

**3-STRIKES**  
**1994 to 2004**  
**A DECADE OF DIFFERENCE**

This is a direct comparison of  
10 years *before* 3-Strikes  
to  
10 years *after* 3-Strikes

- \*Record Crime Drops
- \*Prison Construction Stopped
- \*Reduced Inmate Growth
- \*Dramatic Financial Savings
- \*Huge Reduction in Victims

(The following crime data provided by the CA Dept. of Justice and the CA Dept. of Corrections)



Keep in mind these aren't just numbers. They represent the people who would have otherwise been victims of repeat offenders.

These reductions also represent fewer criminals.

Less crime equals fewer arrests, prosecutions and incarcerations.

Lower crime rates can also be translated into dollars saved. The US Department of Justice has set a dollar value equal to the average cost per crime.

<b>National Institute of Justice</b>			
Research Preview			
<i>Jeremy Travis, Director</i>		<i>January 1996</i>	
<b>The Extent and Costs of Crime Victimization: A New Look</b>			
U.S Department of Justice			
Crime	Tangible Costs	Intangible Costs	Total Costs
Murder	\$1,030,000	\$1,910,000	\$2,940,000
Rape/Sexual Assault	5,100	81,400	86,500
Robbery/Attempt With Injury	5,200	13,800	19,000
Assault or Attempt	1,550	7,800	9,350
Burglary or Attempt	1,100	300	1,400

6,738	Fewer Murders =	\$19,809,720,000
18,571	Fewer Rapes =	\$1,606,391,500
230,337	Fewer Robberies =	\$4,376,103,000
101,379	Fewer Assaults =	\$904,173,050
1,283,088	Fewer Burglaries =	\$1,796,323,200
Total Savings		\$28,493,010,750

**28-1/2 Billion Dollars in Savings**

In 1994,

Opponents of 3-Strikes made predictions and projections as to the effect and impact of the nation's toughest crime law.

Predictions

1. California prison population would double in 5 years, reaching 250,000.
2. California would need to build 20 new prisons.
3. Crime reductions would be minimal at best.
4. More courts would be needed due to clogging by defendants taking their cases to trial.
5. More deaths of police officers having to arrest more desperate criminals.

Now 10 years has passed and projections  
and predictions can be replaced with facts.

1. California prison population would double in 5 years, reaching 250,000.

California's prison population 10 years after 3-Strikes has held at approximately 160,000 for the last 4 years, with an overall increase of 25.5%.

Ten years prior to 3-Strikes, California's prison population expanded 400%

2. California would need to build 20 new prisons.

Ten years prior to 3-Strikes, California built 19 new prisons. Ten years after 3-Strikes, California has opened no new prisons.

3. Crime reductions would be minimal at best.

California has seen the longest and greatest drop in crime in the last 10 years since such records have been kept. The most remarkable part of these side-by-side crime drops is that at the same time California increased its general population by 1/3, which is a total reversal of what was projected, since more population has historically always translated into more crime.

4. More courts would be needed due to clogging by defendants taking their cases to trial.

Court clogging did occur in the first year, primarily in LA. Adjustments were made without adding new judges or courts. California has maintained less than 1,600 judges for the last 10 years with the exception of the last few months of the Davis Governorship which saw an increase of last moment appointments.

5. More deaths of police officers having to arrest more desperate criminals.

It was predicted by those opposing 3-Strikes that this law would place police at higher risk due to the fact that the police would be apprehending more desperate criminals. Their projection was more cops would die.

The actual numbers show an increase in the first 2 years and then the number drops. When the overall number per year is less than 10 it is subject to dramatic change with one incident. It is quite clear that no pattern of increase occurred after 3-Strikes.

