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PRESS RELEASE

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FOR IMMEDIATE RELEASE

CDAА URGES GOVERNOR TO ABANDON DANGEROUS BUDGET PROPOSALS

Prosecutors' Group Calls on Schwarzenegger to Retract Plans to Commute Prison Sentences of Criminal Aliens and to Reduce Felony Crimes to Misdemeanors

The California District Attorneys Association (CDAА) has urged Governor Arnold Schwarzenegger to abandon his Administration's proposal to commute the sentences of criminal aliens in state prisons in order to refer them to Immigration and Customs Enforcement for deportation. Such a policy is not only dangerous to public safety, but would "confer on criminal aliens benefits that are not available to inmates who are citizens of the United States," the prosecutors' association said.

In a letter delivered Monday to the Governor and legislative leaders, CDAА cautioned the Governor against the deportation plan. "We believe that all inmates, regardless of their immigration status, should be held to the same level of accountability for their conduct. If you were to exercise your constitutional power to commute the sentences of any portion of the inmate population, we urge you to do so only after there has been an assessment of the risk of each individual for re-offending," the letter stated. "We also strongly believe that it is imperative for public safety to place every inmate whose sentence is commuted for the purpose of early discharge from custody...on summary parole," noting that the sole purpose of such status would be to permit search and seizure of such parolees for a period of no less than three years.

CDAА also took issue with the Administration's proposal to reduce so-called "wobbler" offenses, i.e., crimes that can be charged as either felonies or misdemeanors, to straight misdemeanors, citing a host of unintended consequences that would "subvert prosecutorial efforts in numerous ways."

The letter, signed by San Diego County District Attorney Bonnie Dumanis, outgoing president of CDAА, and Napa County District Attorney Gary Lieberstein, incoming president of CDAА, and endorsed by CDAА's members, noted that crimes such as grand theft, vehicle theft, identity theft and other fraud offenses rob Californians of millions of dollars each year. Eliminating the ability of prosecutors to charge such "wobbler" offenses as felonies will jeopardize public safety by

"blurring the lines between degrees of criminality such that participants in complicated, high-dollar theft rings would be subject to the same punishment as petty thieves."

"Felony crimes carry longer statutes of limitations than misdemeanors. This means that prosecutions of major fraud cases, for example, which are often document driven and take months, if not years, to come together, could be lost," the letter stated. "Also," the letter added, "under existing law, search warrants generally can only be issued in cases involving felonies. This proposal would effectively abolish the use of this vital law enforcement tool..."

While recognizing the historic magnitude of California's current economic crisis and the pressure on the Governor and Legislature to reduce California Department of Corrections and Rehabilitation expenditures, CDAA expressed grave concern that some of the proposals advanced thus far create the probability that "our criminal justice system would be irrevocably harmed."

Stanislaus County District Attorney Birgit Fladager, in voicing her support for CDAA's position, said, "There are alternatives available to the Governor and legislative leaders that would not have such a devastating impact on public safety. Modesto and Stanislaus County have previously been characterized as ground zero for auto theft and methamphetamine production. To reduce the crimes of auto theft and methamphetamine possession to misdemeanors would seriously jeopardize law enforcement's ability to investigate, district attorneys' ability to prosecute and judges' ability to hold convicted criminals accountable for the full extent of their conduct and harm to the community."

The letter concludes by urging the Governor to consider addressing the problem on an emergency basis, which he is empowered to do under the state Constitution. "We believe you should consider a temporary solution that does not restructure our system of justice to the detriment of our citizens."

CDAA represents 57 elected district attorneys, 12 prosecuting city attorneys and more than 2,600 deputy district attorneys, deputy city attorneys and deputy attorneys general statewide.