

1-27-1995

Death Penalty Appeals.

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Bill Jones
Secretary of State

1500 - 11th Street
Sacramento, CA 95814

#654
Elections Division
(916) 657-2166
For Hearing and Speech
Impaired Only: (800) 833-8683

July 7, 1995

TO: ALL COUNTY CLERKS/REGISTRARS OF VOTERS AND PROPONENT
(95073)

FROM: 
CATHY MITCHELL
Initiative Coordinator

Pursuant to Elections Code section 9030(b), you are hereby notified that the total number of signatures to the hereinafter named proposed INITIATIVE CONSTITUTIONAL AMENDMENT. filed with all county elections officials is less than 100 percent of the number of qualified voters required to find the petition sufficient; therefore, the petition has failed.

TITLE: DEATH PENALTY APPEALS.
INITIATIVE CONSTITUTIONAL AMENDMENT.

SUMMARY DATE: January 27, 1995

PROPONENT: Steven L. Wessels

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Bill Jones
Secretary of State

1230 J Street
Sacramento, CA 95814-2974

Elections Division
(916) 445-0820
For Hearing and Speech
Impaired Only: (800) 833-8683

#654

January 27, 1995

TO ALL REGISTRARS OF VOTERS, OR COUNTY CLERKS, AND PROPONENT (95015)

Pursuant to Section 336 of the Elections Code, we transmit herewith a copy of the Title and Summary prepared by the Attorney General on a proposed Initiative Measure entitled:

DEATH PENALTY APPEALS.
INITIATIVE CONSTITUTIONAL AMENDMENT.

Circulating and Filing Schedule

- 1. Minimum number of signatures required 692,711
Cal. Const., Art. II, Sec. 8(b).
- 2. Official Summary Date Friday, 01/27/95
Elec. C., Sec. 336.
- 3. Petition Sections:
 - a. First day Proponent can circulate Sections for
signatures Friday, 01/27/95
Elec. C., Sec. 336.
 - b. Last day Proponent can circulate and file with
the county. All sections are to be filed at
the same time within each county Monday, 06/26/95 *
Elec. C., Secs. 336, 9030(a)
 - c. Last day for county to determine total number of
signatures affixed to petition and to transmit total
to the Secretary of State Friday, 07/07/95
Elec. C., Sec. 9030(b)

(If the Proponent files the petition with the county on a date prior to 06/26/95, the county has eight working days from the filing of the petition to determine the total number of signatures affixed to the petition and to transmit the total to the Secretary of State.) Elec. C., Sec. 9030(b).

* Date adjusted for official deadline which falls on Sunday. Elec. C., sec. 15

DEATH PENALTY APPEALS.
INITIATIVE CONSTITUTIONAL AMENDMENT.

January 27, 1995

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d. Secretary of State determines whether the total number of signatures filed with all county clerks meets the minimum number of required signatures, and notifies the counties Sunday, 07/16/95**
Elec. C., Sec. 9030(c)

e. Last day for county to determine total number of qualified voters who signed the petition, and to transmit certificate with a blank copy of the petition to the Secretary of State Friday, 08/25/95
Elec. C., Sec. 9030(d)

(If the Secretary of State notifies the county to determine the number of qualified voters who signed the petition on a date other than 07/16/95, the last day is no later than the thirtieth day after the county's receipt of notification.)
Elec. C., Sec. 9030(d), (e).

f. If the signature count is more than 761,983 or less than 658,071 then the Secretary of State certifies the petition has qualified or failed, and notifies the counties. If the signature count is between 658,071 and 761,983 inclusive, then the Secretary of State notifies the counties using the random sampling technique to determine the validity of all signatures Monday, 09/04/95**
Elec. C., Secs. 9030(f), (g); 9031(a)

g. Last day for county to determine actual number of all qualified voters who signed the petition, and to transmit certificate with a blank copy of the petition to the Secretary of State Tuesday, 10/17/95
Elec. C., Sec. 9031(b), (c)

(If the Secretary of State notifies the county to determine the number of qualified voters who have signed the petition on a date other than 09/04/95, the last day is no later than the thirtieth working day after county's receipt of notification.)
Elec. C., Sec. 9031(b), (c).

h. Secretary of State certifies whether the petition has been signed by the number of qualified voters required to declare the petition sufficient Saturday, 10/21/95**
Elec. C., Sec. 9031(d), 9033

** Date varies based on receipt of county certification.

DEATH PENALTY APPEALS.
INITIATIVE CONSTITUTIONAL AMENDMENT.