Peace Officers Killed in the Line of Duty 1986-2001  
(Taken from Homicide in California, 1986-2001)

Total	95		
Year(s)		Year(s)	
2001	6	1993	8
2000	2	1992	5
1999	4	1991	3
1998	7	1990	5
1997	7	1989	5
1996	5	1988	9
1995	10	1987	4
1994	9	1986	6
After 3-Strikes	50	Before 3-Strikes	45

How do you measure the effectiveness of a law?

1. Does the condition improve after its passage?
2. Is it cost effective?
3. Is it fair?

**These are simple rules should be guidelines for judging the success or failure of laws.**

### #1 Does the condition improve?

The reduction in crime that occurred after the passage of 3-Strikes speaks for itself.

Any objective assessment would credit 3-Strikes with playing a major role in California's record crimes drops.

### #2 Is it cost effective?

Is letting criminals out of prison cheaper than keeping them in?

While there are those who put forth the notion of great savings by releasing repeat offenders, it is worth remembering that, by definition, a repeat offender is in and out of prison on a repetitive basis. The real issue is whether or not there any savings as a result of letting repeat offenders out for short amounts of time? Is the cost of catching and reconvicting them more expensive than the small amount of time they are out? Do the crimes they commit while they are free outweigh the incarceration costs?

California paroles 125,000 inmates each year. Seventy one percent are back in within 18 months. The key to this equation is best seen in 2 million fewer victims and 28-1/2 billion dollars saved by reduced crime. This is a combination that saves lives and money.

### #3 Is it fair?

Are some people getting life sentences for minor offenses?

In some cases, perhaps, but only if you are willing to overlook their criminal history and demonstrated intention to continue to break the law. Keep in mind all third strike cases require 2 prior serious or violent convictions. Each case requires a prosecutor to file the prior offenses. Upon conviction a judge reviews the prior offenses. Judges and/or prosecutors can and do strike prior offenses in order to reduce charges in cases they deem worthy. This sorts the wheat from the chaff and ensures a fair look at each case on its own merits. A third strike is 25 years to life, not life without parole. With good behavior credits it really means 20 years.

Criminologists and most crime experts like to make crime comparisons from year to year using a rate of crime per 100 thousand people.

This takes into account changing population.

Using the rate per 100 thousand method, the drop over the last 10 years becomes even more pronounced.

Our overall crime rate has been reduced to a 1967 level. This is a 36-year roll back.

The best news is that burglary that accounts for over one-half of the total crime drops has been rolled back to 1955-1956 rates. This is nearly a 50-year low.

### CALIFORNIA CRIME INDEX, 1985-2002

Number and Rate per 100,000 Population

#### AFTER 3-STRIKES

Year(s) Total	VIOLENT CRIMES					PROPERTY CRIMES			
	Total	Homicide	Rape	Robbery	Assault	Total	Burglary	Vehicle theft	
2002	1,890.1	589.2	6.8	28.8	183.6	370.0	1,300.9	672.6	628.3
2001	1,845.6	605.6	6.3	28.4	182.1	388.8	1,240.0	661.5	578.5
2000	1,780.1	610.5	6.0	28.4	174.7	401.4	1,169.7	644.6	525.1
1999	1,763.3	610.7	5.9	27.7	176.4	400.7	1,152.6	657.6	495.0
1998	2,072.1	686.0	6.5	29.2	205.3	445.1	1,386.1	802.7	583.4
1997	2,381.4	781.0	7.8	30.9	247.0	495.3	1,600.3	906.9	693.4
1996	2,558.9	848.2	9.0	31.6	290.7	516.9	1,710.7	962.8	747.9
1995	2,929.0	851.2	11.0	32.9	326.2	581.2	1,977.8	1,103.5	874.3
1994	3,147.7	992.4	11.5	34.1	348.9	597.8	2,155.3	1,196.1	959.3
Total	20,368.2	6,574.8	70.8	272.0	2,134.9	4,197.2	13,693.4	7,608.3	6,085.2

