

THE JUSTICE THAT WORKS ACT?

I have been on death row almost 20 years, still currently waiting appointment of state habeas representation so my appeals can move forward. During these long years I have formed bonds and gotten to know many of these men for the persons they have become decades after their convictions, not for their crimes that put them here. I would not want to see any of them be murdered by the state because we are all someone's son, brother, cousin, uncle, father, or grandfather. The 2016 California ballot initiative the "Death Penalty Reform and Savings Act" (the Reform Act) seeks to speed up executions while curtailing vital legal appeals. The Reform Act will be law by default if "The Justice that Works Act" (the Justice Act) doesn't get as many votes. The Justice Act reverts all death-penalty sentences to life without the possibility of parole (LWOP) and forces everyone to work while taking 60% of their wages for victims restitution. But there are patented flaws in the Justice Act that the general public are unaware of or have been purposely misled about. Would I rather see the Justice Act pass over the Reform Act?

One of the selling points to the Justice Act is that inmates resentenced to LWOP would be required to work and 60% of their wages will be deposited into the California Victim Restitution Fund. Scores of men on death row are infirm, mentally or physically debilitated, or too old to work. And where are all these so-called "jobs" supposed to come from? These high-security prisons, where only LWOP are housed, have a very limited amount of jobs and are allotted only a few certain pay numbers throughout the prison system. All these jobs have been occupied, for years and decades, by other LWOP and mainline prisoners already established in those job positions, while other inmates are working for free behind them in hopes of one day sliding into these choice paid positions once

they become vacant. Current LWOP/mainline workers are not going to simply step aside to allow former nobody death-row inmates to take their jobs; for many it's their only means of support and livelihood. This will cause major friction and serious confrontational problems. If for some miraculous reason a cash-strapped institution decides to generate a few extra pay numbers, those jobs will only be for unskilled labor which pays \$12-\$20 a month. So it is highly unlikely the state will manufacture additional low-paying jobs in which to only collect \$7.50-\$12 a month to pay into the Restitution Fund that very few victims will ever benefit from. In essence, the state would only be generating the jobs to collect and deposit the money into a fund for itself. As it stands, the Restitution Fund currently has millions of dollars that are not being paid out to victims because they never file the paperwork for those claims. So who actually benefits most from these elusive jobs and this 60% restitution?

The records clearly show that over 150 innocent people have been sentenced to death, and some have been executed. Even though the system is flawed, those few fortunate enough to make it through the appeals process achieved the most successful goal. It is also a fact that most state courts rubber stamp denials of most appeals and let the federal courts make the final rulings, where most of the reversals occur. The Justice Act has all death penalty appeals and habeas petitions pending before the Supreme Court to be transferred to any Court of Appeal or superior court, at the Supreme Court's discretion. Why should all such cases be limited to the rubber-stamping State Supreme Court's discretion? Why should all those hoping for federal relief be overtly denied this Constitutional right to due process? What if this happened to those 150-plus innocent people sentenced to death? How about the hundreds of death-row inmates in my situation where there's not only no habeas petition before the Supreme Court, but we don't even have an attorney? Is it fair or lawful that some are allowed

to proceed to the federal court while others aren't? The Justice Act eliminates our federal appeals. The vast majority of death-row inmates do not have the mental acumen to represent themselves, to file their own federal petitions. And they are indigent and lack the funds or resources to hire a "qualified" appellate attorney for the federal level. Once a death-row inmate is sentenced to LWOP and loses the right to the federal appeals, he is sent out amongst the thousands of other LWOP prisoners no longer with any hope for relief, forgotten, to die a slow lonely death, no matter if he is innocent or construed otherwise.

So just how "swift and certain" is this "justice" the Justice Act claims? And with all these billions of dollars the Justice Act promises to save, how sure are you that the money will actually be "invested in crime prevention strategies, services for victims, education, and keeping our communities and families safe"? Or is this just another money pit like the Restitution Fund where millions of dollars are collected, interests are earned, but there are very few payouts?

I would not want to see these condemned men killed by the state. However, some have pled guilty and have no action whatsoever on appeal, so further legal maneuvering is pointless. And those who have exhausted all their appeals have no other options. LWOP is a chance for them. However, there are hundreds of others, some innocent, who want their day in court. I want my day, and I want it in federal court. Would I like to see the Justice That Works Act passed? No... this is not the "justice" that works for me.

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July 2016