January 27, 1995

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4. The Proponent of the above-named measure is:

Steven L. Wessels
2209 J Street
Sacramento, CA 95816-4711
(916) 446-6076

5. Important Points:

- (a) California law prohibits the use of signatures, names and addresses gathered on initiative petitions for any purpose other than to qualify the initiative measure for the ballot. This means that the petitions cannot be used to create or add to mailing lists or similar lists for any purpose, including fund raising or requests for support. Any such misuse constitutes a crime under California law. Elections Code section 18650; Bilofsky v. Deukmejian (1981) 123 Cal.App. 3d 825, 177 Cal.Rptr. 621; 63 Ops. Cal.Atty.Gen. 37 (1980).
- (b) Please refer to Elections Code sections 100, 101, 104, 9001, 9008, 9009, 9021, and 9022 for appropriate format and type consideration in printing, typing, and otherwise preparing your initiative petition for circulation and signatures. Please send a copy of the petition after you have it printed. This copy is not for our review or approval, but to supplement our file.
- (c) Your attention is directed to the campaign disclosure requirements of the Political Reform Act of 1974, Government Code section 81000 et seq.
- (d) When writing or calling state or county elections officials, provide the official title of the initiative which was prepared by the Attorney General. Use of this title will assist elections officials in referencing the proper file.
- (e) When a petition is presented to the county elections official for filing by someone other than the proponent, the required authorization shall include the name or names of the persons filing the petition.
- (f) When filing the petition with the county elections official, please provide a blank petition for elections official use.

Sincerely,



CATHY MITCHELL
INITIATIVE COORDINATOR

Attachment: POLITICAL REFORM ACT OF 1974 REQUIREMENTS

Date: January 27, 1995
File No.: SA94RF0020

The Attorney General of California has prepared the following title and summary of the chief purpose and points of the proposed measure:

DEATH PENALTY APPEALS. INITIATIVE CONSTITUTIONAL AMENDMENT.

Measure creates Death Penalty Panel consisting of 5 randomly selected court of appeal justices to decide appeals, writs and stay requests in cases of murder conviction with a death sentence. Justices serve two-year terms; consecutive terms prohibited. Panel may request California Supreme Court review of questions of law. Allows overturning of death sentence only on clear and convincing evidence of substantial prejudicial error. Requires cases be decided within 12 months of sentencing, except when one 60-day continuance granted. Affirmed death sentences must be carried out within 30 days unless there is a federal appeal. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local governments: The net fiscal impact of the measure is unknown. The measure would result in both costs and savings. The creation of the Death Penalty Panel will increase the workload of the courts of appeal, resulting in additional costs. These costs could be partially offset by savings resulting from reductions to the California Supreme Court's workload. The net costs are unknown. To the extent the measure expedites death penalty cases, the State could incur savings resulting from shorter periods of incarceration for prison inmates ultimately executed. The amount of savings, if any, is unknown.

