Chief Justice drops bid to speed up death penalty appeals

State budget woes derail Ronald M. George's proposed constitutional amendment that would have let other appellate courts handle the initial review of capital cases.

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SAN FRANCISCO — Chief Justice Ronald M. George has told the state Judicial Council that because of California's fiscal problems, he is withdrawing a proposal to amend the state Constitution to speed up death penalty appeals.

The amendment was put forth by the seven-member state Supreme Court in November and would have enabled that body to refer some cases to intermediate-level appellate courts for initial review. Since California became a state in 1850, the high court has had exclusive oversight of capital appeals, but a serious backlog has developed. It takes an average of 17 years to execute a condemned convict in California -- twice the national average.

The proposal drew support from some members of the judiciary and some prosecutors but was opposed by the California Public Defenders Assn. and California Attorneys for Criminal Justice, which believed it could lead to inconsistent rulings and make the system even more cumbersome.

George had asked the Legislature to put the amendment on the November 2008 ballot, but that was before California's budget situation deteriorated. On Friday, George told the 21-member Judicial Council, which includes judges, legislators and attorneys, that he was withdrawing the proposal for now because of budgetary concerns.

"Although the Judicial Council supported the proposal, the chief justice said it was always the intent [of the Supreme Court] that there be sufficient money available for additional Court of Appeals staff to handle these matters and for the necessary defense and attorney general's staff to be able to handle the increased number of cases to be processed plus the backlog we already have," Beth Jay, George's chief counsel, said recently.

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