



## HABEAS CORPUS RESOURCE CENTER

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SAN FRANCISCO, CA

FOR IMMEDIATE RELEASE

March 13, 2019

### THE HABEAS CORPUS RESOURCE CENTER'S RESPONSE TO GOVERNOR NEWSOM'S REPRIEVE FROM EXECUTION FOR DEATH-SENTENCED PERSONS IN CALIFORNIA.

Today Governor Gavin Newsom announced a reprieve from execution for all persons sentenced to death in California. On behalf of its clients, the Habeas Corpus Resource Center applauds the Governor's actions and notes the following:

More than 10 years ago, after years of study, the California Commission on the Fair Administration of Justice (Commission) issued its [final report](#) detailing California's broken capital punishment system. The Commission laid out numerous reforms required for California to have any hope of fixing the undisputed dysfunction plaguing the system. None of those reforms were made. Instead, the State amplified the most flawed aspects of the system by enacting measures aimed at limiting inmates' access to the courts without provisions that allocate funds, staffing, and other resources to the courts and counsel.

Since the Commission issued its report, previously noted flaws in California's capital punishment system have come into sharper focus. For example:

- Egregious misconduct and errors at capital trials have resulted in erroneous convictions and death sentences. In fact, in just the past 11 months, [three men](#) including [an HCRC client](#) have been released from custody after spending decades cruelly under the threat of execution. HCRC's client was exonerated of the crime of which he was convicted based on what a California Supreme Court Justice described as ["hair-raising false evidence."](#)

- The insidious effects of racial bias infect every aspect of our capital punishment system, from charging to [jury selection](#) to [sentencing](#), making illusory the concept of equal justice for HCRC's clients. Other states have recognized this problem, most recently [Washington](#).
- Inordinate delays in the access to appointed counsel and attendant resources have continued to result in the loss of critical evidence that could provide HCRC's clients relief from their conviction and death sentence. Currently, HCRC's clients and other people sentenced to death in California wait more than 20 years for appointment of post-conviction counsel because the State has failed to properly fund the system that sentences them. For many intellectually disabled defendants sentenced to death before the Supreme Court, in [Atkins v. Virginia, 536 U.S. 304 \(2002\)](#), outlawed their executions, the delay has deprived them of post-conviction counsel and thus the ability to obtain a reversal of the sentence that keeps them on death row without justification.
- As a result of the dysfunction of our capital punishment system, there is no rhyme or reason as to who may be sentenced to death for a special circumstance homicide. In fact, one federal judge in an HCRC case concluded that the randomness of California's capital punishment system is too arbitrary and capricious to be constitutionally sound and that [California's death penalty serves no legitimate penological purpose](#). United States Supreme Court justices have reached [similar conclusions about the use of the death penalty nationwide](#).

On behalf of our clients, HCRC welcomes Governor Newsom's announcement, and we look forward to working with the Governor on determining whether it is possible to resolve all the deficiencies in California's capital punishment system.