DANIEL E. LUNGREN
Attorney General

State of California
DEPARTMENT OF JUSTICE



1515 K STREET, SUITE 511
P.O. Box 944255
SACRAMENTO, CA 94244-2550
(916) 445-9555

(916) 324-5490

January 27, 1995

FILED
In the office of the Secretary of State
of the State of California

JAN 27 1995

Bill Jones
Secretary of State
1230 J Street
Sacramento, CA 95814

By Bill Jones, Secretary of State
W. Mitchell
Deputy Secretary of State

Re: Initiative Title and Summary
Subject: DEATH PENALTY APPEALS. INITIATIVE CONSTITUTIONAL AMENDMENT.
File No: SA 94 RF 0020

Dear Mr. Jones:

Pursuant to the provisions of sections 9004 and 336 of the Elections Code, you are hereby notified that on this day we mailed to the proponent of the above-identified proposed initiative our title and summary.

Enclosed is a copy of our transmittal letter to the proponent, a copy of our title and summary, a declaration of mailing thereof, and a copy of the proposed measure.

According to information available in our records, the name and address of the proponent is as stated on the declaration of mailing.

Sincerely,

DANIEL E. LUNGREN
Attorney General

A handwritten signature in cursive script, reading "Kathleen F. DaRosa".

KATHLEEN F. DaROSA
Initiative Coordinator

KFD:ms
Enclosures

LAW OFFICE OF
STEVEN L. WESSELS
A PROFESSIONAL CORPORATION
2209 J STREET
SACRAMENTO, CALIFORNIA 95816-4711

(916) 446-6076
FAX (916) 446-6088

December 1st, 1994

Attorney General
P.O.Box 944255
Sacramento, CA
95814-2550

RECEIVED
DEC 2 1994
INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

Attn: Kathleen F. DaRosa, Initiative Coordinator
Re: Proposed Baker-Tate Death Penalty Initiative

Dear Kathleen:

This letter is to formally request that the Attorney General of the State of California prepare a title and summary of the proposed Baker-Tate Death Penalty Initiative that I have drafted and is enclosed with this letter. Enclosed is a cashiers check in the sum of \$200, as required by the Codes for this purpose.

The Baker-Tate name that I've used is in memory of Michael Baker, who was murdered by Robert Alton Harris, and in memory of Sharon Tate, who was murdered by the Manson family. I have formal permission from Steve Baker, the father of Michael Baker, to use his surname; and the Tate family name is a name of public fame.

Further enclosed with this letter is the disclaimer that you sent to me; and finally, attached as a separate sheet of paper is my residence address as a registered voter, which I have also signed. Because of the work I do, and because of this initiative, I prefer that all correspondence be directed through this office.

I look forward to working with you for the formal registration of this matter as an Initiative. If you have any questions, please don't hesitate to contact me at once.

Sincerely,


Steve Wessels

Set forth below is my proposed text for the introduction to the Baker-Tate Death Penalty Initiative.

Attached is the formal wording of the proposed initiative as it was prepared by Legislative Counsel.

THE BAKER-TATE DEATH PENALTY INITIATIVE

by Steve Wessels

WHEREAS the will of the people of this State favoring the use of the death penalty has been ignored by the Courts, and

WHEREAS the use of the death penalty reaffirms a societal belief that life is precious and that the lives of the victims had value, and

WHEREAS justice has been rendered meaningless because of the endless appeals and a lack of punishment to fit the crime, and

WHEREAS the Courts have not upheld the law in response to the will of the people by affirming faith and trust in jury trial decisions, and

WHEREAS trial verdicts of guilt and death are routinely overturned on appeal because of doubts, without substantial justification, and

WHEREAS crime increases without swift punishment, and

WHEREAS government is an instrument of society to punish evil, and

WHEREAS death penalty appeals takes too long to resolve, and

WHEREAS the California Supreme Court has been spending the greatest majority of its time resolving mandatory death penalty appeals, and

WHEREAS the civil justice system for the millions of other Californians is being hand-cuffed by endless death penalty appeals, and

WHEREAS it is impossible to have a death penalty jury trial verdict without claims of some kind of doubt or human error during the trial or sentencing,

BE IT HEREBY RESOLVED

That the will of the people expressed as verdicts for use of the death penalty shall be upheld as a measure of the value of lives of the victims;

That the constitution of this State be changed to simplify the appellate process for those who have been convicted of murder and sentenced to death, as set forth herein:

PAGE 1

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INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS

The Attorney General of California has prepared the following title and summary of the chief purpose and points of the proposed measure:

(Here set forth the title and summary prepared by the Attorney General. This title and summary must also be printed across the top of each page of the petition whereon signatures are to appear.)