#### BEFORE 3-STRIKES

1993	3,367.8	1,058.8	12.9	37.0	398.0	610.9	2,308.9	1,303.2	1,005.7
1992	3,491.5	1,103.9	12.5	40.7	418.1	632.5	2,387.6	1,365.2	1,022.4
1991	3,503.3	1,079.8	12.6	42.2	408.2	616.7	2,423.5	1,390.3	1,033.2
1990	3,443.0	1,055.3	12.1	43.0	380.5	619.8	2,387.7	1,361.8	1,025.8
1989	3,449.8	987.2	11.0	41.6	335.1	599.5	2,462.7	1,425.6	1,037.1
1988	3,333.9	933.7	10.5	41.9	307.2	574.0	2,400.3	1,452.4	947.9
1987	3,300.7	927.9	10.7	44.2	304.4	568.6	2,372.8	1,534.2	838.7
1986	3,409.3	928.7	11.3	45.3	346.0	526.1	2,480.6	1,711.7	768.8
1985	3,172.6	773.8	10.7	43.8	331.1	388.2	2,398.8	1,719.7	679.1
Total	30,471.9	8,849.1	104.3	379.7	3,228.6	5,136.3	21,622.9	13,264.1	8,358.7

(Note: 9 year comparison only, due to 2003 crime stats not being available at this time.)

# 10 YEARS OF 3-STRIKES

	Rate Per 100,000, 2002 vs. 1992			
	1992	2002	Difference	Percent of change
Total crimes	3,491.5	1,890.1	1,601.4	45.9%
Total violent	1,103.9	589.2	514.7	46.6%
Murder	12.5	6.8	5.7	45.6%
Rape	40.7	28.8	11.9	29.2%
Robbery	418.1	183.6	234.5	56.1%
Assault	632.5	370.0	262.5	41.5%
Total	2,387.6	1,300.9	1,086.7	45.5%
Burglary	1,365.2	672.6	692.6	50.7%
Auto theft	1,022.4	628.3	394.1	38.5%

**NEVER IN ITS HISTORY HAS CALIFORNIA EXPERIENCED SUCH A LARGE REDUCTION IN CRIME, IN VIRTUALLY EVERY CATEGORY, DURING A COMPARABLE TIME SPAN**



It's been noted that criminals don't like 3-Strikes and think it is unfair. Many criminals think it's so unfair that they have left California.

Some families of criminals have been able to organize and are working hard to undo 3-Strikes and get their relatives out of prison. They have taken on the posture of a victims' organization. They have made the 3-Strike battle cry, "25 to life for stealing a slice of pizza?" while making little or no mention of the fact that 2 prior convictions for serious or violent crimes must also be considered.

This begs the question – "Should we make laws that criminals and their families like?"

I would suggest this is how we got into this situation to begin with.

Keep in mind that no matter how many prior convictions or how violent a criminal's past is, to avoid 3-Strikes all they have to do is stop doing crime, and many have.

I would like to thank Douglas Pipes with the California District Attorneys Association for the following examples of third (non-violent) strike cases.

All 11 of these career criminals share 4 factors in common:

1. Their current felony convictions were for non-violent and non-serious crimes.
2. They are serving at least a 25-years-to-life sentence for these crimes because of "Three Strikes."
3. They are recidivist criminals who were doing "life on the installment plan" for multiple criminal acts prior to their "Three Strikes" sentences.
4. Without "Three Strikes" each of these 11 men would have been released after serving short prison terms and would once again have been free to prey upon California's citizens.

1. *People v. Mark Anthony Cline* (1998) 60 Cal.App.4th 1327.

**Crimes of conviction:** Mark Anthony Cline was convicted by jury verdict of grand theft and commercial burglary. The jury also found that Cline had suffered 12 prior "felony strike" convictions and two prior prison term convictions. Cline was sentenced to a total prison term of 27 years to life.

