

January 9, 2006

Assemblymember Paul Koretz
State Capitol, Room 2176
Sacramento, CA 94249-0042

Assemblymember Sally Lieber
State Capitol, Room 4162
Sacramento, CA 94249-0022

RE: Support for AB 1121 (“California Moratorium on Executions Act”)

Dear Assemblymembers,

We, the undersigned supporters of AB 1121 (“California Moratorium on Executions Act”) are current and former prosecutors, law enforcement officers, and judges who have served at the state and federal level. Some of us support capital punishment and some oppose it. However, given that DNA testing and other new evidence has proven that more than 121 people who sat on death rows around the country were actually innocent of the crimes for which they were convicted, we agree that a temporary suspension of executions in California is necessary while we ensure, as much as is possible, that the administration of criminal justice in this state is just, fair, and accurate. The execution of an innocent person is unacceptable and it is imperative that California takes every precaution to ensure that it never happens. This is not just a matter of justice for these individuals. It is a matter of public safety. As you know, if an innocent person is convicted, that means that the true perpetrator may well still be free to commit more crimes.

The newly-formed, bi-partisan *California Commission on the Fair Administration of Justice* is currently investigating the causes of wrongful conviction in this state and will be developing a set of recommendations as to how best to prevent the conviction of innocent people. This body will also examine the administration of capital punishment in California to make certain that it is being applied in a fair and just manner. The Commission will submit its findings to the Legislature and the Governor no later than December 31, 2007.

We believe that it is not only pragmatic, but prudent, to halt executions until these recommendations can be fully considered and, if necessary, acted upon. Thus, we support the immediate passage of AB 1121, which would temporarily suspend executions in our state while the Commission completes its research and the Legislature considers its findings. While the bill allows the Legislature to repeal the moratorium at any time, should it choose not to act for any reason, the moratorium will automatically end on January 1, 2009.

As current and former prosecutors, law enforcement officers, and judges we strongly believe that the administration of justice must be swift, if it is to be effective. But more importantly, we have a responsibility to make sure that it is both fair and accurate.

We urge you to join us supporting a temporary suspension of executions in California.

Sincerely,

Signatories listed in pages 2-4

Jan 9, 2006

Letter to Assembly in support of AB 1121

Page 2

David Angel

Active Deputy District Attorney, 1995-present

Judge Michael Ballachey

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Former Assistant U.S. Attorney, Arizona and California, 1961-1966

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Former Assistant U.S. Attorney, C. D. of California, 1989-1994

Judge LaDoris Cordell

Retired, Santa Clara County Superior Court

Ed Davis

Former Assistant U.S. Attorney N.D. California, 1974-1978

Judge Roderic Duncan

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Former Deputy Attorney General, 1962-1963

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Former Deputy Attorney General for California, 1976-1981

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Former Deputy District Attorney, Sonoma County, 1977-20005

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Former Assistant Massachusetts Attorney General, 1991-1992

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Retired, Alameda County Superior Court

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California Supreme Court, 1982-1987

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Former Assistant U.S. Attorney C.D. California, 1989-1993

Former Assistant U.S. Attorney N.D. California, 1999-2003

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Former District Attorney, City and County of San Francisco, 1995-2004

Jan 9, 2006
Letter to Assembly in support of AB 1121
Page 3

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Former Assistant U.S. Attorney E.D. California
Former Assistant District Attorney New York County
Author of the Briggs Initiative of 1978, which created
the present death penalty law in California

Sheriff Michael Hennessey

Sheriff of the City and County of San Francisco, 1979-Present

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Former Assistant Prosecuting Attorney, Jackson County, MO, 1982-1987

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Former Assistant U.S. Attorney C.D. California, 1968-1971
Department of Justice, Washington, D.C., 1964-1968

Jan 9, 2006

Letter to Assembly in support of AB 1121

Page 4

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Retired Deputy District Attorney, 1976-1979 and 1987-2005

Former Assistant U.S. Attorney N.D. California, 1979-1981

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Department of Justice, Washington, D.C., 1997-2002

Former Assistant U.S. Attorney, D.C., 1997-1998

Carter Stewart

Former Assistant U.S. Attorney N.D. California, 2003-2005

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Former Deputy District Attorney, Alameda County, 1967-1980

Assisted in exoneration of Aaron Owens, wrongfully convicted of double murder

Alison Tucher

Former Deputy District Attorney, Santa Clara County, 1995-1998

Attorney for Rick Walker, exonerated for murder, 2003

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Former Assistant U.S. Attorney C.D. California, 1976-1980

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Jon Willis

Deputy District Attorney, County of Imperial, 2002-Present

President, Imperial County District Attorneys' Association