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PRESS RELEASE

FROM: CALIFORNIA COMMISSION ON THE FAIR ADMINISTRATION OF JUSTICE

CONTACT: Gerald F. Uelmen, Executive Director
Tel. 408-554-5002
Fax 408-554-5026
Email guelmen@scu.edu


The California Commission on the Fair Administration of Justice, created by the California State Senate to examine the causes of wrongful convictions and make recommendations and proposals to further insure that the administration of criminal justice in California is just, fair, and accurate, announced that it will hold its third public hearing to address the issues surrounding the fair administration of the death penalty in California. The hearing will take place from 9:30 a.m. to 12:30 p.m. on Friday, March 28, 2008 in the California Mission Room on the lower level of the Benson Student Center on the campus of Santa Clara University, 500 El Camino Real, Santa Clara, California 95053. A private meeting of the Commissioners will take place after the public hearing.

The list of witnesses scheduled to testify is attached to this release, along with the “focus questions” the Commission has asked them to address. Testimony at this hearing will include a report on the Clemency Process in California death cases, prepared for the Commission by Professors Linda Carter and Mary Beth Moylan of the McGeorge Law School of the University of the Pacific. A copy of their report has been posted on the
Commission website, [www.ccfaj.org](http://www.ccfaj.org). There will be approximately one hour reserved for public comment at the end of the hearing. Each public participant will be limited to no more than 3 minutes. The Commission will accept sign-ups on a first-come, first-served basis. Please email Chris Boscia at [cboscia@scu.edu](mailto:cboscia@scu.edu) if you are interested. He will confirm your appearance with a return email.

This will be the ninth and final public hearing convened by the Commission. Interim reports issued by the Commission can be viewed at the [Commission’s website](http://www.ccfaj.org). The final report of the Commission will be issued in June, 2008.
Focus Questions for Hearings on the Administration of the Death Penalty in California.

1. Should reporting requirements be imposed to systematically collect and make public data regarding all decisions by prosecutors in murder cases whether or not to charge special circumstances and/or seek the death penalty, as well as the disposition of such cases by dismissal, plea or verdict in the trial courts?

2. Should the California constitution be amended to permit the transfer of jurisdiction over pending death penalty appeals from the Supreme Court to the Courts of Appeal?

3. Should California law be changed to require state habeas corpus petitions in death penalty cases be filed in the Superior Courts?

4. Should California law be changed to narrow the special circumstances that would make a defendant eligible for the death penalty?
   A. Should death penalty eligibility be limited to cases in which the defendant was the actual killer?
   B. Should death penalty eligibility be limited to cases in which the defendant formed the intent to kill?
   C. Should felony murder special circumstances be retained?
   D. Should special circumstances be limited to the “worst of the worst”? If so, which special circumstances define the “worst of the worst”?

5. What measures should be taken to assure the prompt appointment of qualified lawyers to provide competent representation for the
defendant in death penalty cases at the trial stage, on direct appeal, and for habeas corpus challenges?

6. Should consistency of representation be provided for state and federal habeas corpus proceedings in death penalty cases?

7. Are funding and support services for the defense of capital cases adequate to assure competent representation by qualified lawyers?

8. Are there significant racial disparities associated with the race of the victim or the defendant in imposing the death penalty in California? If so, what remedies are available to minimize or eliminate the problem?

9. Are there significant geographical disparities from county to county in utilizing the death penalty in California? Is this a problem? If so, what remedies are available to minimize or eliminate the problem?

10. Is there a need for proportionality review of death penalty sentences in California? If so, how should such a review process be incorporated into California’s death penalty law?

11. Are clemency procedures used by California governors consistent from one administration to the next? Are they consistent with the procedures utilized by other states? Are they adequate to assure a fair opportunity to be heard by all interested parties, and to assure a principled decision on the merits?