

Why judges reinstated paroles for murderers; including one in El Dorado County

By Denny Walsh, Sacramento Bee

There were some raised eyebrows recently when a generally conservative state Court of Appeal in Sacramento reversed former Gov. Arnold Schwarzenegger and reinstated paroles for three murderers, one from Butte County, one from Amador County and another from El Dorado County.

But a closer look shows such decisions are now for the most part business as usual in California's appellate courts.

At work is a different legal standard for the release of these so-called "lifers," which was mandated by the California Supreme Court in 2008.

Schwarzenegger did not adhere to that new standard, and scores of appeals that grew out of his intransigence "are now making their way through the courts," said Oakland attorney Keith Wattley.

The state attorney general's office, which defends against these challenges, ignored a request for comment. And the office of Gov. Jerry Brown failed to respond to a request for comment from the governor, who since he came to office in January has deferred to the Board of Parole Hearings in most cases.

"In the old days it would have been a headline," said Wattley, referring to the three decisions within 10 days by the 3rd District Court of Appeal in Sacramento. "It's not unusual any more."

Wattley, whose practice is devoted almost entirely to lifers'

bids for parole, said, "The board and the governor used to decide these cases solely on historical facts, mainly the circumstances of the crime. In 2008, the (state) Supreme Court said, 'Stop making decisions based on factors that have nothing to do with public safety.'

"Now," he said, "there has to be some evidence that the inmate remains dangerous."

Read the whole story