**County of conviction:** San Bernardino County, Docket No. FSB09681.

**Facts of Defendant's current crimes:** In December of 1995 Cline entered a department store in San Bernardino. He pulled price tags from items of clothing valued at \$648.00, placed those items into a bag which he had brought with him, and left the store without paying for the items. When he was arrested outside the store, he had no money or credit cards.

**Facts of Defendant's prior criminal record:** Cline was convicted of receiving stolen property in 1988 and was placed on probation and incarcerated in the county jail. Later in 1988 Cline was convicted of 12 separate residential burglaries (which are serious felony convictions) and was sentenced to prison for 8 years for those burglary convictions. Cline was paroled in 1992.

In 1994 Cline was convicted of the felony of petty theft with a prior theft conviction and served 28 months in state prison for this crime. Cline was paroled on October 3, 1995, and committed the current offense just two months later.

**Opinion of Court of Appeal:** “[D]efendant’s punishment was imposed because of his recidivism. . . . It is apparent from this record that incarceration has not deterred him from committing more crimes.” *People v. Cline* (1998) 60 Cal.App.4th 1327, 1338 [Justice Ward].

2. *People v. Ervin Eugene Cole* (2001) 88 Cal.App.4th 850.

**Crimes of Conviction:** Ervin Eugene Cole was convicted by guilty plea of felony evading [Vehicle Code sec. 2800(a)], vehicle theft [Vehicle Code sec. 10851(a)], and felony hit-and-run [Vehicle Code section 20001(a)]. He admitted two prior serious or violent convictions and three prior prison term felony convictions, and was sentenced to prison for 25 years to life.

**County of Conviction:** Los Angeles County, Docket No YA039782.

**Facts of Defendant's current crimes:** In 1999 Mr. Cole was observed driving a stolen vehicle by police officers who attempted to stop him. Instead of stopping in response to police lights and sirens, Cole accelerated rapidly and led police on a chase in which he swerved in and out of traffic, reached a speed of more than 85 miles an hour on a residential street, ran two red lights and three stop signs, swerved into opposing lanes of traffic, and nearly collided with several other cars. Cole finally collided with another vehicle, spun out of control, and his vehicle rolled over. Cole’s passenger and the driver of the other vehicle were injured. Cole fled on foot and was tackled by a police officer who chased him on foot.

**Facts of Defendant's prior criminal record:** Cole had been convicted of two prior serious or violent felonies. In 1984 Cole was convicted of robbery with use of a firearm. In 1992 Cole was convicted of assault with a deadly weapon. In addition to his two “felony strikes,” in 1991 Cole was convicted of felony second degree burglary. Cole was sentenced to prison on each of these convictions. When released on parole, Cole violated parole five times from 1989 through 1997. During this same time Cole was also convicted of two misdemeanors.

**Statement of the Sentencing Judge:** The trial judge who sentenced Cole to prison for 25 years to life denied Cole's request to dismiss one or more of his "felony strikes." The trial court stated:

"For the last 16 years, you have been continuously in prison or on parole from state prison. In fact, by my count it looks to me you have gone back to prison five times on various parole violations. And that's separate and apart from the additional burglary conviction. . . . I don't see anything in your future . . . [except] more of the same." *People v. Cole* (2001) 88 Cal.App.4th 850, 874.

**Opinion of Court of Appeal:** Quoting *People v. Barrera* (1999) 70 Cal.App.4th 541, 555, "On this record, where the trial court considered the relevant criteria, including appellant's lengthy criminal history and the timing and nature of his offenses, none of which reflect well upon his prospects, we find no abuse of discretion in the trial court's refusal to strike one or both of appellant's prior felony convictions." [Judge Willhite, Assigned]

3. *People v. Thomas Ellis Edwards* (2002) 97 Cal.App.4th 161.

**Crimes of Conviction:** Thomas Ellis Edwards was convicted by jury verdict of petty theft with a prior theft conviction and of possession of a controlled substance. The jury also found that Edwards had suffered two prior "strike" convictions and three prior prison terms. Edwards was sentenced to prison for a term of 25 years to life.

