	GRUBBFAMILY@EARTHLINK.NE
DAVID	GRUBUAM	5960 ROSE AVE	Los Gatos	CA	95030	
DAVE	GRUNBAUM	15960 ROSE	Los Gatos	CA		
CECILE	GUICHARD	200 PROSPECT AVE	Los Gatos	CA	95030	
SALLY	GUNN	PO BOX 907	Los Gatos	CA	95031	
ELIZABETH	HAGGERTY	18400 64 OVERLOOK RD	Los Gatos	CA	95030	
NORMA	HAMMONS	23496 SUMMIT RD	Los Gatos	CA	95033	
ELEANOR	HASTINGS	46 HERNANDEZ AVE	Los Gatos	CA	95030	
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ELIZABETH	HAYES	365 PENNSYLVANIA AVE	Los Gatos	CA	95030	
ELIZABETH	HILDRETH	231 ALMENDRA AVE	Los Gatos	CA	95030	
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Christine	Hoeflich	115 Callecita	Los Gatos	CA	95032	christine.hoeflich@attglobal.n
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MADGE	IVERSON	20061 BEATTY RIDGE RD	Los Gatos	CA		
COSENTINO	JACKIE	200 SUNMONT	Los Gatos	CA	95032	
PHILIP	JANICH	16051 CAMINO DEL	Los Gatos	CA	95032	
JEANINE	JENSEN	14225 LORA DR 84	Los Gatos	CA	95032	JENSENJE7@EARTHLINK.NET
Joanna	Keates	256 Montclair Rd.	Los Gatos	CA	95032	Joanna@Keates.com
JESSIE	KENNEDY	200 PROSPECT AVE	Los Gatos	CA	95031	
AUGUSTIN	KING	1451 VERSAILLES DR	Los Gatos	CA	95033	
DEANN	KINNER	24796 LOMA PRUTA AVE	Los Gatos	CA	95030	

LOS GATOS PETITIONS

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LEE	KNUTSEN	240 PRINCE ST	Los Gatos	CA	95032	
TARYNE	KRAUS	14716 GOLFLINES	Los Gatos	CA	95032	
LOLITA	KREBSBACH	PO BOX 907	Los Gatos	CA	95031	
CATHERINE	KREUTER	310 LOS GATOS BLVD	Los Gatos	CA	95032	
CELESTE	LANGE	16214 REDWOOD LODGE RD	Los Gatos	CA	95033	
SHERRY	LEE	13405 INDIAN TR RD	Los Gatos	CA	95033	
KATHLEEN	LISS	18940 OJAI DR	Los Gatos	CA	95030	
MARIJOE	LOBUE	20100 BLACK RD	Los Gatos	CA	95033	
MICHELLE	LOBUE	20100 BLACK RD	Los Gatos	CA	95033	
EMILY	LOE	132 MOGNON TERR	Los Gatos	CA	95032	
TAMARA	LOVE	15255 FRANCIS OAKS WAY	Los Gatos	CA	95032	
MARICA	LUCAS	PO BOX 1906	Los Gatos	CA	95031	
SUSAN	LURE	135 RIVERA DR #318	Los Gatos	CA	95032	LOVE-BOURGEOIS@YAHOO.CC
MARCELLA	MACALINEY	240 OAK MEADOW DR	Los Gatos	CA	95030	
SUE	MACUS	25870 ADAMS RD	Los Gatos	CA	95033	
NICOLE	MARTIN	104 WHITNEY AVE	Los Gatos	CA	95030	
STACEE	MARTIN	180 BELWOOD COUNTRY	Los Gatos	CA	95032	IL
LALURA	MARTINEZ	1449 W ELM ST	Los Gatos	CA	95031	
MARGARET	MAY	118 ABBEY WOOD CT	Los Gatos	CA	95032	
MARGARET	MAY	118 ABBEY WOOD CT	Los Gatos	CA	95032	
GINNY	MCCLANE	225 SNOW CREST RED	Los Gatos	CA	95033	
LORETTA	MCCURDY	200 PROSPECT AVE	Los Gatos	CA	95031	
CATHERINE	MCGRATH	200 PROSPECT	Los Gatos	CA	95030	
CATHERINE	MCGRATH	PO BOX 1906	Los Gatos	CA	95031	
MARGARET	MCGUAN	18111 JUNE CT	Los Gatos	CA	95033	
CATHERINE	MCLEAN	200 PROSPECT AVE	Los Gatos	CA	95030	
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LOS GATOS PETITIONS

