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MEDIA ADVISORY

Re: District Attorney Cynthia Zimmer Statement Regarding Governor's Death Penalty Announcement

Today, Governor Newsome announced that he will not enforce California's constitutionally mandated death penalty in any case. In his announcement, the Governor granted a reprieve to all 737 current death row inmates, assuring the convicted murderers that lawful orders of their execution will not be carried out. By his actions, the Governor casts aside the verdicts of every jury from all over our state that found that the death penalty was appropriate and required by law as well as every ruling by every judge affirming those convictions.

The Governor's action today is an insult to families and friends of victims who were viciously murdered at the hands of these inmates. It is an insult to the more than 700 judges and juries who put their lives on hold and performed their lawful, civic duty to ensure that justice is served in the most heinous of crimes. It is also a direct insult to the People of California, who just two years ago directly voted in an election not only to retain the death penalty, but to institute reforms to ensure its continued, more effective application. Every time the issue of the death penalty has been put before California voters, it has been approved, most recently in 2016 and 2012.

The 737 killers that the Governor has chosen to grant reprieve are the worst criminals in our state. The death penalty is reserved by law, by prosecutors, and by juries for a fraction of convicted murderers. Take Kern County as an example:

There are currently 550 inmates serving sentences for murder who were convicted in Kern County. Of those 550 murder inmates, only 25 are sentenced to death.¹ That is less than 5% of Kern County's murderers. The ultimate penalty truly is reserved only for the very worst killers.

¹ Source: CDCR Division of Correctional Policy Research and Internal Oversight Office of Research. Information current as of January 31, 2019.

To whom has the Governor chosen to show leniency? Consider this:

Of the convicts that are currently on death row:

39 inmates are on death row for **killing a police officer**

25 inmates on death row have killed **6 or more people**.

14 inmates have killed **5 people**.

43 inmates have killed **4 people**

80 inmates have killed **3 people**

196 inmates have killed **2 people**²

The Governor's action applies to all of these inmates, including several from Kern County, such as Vincent Brothers, who killed his wife, three children, and mother-in-law. The Governor's reprieve applies to Joe Danks, the "Korea-town slasher" who hunted transients in Los Angeles, killing 6. Upon his conviction, he was sent to state prison in Tehachapi, where he killed his 67-year old cellmate in his sleep.

Governor, what do you do with a serial murderer who receives six life without the possibility of parole sentences, and then murders again?

Under California law, a death sentence must be executed immediately after a reprieve has ended, but the Governor has unilaterally decided to dismantle the required equipment and procedures that would permit the law to be enforced, even after the he has left office.

While campaigning to become Governor, Mr. Newsom promised that he would "be accountable to the will of the voters."³ Today, he has placed his personal biases above the clear directive of the People of California, and in so doing he has abandoned his duty to enforce and uphold the laws and constitution of the State of California.

The Governor has the authority to grant a death row inmate a temporary reprieve of execution, but he cannot unilaterally abolish the constitutionally mandated death penalty simply because he disagrees with the majority of Californians who have repeatedly insisted it be a part of our constitution. The Governor's actions are a shocking misuse of power, but are sadly just another in a series of legal changes that ignore the rights of victims of crime and disregard lawfully obtained convictions and sentences. Along with many District Attorneys throughout the state, I will examine all of our options to ensure the voice of the People of California is heard. I intend to fulfill my oath to uphold the laws and constitution of the State of California, even if the Governor will not fulfill his.

In the meantime, Kern County will continue to prosecute death penalty cases as we always have – by analyzing the current law, reviewing factors relating to the crimes alleged, considering the concerns of the victims, and reviewing the defendant's criminal history and role in the alleged crime. In circumstances where the death penalty, by law, is appropriate, we will continue to pursue it.

To the families and friends of the victims of these crimes, know that we will continue the fight to ensure that justice is served and lawful sentences are carried out.

² <https://www.latimes.com/projects/la-me-death-row/>

³ <https://www.sacbee.com/news/politics-government/capitol-alert/article227489844.html>