**County of Conviction: Orange County, Docket No. 98NF3434.**

**Facts of Defendant's current crimes:** Thomas Ellis Edwards was spotted by a police officer late at night driving in a strip mall whose stores were closed in a vehicle whose lights were off. The officer contacted Edwards to see what he was doing. Edwards consented to a search of his vehicle, which resulted in the finding of two knives, an axe, a flashlight, a cutting torch, an Uzi-style toy gun, and a variety of tools that included a sledgehammer, a prying device and two pairs of bolt cutters. The license plate on the vehicle was stolen and taped over the correct plate. After his arrest Edwards admitted that he was prowling to commit a burglary; the tools in the car were his burglary implements, the weapons were his protection, and the stolen license plate was his effort to avoid apprehension. He admitted using methamphetamine two days earlier.

The next day Edwards' apartment was subjected to a parole search, which discovered methamphetamine, used syringes, and a bolt cutters.

**Facts of Defendant's prior criminal record:** Edwards had been convicted of two prior "felony strikes," and three prior prison term felonies, the nature of which are not revealed in the opinion of the case. Edwards was on parole as of the date of his new crimes.

**Opinion of Court of Appeal:** The Court of Appeal rejected Edwards' argument that "Three Strikes" violates due process of law by punishing a defendant whose "felony strikes" precede a new non-"strike" felony more harshly than a defendant whose "felony strikes" follow a non-"strike" felony. The Court stated:

"An individual with two prior serious or violent felonies – two strikes – who nonetheless commits another felony, has demonstrated an impervious to deterrence which it would be folly to ignore. . . .

"Edwards – and all those similarly situated – knew that if he committed a new felony he would face life imprisonment. The fact he was willing to engage in felonious conduct despite such horrific consequences identifies him as a more serious threat than the person who had not committed two previous serious or violent felonies, and whose second 'strike' felony was therefore not committed in the face of such forceful legislative dissuasion. His third strike consisted not so much in the new crime he committed, but in his rather convincing demonstration that no consequence would deter him from crime. The Legislature was entitled to conclude that such resistance to deterrence required dire consequences." *People v. Edwards* (2002) 97 Cal.App.4th 161, 165-166 [Justice Sills].

4. *People v. Michael V. Barrera* (1999) 70 Cal.App.4th 541.

**Crimes of conviction:** Michael V. Barrera was convicted by jury verdict of check forgery [Penal Code section 470(a)]. The jury also found that Barrera had suffered two prior "felony strikes." The trial court sentenced Barrera to prison for a term of 25 years to life.

**County of Conviction:** Los Angeles, Docket No. LA028217.

**Facts of Defendant's current crime:** In 1997 Michael V. Barrera presented to a bank teller a counterfeit check made payable to him in the amount of \$368.11. When the teller walked away from the teller's window with the check and the identification that Barrera had presented on the pretext of needing to obtain authorization to cash the check, Barrera and a companion who had attempted a similar transaction with another teller quickly left the bank.

**Facts of Defendant's prior criminal record:** Barrera was convicted of two counts of robbery in 1986 when he was 19 years old and was sentenced to prison on these convictions. Barrera was then convicted of felony drug possession after his release from prison in 1988 and was again sentenced to prison. Between his parole from prison in 1990 and 1997 Barrera was convicted of 11 different misdemeanors, some of which could have been filed as felonies but were not. These misdemeanors included drug possession, being under the influence of drugs or alcohol, vandalism, and theft. Barrera was placed on probation numerous times and on parole at least twice. He repeatedly violated probation and parole.

**Statement of the Sentencing Judge:** The trial judge who sentenced Barrera to prison for 25 years to life denied Cole's request to dismiss one or more of his "felony strikes." The trial court stated that Barrera had not been involved in a drug rehabilitation program long enough to achieve any success, had been on probation numerous times and parole twice, and had received "breaks" when prosecutors had filed misdemeanor charges against him that could have been filed as felony charges.