ASHOK	MEMTA	501 OINE WOOD LN	Los Gatos	CA	95032	
DOROTHY	MILLER	18608 FAVRE RIDGE RD	Los Gatos	CA	95030	
JOSEPHINE	MORALES	104 SIERRA LINDA	Los Gatos	CA	95070	
TAB	MORALES	104 SIERRA LINDA	Los Gatos	CA	95032	IL
JOHN	MOSUNIE	235 VISTADE SIERA	Los Gatos	CA	95030	
DOROTHY	MULVANY	200 PROSPECT AVE	Los Gatos	CA	95030	
ANN	MURPHY	PO BOX 1906	Los Gatos	CA	95031	
Barbara	Murphy	241 Mistletoe Road	Los Gatos	CA	95032	murphyoleary@hotmail.com
JAMES	NEIL	105 OAK RUN 11	Los Gatos	CA	95032	
MARGARET	NICHOLSON	200 PROSPECT AVE	Los Gatos	CA	95030	
KARITA	NOBLE	18166 FERN AVE	Los Gatos	CA		
MARY	OBRIEN	200 PROSPECT AVE	Los Gatos	CA	95830	
BRIDGET	CONNELL	9480 BEAR CREEK	Los Gatos	CA	95033	
MAURA	CONNOR	PO BOX 1906	Los Gatos	CA	95031	
KATIE	ONEILL	232 WEDGEWOOD AVE	Los Gatos	CA		
MARYANN	OSMOND	118 ABBY WOOD CT	Los Gatos	CA	95032	ABBYWOOD@PACBELL.NET
MARY A	PEACOCK	200 PROSPECT AVE	Los Gatos	CA	95030	
MONICA	PERRY	PO BOX 1906	Los Gatos	CA	95031	
ODD	PLUMLEE	16310 SHANNON RD	Los Gatos	CA	95032	TMTODD1@EARTHLINK.NET
VIRGINIA	POWER	19480 BEAN CREEK RD	Los Gatos	CA	95033	
DORIS	PRINCE	800 BLOSSOM HILL RD 392	Los Gatos	CA	95032	
DANY	READ	551 SANTA ROSA DR	Los Gatos	CA	95002	FOLLOWTHYTBLISS@AOL.COM
GRACE	REEDER	200 PROSPECT AVE	Los Gatos	CA	95030	
Ann	Rice	123 Cleland Ave.	Los Gatos	CA	95030	annlgrice@california.net
KAREEM	ROAD	143 LAS ASTAS DV	Los Gatos	CA	95032	KROAD@SCU.EDU
ALEX	ROCCHETTA	202 CHIPPENDALE CT	Los Gatos	CA	95032	ALLIEDR23@AOL.COM
FRANK	ROETH	PO BOX 1861	Los Gatos	CA	95033	
EUGENIE	ROHNER	200 PROSPECT AVE	Los Gatos	CA	95030	
MARTHA	ROLLEY	82 PROSPECT AVE	Los Gatos	CA	95030	
PEARL	RUIZ	1451 VERSAILLES DR	Los Gatos	CA	95033	

LOS GATOS PETITIONS

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KRISTEN	SANDOVAL		Los Gatos	CA	95032	
SARA	SAPERSTEIN	14910 QUITO RD	Los Gatos	CA	95032	FREAKOFDAWEEK@HOTMAIL.C
MATTHEW	SELTZER	12100 SKYLINE BLVD	Los Gatos	CA	95030	IL
MICHAEL	SILVA	PO BOX 1599	Los Gatos	CA	95031	MLSIVA@PRODIGY.NET
DAS	SMYTH	18 MONTGOMERY ST	Los Gatos	CA	95030	
MARGARET	SPILLER	200 PROSPECT AVE	Los Gatos	CA	95031	SNJMCAPROV@YAHOO.COM
Margaret	Spiller	200 Prospect Ave.	Los Gatos	CA	95030	snjmcaprov@impresso.com
MICHAEL	STEPHENS	21683 SUMMIT RD -	Los Gatos	CA	95033	
ELLE	STERN	17121 WILD WAY	Los Gatos	CA	95030	
ISOBEL	STURGEON	16490 LUCKY RD	Los Gatos	CA	95030	
ROGER	STURGEON	16490 LUCKY RD	Los Gatos	CA	95030	
ELIZABETH	SUPPLE	200 PROSPECT AVE	Los Gatos	CA	95030	
ASHRAL	TAHIDI	501 PINE WOOD LAKE	Los Gatos	CA	95032	
RUTH	TAUBE	23580 MT CHARLIE RD	Los Gatos	CA	95033	MDSRST@CS.COM
CAROL	TAYLOR	12909 BAYVIEW DR	Los Gatos	CA	95033	
LAURETTA	THOMPSON	200 PROSECT AVE	Los Gatos	CA	95030	LAURTHOMP@AOL.COM
PATRICIA	THOMPSON	200 PROSPECT AVE	Los Gatos	CA	95030	THOMPSONSNJM@YAHOO.COM
PATRICIA	THOMPSON	200 PROSPECT AVE	Los Gatos	CA	95030	IL
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ALFONS	VANDALEN	21920 STAGECOACH RD	Los Gatos	CA	95033	
LYNNE	VANDALEN	21920 STAGECOACH RD	Los Gatos	CA	95033	
KAREN	WALLACE	20243 BEATLY RIDGE RD	Los Gatos	CA	95033	KAREN WALLACE@WESTVALL
S	WALSH	PO BOX 1906	Los Gatos	CA	95030	
Verle	Waters	16 Chestnut Avenue	Los Gatos	CA	95030	verleh@ix.netcom.com
MAUREEN	WEBB	PO BOX 1906	Los Gatos	CA	95030	
RUTH	WEBER	200 PROSPECT AVE	Los Gatos	CA	95030	

