

3-STRIKES REFORM

WHO HAS SPOKEN?

Washington's Sentencing Guidelines Commission 2001 annual Sentencing Reform Act Review Recommendations

"that the legislature... remove Robbery 2 from the list of offenses that constitute a strike under the persistent offender statute ...and examine under what circumstances, if any, should Assault 2 be treated as a strike under the persistent offender statute."

Former State Department of Corrections Secretary Chase Riveland "Our three-strikes law passed by about 70 percent, so it is very popular. But it's a placebo that somehow makes citizens think they are safer when they are not, and it keeps them from dealing with the issues of crime and violence in responsible ways."

Three Strikes Laws Proving More Show Than Go, McMurry, Kelly. Trial. WA: Jan 1997. Vol. 33, Iss. 1; pg. 12, 3 pgs

Hubert G. Locke, Former Chairman, Sentencing Guidelines Commission, Former Dean Daniel J. Evans Graduate School of Public Affairs "... Unwilling to let the carefully considered efforts of public commissions stand without political tampering, Congress and state legislatures have encumbered sentencing guidelines with all sorts of added, punitive measures ...

"... Together with the enactment of mandatory minimum sentences for certain crimes and the notorious "three strikes, you're out" mandates, sentencing of convicted offenders has been taken out of the hands of judges ...

David Vogel, Deputy Prosecuting Attorney, King County, 1984-1989

"By eliminating judicial discretion, Initiative 593 does great harm to the principle of proportionality in sentencing, undermining public trust in our criminal justice system."

A Need for Proportionality, Three Strikes and You're Out, David Vogel, Washington State Trial Lawyers Association, Trial News, Volume 38-2, Oct 1, 2002.

Craig MacGowan, high school teacher, victim of a wallet grab leading to a 3-Strikes sentence "It just blows me away that the people in this state are willing to house this guy in prison for the next 50 years yet are so reluctant to pay a fraction of what it will cost to reduce class sizes and do other things to better education. We aren't willing to do enough for kids like this when they are young and when we have a chance to make a difference, but we're willing to throw them away in prison for 10 times the cost." *Quoted in Seattle Times, 1994*

Snohomish County Prosecuting Attorney Janice Ellis, quoted in a 1/23/08 Seattle Weekly article: "I've always felt like robbery 2 and assault 2 should not be on the list" of three-strikes offenses. She notes that second degree assault is particularly common. "Maybe it's a reflection of our country, that we have a lot of bar fights."

King County Prosecuting Attorney Dan Satterberg in a January, 2008 phone conversation with a Justice Works! volunteer, stated that he was having an attorney look at some of the early King County 3-Strikes cases that involved robbery 2 and assault 2. "We don't believe in just throwing away the key," Satterberg said. "And we do deal with these cases in a different way now. Robbery 2 is a young man's game. Some of the assault 2 cases, as well.

Former prosecutor Alan Merson "Three strikes places an unreasonable burden on the prosecution by taking away from the court its proper function of assessing both aggravating and mitigating factors in determining a sentence.... Mandatory minimum sentences such as three-strikes demean the critical role of the judge", "Repeal of misguided legislation the best way to serve justice". Seattle P-1 - 4/11/00

Seattle Times Editorial Board "Legislators should buck up and support a bill that would remove second-degree robbery from the list of "strikes" under the "three strikes you're out" law. Lifetime imprisonment is not proportional to the crime. It is not necessary for the protection of the public. It is not justice." Seattle Times editorial. Three Strikes Law Needs Mending 2/6/09.



Washington Supreme Court Justice Richard B. Sanders in testimony on Senate Bill 6120 in 2000 "Most people serving under 3-Strikes are there for "relatively minor offenses" because "those that commit truly violent crimes are already subject to long prison terms, meaning by the time that they are released from their 2nd lengthy term, their chance for a third repetition is relatively slight, if for no other reason than old age or death in prison."

King County Superior Court Judge Michael J. Fox, after sentencing Joseph Scott Wharton to life for Robbery 2 told a Seattle Times reporter that the case was "tragic," and that, although no one was hurt in the crimes, the law passed by voters in 1993 gave him no discretion.

King County Superior Court Judge Richard Ishikawa presided over the county's first "three- strikes" trial: the second-degree-robbery trial of a man accused of stealing \$337 from an espresso-stand operator. The man had two prior robbery convictions, and his conviction compelled Ishikawa to sentence him to life in prison. Ishikawa felt it was too much. "Nobody got hurt," Ishikawa said. "I might have given him five years."

Earl Ford, Commissioner, Washington Commission on African American Affairs, 2009 Senate Testimony, SB 5929

I represent Southwest Washington and Clark County on the Commission on African American Affairs. As you are aware, the Commission on African American Affairs was created in the state by law in 1992. We are in the executive branch of state government and report directly to the Governor. The Commission has endorsed the reform of the Three Strikes sentencing law. We've taken this position because half of the men locked up under these guidelines in the State of Washington are Black. Many were convicted of low-level Robbery 2 crimes.

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