

Baumgartner, POLI 203 Fall 2014

Last Class of the Semester

Readings: Review and California
Court decision

Dec 3, 2014

Plan for today

- Course evaluations. Also remember to do them for your sections, separately from the lecture
 - We use these for two main purposes
 - Improve / revise the class next time, so give comments
 - Assess / evaluate / document quality of teaching. It really does get used in salary decision and for the TAs in their job applications when they want to become professors. So, it does indeed get used.

Quick review of Calif. decision

- Ernest Jones sentenced to death, 7 April 1995, still on death row as of this decision, 2014.
- 900 sentenced since 1978, 13 executed
- California's death sentence has been quietly transformed into one no rational jury or legislature could ever impose: *life in prison, with the remote possibility of death.*

Judge's summary

- 900 death sentences
- 13 executions
- 94 died of other causes
- 39 got relief from federal court, not resentenced
- 748 currently on death row
- (plus six cases makes 900)
 - Of the 748 on death row, 40 percent have been there for > 19 years

Cases from 1978 to 1997

- 511 sentences
- 81 cases have completed their review process
 - 32 denied relief
 - 13 executed
 - 17 awaiting execution
 - 2 died of natural causes
 - 49 granted relief by federal courts. 60 percent
- (This is about similar to national norms, actually. FB)

Causes of delay: Inmate or State?

- Direct appeal.
 - 3 to 5 years delay before a lawyer is appointed for direct appeal to CSC
 - Up to 4 years to do the appeal work
 - 2-3 years to schedule the hearing
 - Total: 11.7 to 13.7 years before direct appeal
- Wow. Note that this is due to the state, and of course, the defense attorneys never attempt to speed things up

Collateral (“Habeas”) Review

- Another attorney is appointed, similar delays
 - 2008 study: 8 to 10 years after the sentence for appointment of the habeas attorney
 - 76 inmates have had their direct appeals denied but still have no habeas attorney, having waited an average of 15.8 years...
- Prepare the habeas brief: 3 years after appointment
- Decide on the merits: 22 months
- Typical delay: 17 years before the habeas review is decided by the Calif. Supreme Court

Federal Habeas Review

- As of 2008, typical delay was 10.4 years.
- Only 81 inmates of 900 have received final determinations on federal habeas review
- 17 are awaiting execution, with a MINIMUM time on death row of 25 years.

Is this constitutionally acceptable?

- Who gets killed?
 - Worst murderer?
 - No, those where the habeas process happens to go most quickly, where the lawyer gets appointed more quickly, other factors totally unrelated to the crime.
 - Mr Jones: 285 other inmates have been on death row longer than him. Completely arbitrary.
- Deterrence, retribution goals reduced by delay
- Delay not the fault of the inmate, but the state
- Promise of death is an empty one, both to the inmate and to society
- No penological purpose. Arbitrary. Therefore unconstitutional

Central Prison reminders

- No money, credit cards, or other “contraband” in the prison! They don’t want you giving things to the inmates, duh! Review the other rules on the class web site. They will not let you in if you don’t follow the rules, plus they can change the rules.
- Meet at 7:45 or at 11:45 at the parking lot on Raleigh Rd. If you can drive, bring your car. We will car-pool. If you live in Raleigh, meet at Visitors Entrance at 8:45 or 12:45. We must enter as a group.
- If you are NOT going to make it, email me tonight or tomorrow, as I need a final count.

Exam reminders

- Bring a scan-tron
- Bring a pen and an pencil
- Study the quizzes
- Single word fill-in-the-blank
- Multiple choice and true/false as on quizzes
- 5 of 7 identifications
- This room, Friday 4-7pm

Good luck on the Final Exam!

- Study, study study
- Review the old quizzes
- Go over your lecture notes

Some final thoughts

- Thanks for your interest in this topic
- Our focus has been on the warts, not the beauty, in the system.
 - Only by focusing on the worst elements can we eliminate them
 - IMHO, this is the highest form of patriotism
 - No systems are perfect, but we can struggle and work to improve them
 - A focus on the worst elements of the system is not only to say the system is bad. It is to say where we can make it better.