The trial court concluded:

"[Y]ou have absolutely no regard for the criminal justice system. Your probation violations are numerous. Your parole violations are numerous. What I'm really saying is my feeling about you is that there is really very little chance that you're going to change your life-style. . . ." *People v. Barrera* (1999) 70 Cal.App.4th 541, 554-555.

**Opinion of Court of Appeal:** The Court of Appeal observed that the offense was premeditated and sophisticated, that Barrera had an adult criminal history that began when he was 19 years of age and continued "unabated" for 21 years, and that nothing served to effect his rehabilitation. The Court stated:

"[H]e persisted in reoffending as soon as he was released from custody. . . although the offense of which he was convicted was nonviolent, it was premeditated, and the fact that he is a recidivist offender who committed serious felonies as well as numerous other crimes before committing this offense convinces us that his punishment does not offend the United States Constitution." *People v. Barrera* (1999) 70 Cal.App.4th 541, 555-556 [Justice Nott].

5. *People v. Byron Goodwin* (1997) 59 Cal.App.4th 1084.

**Crimes of Conviction:** Byron Goodwin was convicted by jury verdict of commercial (second degree) burglary [Penal Code section 459] and petty theft with a prior theft conviction [Penal Code section 484-666]. The jury also found that Goodwin had suffered two prior "felony strike" convictions for residential burglary and that he had served four prison term convictions. The trial court sentenced Goodwin to prison for a term of 25 years to life.

**County of Conviction:** Los Angeles, Docket No. LA024881.

**Facts of Defendant's current crimes:** In 1996 Byron Goodwin stole a pair of pants from Sears by concealing them under his clothing. He then put the pants in a bag and returned to the store and attempted to get a refund for the pants. He was arrested while attempting to get the refund.

**Facts of Defendant's prior criminal record:** Goodwin committed two residential burglaries at the age of 19 for which he received a four year state prison sentence in 1984. After release on parole Goodwin was returned to prison on a parole violation. In 1986 he was convicted of possession of drugs in prison and sentenced to an additional prison term. In 1988 Goodwin was sentenced to prison for possession of a controlled substance. In 1990 Goodwin was sentenced to a suspended four year prison term for sale of a controlled substance. He was placed in a narcotic addict commitment program, but after outpatient release from the program was sent back to prison. In 1991 Goodwin was again sentenced to a four year prison term for a narcotics offense. Between 1987 and 1996 Goodwin was convicted of two misdemeanor offenses.

At the time of the instant offenses Goodwin had spousal abuse and torture offenses pending against him.

**Statement of the Sentencing Judge:** The sentencing judge denied Goodwin's request to dismiss one of his "strike" priors and his request to reduce his instant offenses to misdemeanors. The trial judge said that Goodwin's record is "the typical pattern of a drug user," who cannot "break" a "drug problem," cannot support himself, and maintains his drug habit by "steal[ing] and tak[ing] other people's property." *People v. Goodwin* (1997) 50 Cal.App.4th 1084, 1094.

**Opinion of the Court of Appeal:** "Appellant's recidivism is thus highlighted by several prior prison terms and parole violations, and an unsuccessful narcotics rehabilitation commitment. His record reveals an almost unrelenting pattern of criminal conduct. . . . Prior attempts at rehabilitation and deterrence have failed." *People v. Goodwin* (1997) 50 Cal.App.4th 1084, 1094 [Justice Boren].

6. *People v. Lawrence Romero* (2002) 99 Cal.App.4th 1418.

**Crime of conviction:** Lawrence Romero was found guilty by jury verdict of petty theft with a prior theft conviction [Penal Code section 484-666]. The trial court found that the Defendant had suffered two prior "felony strike" convictions – one for residential burglary [Penal Code section 460(a)] and one for lewd conduct with a child under age 14 [Penal Code section 288(a)], and sentenced the Defendant to prison for a term of 25 years to life.

