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Hon. Anthony Adams
California Assembly District 59
State Capitol, Room 4015
Sacramento, CA 94249

Re: SB 399 (Yee)

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Dear Assemblyman Adams:

I am writing to urge you to vote against adoption of SB 399 (Yee) a measure which would allow trial judges to reconsider the life without parole (LWOP) sentences given to California's worst murderers who were 16 or 17 years old when they killed their victims.

While proponents of this measure have cited mitigating circumstances related to some offenders currently serving LWOP, they have selectively omitted facts regarding the murders these offenders committed . . . facts that undoubtedly influenced the sentencing court. It is important to note that juries unanimously agreed that these 16 and 17 year old murderers were guilty beyond a reasonable doubt of first degree murder with special circumstances, the worst crime in the state penal code.

This crime requires a finding of intent, malice and/or reckless disregard of human life. Adults convicted of this crime are eligible for the death penalty.

We have been told by the proponents that studies have proven that the brains of people who are 16 and 17 years old are uniformly immature, and no sound judgments can be made about their future behavior. The psychiatric research they cite actually contradicts this assertion. The findings in that research, and other peer-reviewed studies on the subject of adolescent brain development and behavior conclude that maturity and behavior patterns among juveniles vary widely and that an identifiable subgroup of the juvenile population will continue to commit violent crimes throughout adulthood.

The state of California currently has a process which allows life sentenced murderers to petition the Governor for a commutation of sentence. Because the number of murderers serving LWOP, who killed their victims when they were 16 or 17 is quite small, the opportunity for gubernatorial review of cases where there was possible injustice, or evidence that the murderer might be deserving of a lesser sentence is readily available.

The suggestion that a Governor of either party would disregard the merits of these appeals and make a decision based on a political calculation ignores the fact that the current Governor, like his predecessors, has taken this obligation very seriously and commuted sentences in deserving cases.

Utilizing the broad criteria provided in SB 399, it is quite possible that hardened gang murderers, murderers who first kidnapped and raped their victims and the murderers of police officers, could win a reduced sentence, ten years after conviction, from a judge who did not preside over the trial and sentencing, never viewed the evidence or heard the testimony of witnesses or the defendant's own statements.

Today, when parole hearings are scheduled for murderers who have been sentenced to terms other than LWOP, the families of the victims are forced to repeatedly relive the deaths of their loved ones while fighting to prevent the release of the murderers who killed them. To now allow this for the state's worst murderers, who happened to be 16 or 17 when they killed their victims, would be a clear injustice certain to undermine the already deteriorating public confidence in California's criminal justice system.

Please, do not underestimate the importance of your vote on this very divisive measure.

Cordially,

Michael Rushford
President & CEO