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## Panel holds final hearing on death penalty

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A key state justice commission Friday completed its investigation into California's death penalty, as it heads toward a mid-summer report that is expected to recommend reforms to the country's most prolific capital punishment system.

In the third and final hearing on the death penalty, the California Commission on the Fair Administration of Justice considered testimony at Santa Clara University from a range of witnesses who raised concerns about arbitrariness and the high cost of imposing death sentences, as well as the reluctance of governors to consider clemency for death row inmates.

The American Civil Liberties Union presented two thick studies to the commission, one examining geographical disparities in death sentences in California and the second the exorbitant cost of capital trials. Nearly \$11 million, the second study said, was spent on the Scott Petersen trial.

But one leading death penalty supporter cautioned the commission against eroding the death penalty laws, observing that the 20-year delays in death row appeals already have paralyzed capital punishment in California.

"More likely than not, the failure to enforce California's death penalty has already killed thousands of people," said Kent Scheidegger, legal director for the conservative Criminal Justice Legal Foundation.

The commission, chaired by former state attorney general John Van de Kamp, has spent the past several years considering problems in the justice system, from false confessions to breakdowns in eyewitness testimony. The commission's review of the death penalty is its last piece of work.

Thus far, the commission's recommendations have received a cool reception from Gov. Arnold Schwarzenegger, who has vetoed all of the board's proposals for reforms.

During Friday's hearing, two McGeorge School of Law professors testified about their research into the near-disappearance of clemency for death row inmates in California and nationally.

Natasha Minsker, head of the ACLU's Bay Area death penalty project, called the state's death penalty a "failure" in her testimony, emphasizing research on the millions of dollars spent on some of the state's notorious capital trials, including Petersen and mass killer Charles Ng.

Mike Frawley, a commission member and Ventura County prosecutor, challenged the ACLU study, however. "Your literature isn't accurate," he said to Minsker.

The hearing concluded with testimony from death penalty opponents, including family members of murder victims. The commission also heard from Bill Babbitt, whose brother, Manny, was executed at San Quentin in 1999. Bill Babbitt turned his brother in to police when he was linked to the 1980 murder of an elderly Sacramento woman.

"I didn't know I was turning him in to his executioner," Babbitt said in a quavering voice. "I supported the death penalty until it came knocking on my door."

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