**County of Conviction:** San Bernardino, Docket No. FVA012334.

**Facts of Defendant's current crime:** Lawrence Romero stole a \$3.00 magazine from an adult bookstore and was arrested immediately thereafter. When searched incident to his arrest a glass smoking pipe and a plastic bag containing a white powdery rock substance was found on his person.

**Facts of Defendant's prior criminal record:** In 1981, at the age of 19, Romero was convicted of petty theft and placed on probation. In 1983 he was convicted of first

degree burglary. The trial court placed Romero on probation for this conviction, even though the probation officer recommended that Romero be sentenced to state prison. Romero violated probation and was sentenced to a term of 2 years in state prison. After his parole in 1987, he violated parole and was required to complete the remainder of his state prison sentence.

In 1987 Romero was convicted of three misdemeanors – hit-and-run, battery on a peace officer, and obstructing a peace officer – and was sentenced to county jail. In 1990 Romero was convicted of lewd conduct with a child. Even though the probation officer recommended that he be sentenced to prison for 6 years, the trial court placed Romero on probation with a county jail sentence as a condition of probation. Romero violated probation and was sentenced to state prison for 6 years. He was thereafter paroled from prison three times, and each time he violated his parole. In the 19 years since his first adult conviction, Romero spent 8 of those years in prison and almost two years in county jail.

**Opinion of Court of Appeal:** The Court of Appeal observed that “[a]n overview of defendant’s criminal record illustrates that neither increased penalties nor age has deterred him from committing more crimes. . . . We cannot, however, ignore defendant’s background, character, or seriousness of his crimes. Defendant has been convicted of a violent felony, a serious felony, and four misdemeanors. He violated parole four times and had probation revoked twice.” *People v. Romero* (2002) 99 Cal.App.4th 1418, 1432, 1434 [Justice Hollenhorst].

7. *People v. Rodolfo Torres Mantanez* (2002) 98 Cal.App.4th 354.

**Crimes of conviction:** Rodolfo Torres Mantanez was convicted by jury verdict of possession of heroin (Health and Safety Code section 11350) and receiving stolen property (Penal Code section 496). The trial court found that Mantanez had suffered six prior prison convictions and four “felony strike” convictions, and sentenced Mantanez to prison for a total term of 28 years to life.

**County of conviction:** San Diego, Docket No. D038813.

**Facts of Defendant’s current conviction:** Rodolfo Torres Mantanez was arrested for being under the influence of heroin and a stimulant. When searched incident to his arrest, property stolen in a residential burglary two weeks earlier was found on his person, as well as a syringe and tar heroin.

**Facts of Defendant’s prior criminal record:** Mantanez had a 17 year criminal career. During these 17 years he suffered at least ten felony convictions, which included forcible entries into homes where residents were present, and served four separate terms in state prison prior to his instant offenses. He repeatedly violated his grants of probation and parole.

**Court of Appeal opinion:** The Court of Appeal rejected Mantanez' argument that his punishment was cruel and unusual. The Court stated:

“It is precisely because of Mantanez’s past conduct, which has included forcible entries into homes where residents are present, numerous narcotics offenses, and long-term refusal to take any steps whatsoever to overcome his addiction despite several opportunities, that the trial judge determined Mantanez was indeed, in light of his continued participation in not only addictive but larcenous acts, wholly within, rather than without, the category of persons intended to be incarcerated for long terms under the Three Strikes legislation. . . .

“In short, the record demonstrates nearly four decades of criminal conduct, undeterred by repeated incarcerations and imprisonments. As such, it is clear that the sentence imposed was based not only on the nature of the current felony, but also on persistent recidivism demonstrated by this record.