Type: Roman
Boldface not
smaller than
12-point

TO THE HONORABLE SECRETARY OF STATE OF CALIFORNIA

We, the undersigned, registered, qualified voters of California, residents of _____ County (or City and County), hereby propose amendments to the Constitution of California and petition the Secretary of State to submit the same to the voters of California for their adoption or rejection at the next succeeding general election or at any special statewide election held prior to that general election or otherwise provided by law. The full title and text of the measure read as follows:

SECTION 1. This measure shall be known and may be cited as the Baker-Tate Death Penalty Initiative.

SEC. 2. The people adopt this measure to accomplish the following:

(a) Simplify the appellate process for those

who have been convicted of murder and sentenced to death.

(b) Reaffirm societal belief that life is precious and the lives of the victims had value.

(c) Restore faith and trust in the law and jury trial decisions by requiring courts to abide by those decisions unless clear and convincing evidence exists of substantial prejudicial error.

(d) Promote swift punishment for defendants duly convicted of murder and sentenced to death. The death penalty, however carried out, does not constitute cruel and unusual punishment.

(e) Reallocate judicial resources in order to focus greater judicial attention on matters not involving the disposition of death penalty cases.

SEC. 3. Section 1 of Article VI is amended to read:

SEC. 1. The judicial power of this State is vested in the Supreme Court, courts of appeal, Death Penalty Panel, superior courts, municipal courts, and justice courts. All courts are courts of record.

SEC. 4. Section 3.5 is added to Article VI, to read:

SEC. 3.5. The Death Penalty Panel shall consist of 5 justices of the courts of appeal selected randomly by a system of chance for staggered 2-year terms.

The selection process shall be administered by the Chief Justice of the Supreme Court. No justice shall serve 2 terms consecutively.

SEC. 5. Section 11 of Article VI is amended to read:

SEC. 11. (a) The Supreme Court Death Penalty Panel has appellate jurisdiction when judgment of death has been pronounced. With that exception courts of appeal have appellate jurisdiction when superior courts have original jurisdiction and in other causes prescribed by statute.

(b) Superior courts have appellate jurisdiction in causes prescribed by statute that arise in municipal and justice courts in their counties.

(c) The Legislature may permit appellate courts and the Death Penalty Panel to take evidence and make findings of fact when jury trial is waived or not a matter of right.

(d) The Death Penalty Panel shall have exclusive jurisdiction to hear applications for stays, writs, and appeals in death penalty cases. No writs or appeals in these cases may be reviewed or heard by the Supreme Court without referral, as specified, by the Death Penalty Panel. All death penalty appeals shall be filed, briefed, argued, and decided within 12 months from the

original sentencing date, unless good cause appears for one 60-day continuance. Death penalty verdicts or judgments may only be set aside by a majority of the members of the Death Penalty Panel and only if there is clear and convincing evidence of substantial prejudicial error.

(e) The Death Penalty Panel may certify death penalty cases to the Supreme Court for review of questions of law within 60 days of argument before the Death Penalty Panel. The Supreme Court shall decide all death penalty cases referred to it within 90 days of the date of the referral.

(f) Any death penalty sentence that is not set aside by the Death Penalty Panel or the Supreme Court and not the subject of a federal court appeal shall be carried out within 30 days of the date of the affirmation of the sentence. No person or entity may file any appeal or writ on behalf of a defendant in any death penalty case without the consent of the defendant.

SEC. 6. If any provision of this measure or the application thereof to any person or circumstances is held invalid, that invalidity shall not affect other provisions or applications of the measure which can be given effect without the invalid provision or application, and to this end the provisions of this measure are

severable.

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