LOS GATOS PETITIONS

RUTH	WEBER	200 PROSPECT AVE	Los Gatos	CA	95030	
Elanna	Whittle	20480 Madrona Way	Los Gatos	CA	95033	elannamaria@yahoo.com
MARGARET	WILLIAMS	147 OLD ADOBE RD	Los Gatos	CA		
MARGARET	WILLIAMS	147 OLD ADOBE RD	Los Gatos	CA	95033	IL
LISA	WINNINGHAM	177 ESCOBAR	Los Gatos	CA	95032	
N	WOLFHILL	20 PROSPECT AVE	Los Gatos	CA	95031	
LYNN	WOODS	869 CASTLEWOOD DR 4	Los Gatos	CA	95032	
CARLETON	WRIGHT	124 ACTURA VISTA	Los Gatos	CA	95032	IL
PAT	WRIGHT	124 ALTURA VISTA DR	Los Gatos	CA	95032	
NANCY	WRIGHT	19910 WRIGHT DR	Los Gatos	CA	95033	NWRIGHT@SCU.EDU
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LOS GATOS PETITIONS

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Renata	Frick	15860 Poppy Lane, #8	Los Gatos	Ca	95030	hermann7@aol.com
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Bill	Parkin	17100 Crescent Dr.	Los Gatos	CA	95030	parkinw@aol.com

List Los Gatos Residents who have signed petitions in support of a Moratorium on Executions in California 2005

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Carol	Braham	151 Hernandez Avenue	Los Gatos	CA	95030	braham@comcast.net
Stewart	Brewster	16425 Hilow Road	Los Gatos	CA	95032	stewart_brewster@AON.com
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Collette	Carroll	P.O. Box 1906	Los Gatos	CA	95031	
Mary	Carroll	P.O. Box 1906	Los Gatos	CA	95031	
Tom	Carson	15542 Glen Una Drive	Los Gatos	CA	95030	tccent@msn.com
Joanne	Castiglione	21348 Sunnyside Road	Los Gatos	CA	95033	
Eileen	Diggins	19480 Bear Creek Road	Los Gatos	CA	95033	eidiggins@aol.com
Janet D.	Engle	800 Blossom Hill Rd. #263	Los Gatos	CA	95032	
Mary	Ehret	200 Prospect Avenue	Los Gatos	CA	95030	
Larry	Farhner	14850 Oka Road #44	Los Gatos	CA	95031	ali.baba9@verizon.net
Jane	Ferguson	219 Bean Avenue	Los Gatos	CA	95030	jferguson@stmaryslq.org
Rita	Fisher	15405 Blackberry Hill Road	Los Gatos	CA	95030	rgfisher@earthlink.net
Barbara	Fishman	20159 Beatty Ridge Road	Los Gatos	CA	95033	
Maureen L.	Fox	15486 Benedict Lane	Los Gatos	CA	95032	
Renate	Frick	15860 Poppy Lane #8	Los Gatos	CA	95030	hermann7@aol.com
George	Fullmer	800 Blossom Hill Rd. #P388	Los Gatos	CA	95032	gandrflmr@aol.com
Virginia	Ghigliotti	200 Prospect Avenue	Los Gatos	CA	95030	jmghigliotti@yahoo.com
Sally	Gunn	P.O. Box 907	Los Gatos	CA	95031	
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Joanna	Keates	256 Montclair Road	Los Gatos	CA	95032	
Susan & Les	Kishler	16420 Bonnie Lane	Los Gatos	CA	95032	
Eloise	Kintner	800 Blossom Hill Road P291	Los Gatos	CA	95032	kathbarr@aol.com
Lolita	Krebsbach	200 Prospect Avenue	Los Gatos	CA	95030	
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Good Evening,

My name is Josephine Morales. I am a resident of Los Gatos and I am here to urge the council to vote in favor of the Death Penalty Moratorium. In my opinion the death penalty is a barbaric act that no longer serves a purpose in our civilized society. It does not deter murder nor does it deter violent acts that may result in death. Putting someone to death under the guise of justice is really an act of vengeance. I am proud to state that the Nation from whence I came abolished the death penalty several years ago, as did most of the European countries. Putting someone to death is a great economical burden to the citizens of the state. The sentencing laws need to be reformed to limit the amount of appeals and the parole system needs to be looked at in terms of releasing dangerous criminals back into our society.

Voting in favour of this moratorium places the town of Los Gatos as an example of the moral values that we wish to enhance in our State of California.

Thank you very much.