“As the sentencing judge observed, the long criminal career of Mantanez properly brought him squarely within the Three Strikes ambit. If the statutorily prescribed penalty for recidivism cannot be applied to Mantanez, then there can hardly exist any where its imposition would be proper, so long as any judicial officer were of the opinion it were improper. Such is not, should not be and cannot be the law.”  
*People v. Mantanez* (2002) 98 Cal.App.4th 354, 366 [Justice Huffman].

**8. *People v. Reginald Eugene Williams* (1998) 17 Cal.4th 148.**

**Crimes of conviction:** Reginald Eugene Williams was convicted by guilty plea to driving under the influence of PCP with three prior convictions [Vehicle Code section 23152(a)/23175]. He admitted having suffered two prior “felony strike” convictions for attempted robbery and rape, and to having served three prison term convictions. The trial court struck one of the “felony strikes” pursuant to Penal Code section 1385 and sentenced Williams to prison for nine years. The People appealed the judgment. The Court of Appeals reversed the action of the trial court, holding that the trial court’s striking of the “felony strike” was unsound. The California Supreme Court affirmed the Court of Appeal’s decision concerning the striking of the “strike.”

**County of Conviction: Los Angeles, Docket No. VA029173.**

**Facts of Defendant’s current crime:** In February of 1995 Reginald Eugene Williams was stopped while driving a vehicle and arrested for driving under the influence of a drug.

**Facts of Defendant’s prior criminal record:** Williams’ criminal history began when he was only 13 years of age and continued unabated until his arrest on the instant crime. His juvenile record included 4 arrests of burglary and at least one adjudication of wardship with a commitment to a juvenile camp.



Williams' adult criminal history consisted of 17 convictions and violations of parole from 1981 to 1995. These convictions were for burglary, attempted robbery, rape, possession of a firearm by a convicted felon, driving under the influence, driving on a suspended license, assault with a deadly weapon, and spousal battery. Williams was sentenced to three separate terms in state prison and suffered numerous parole violations.

Williams had a substance abuse problem since the age of 9 years old, but did not follow through on efforts to curb this problem. He was unemployed.

**Opinion of California Supreme Court:** "There is little about Williams's present felony, or his prior serious and/or violent felony convictions, that is favorable to his position. Indeed, there is nothing. . . He did not refrain from criminal activity [during the 12 years between his "felony strikes" and the instant offense], and he did not add maturity to age. Quite the contrary. In those years, he was often in prison or jail; when he was not, he violated parole and, apparently, probation, and committed the offenses that resulted in his convictions for [nine named crimes]. The superior court evidently believed that Williams was not the same man when he committed his present felony in 1995 at 32 years of age as he had been when he suffered his prior serious and/or violent felony convictions in 1982 at 20. . . It was wrong. He had not changed. . . not more than three months before he committed his present felony, he committed the misdemeanor of spousal battery – which is plainly a 'crime[] involving actual violence.'" *People v. Williams* (1998) 17 Cal.4th 148, 163-164 [Justice Mosk].

**9. *People v. Keith Ellis Gaston* (1999) 74 Cal.App.4th 310.**

**Crimes of conviction:** Keith Ellis Gaston was found guilty by jury verdict of auto theft [Vehicle Code section 10851(a)] and receiving stolen property [Penal Code section 196(a)]. The trial court found that the Defendant had suffered two prior "felony strike" convictions and four prison term convictions. The trial court then struck one of the two "felony strike" convictions pursuant to Penal Code section 1385 and sentenced Gaston to prison for a term of ten years. The Court of Appeal reversed the judgment and directed the trial court to sentence Gaston as a "third striker."

**County of Conviction: Los Angeles, Docket No. TA050094.**

**Facts of Defendant's current crimes:** In 1998 Keith Ellis Gaston was stopped while driving a vehicle that had been stolen the day before. He gave a false name to the officers. The vehicle had been entered by force [broken window glass] and its starting mechanism altered to enable the vehicle to be driven without a key.

**Facts of Defendant's prior criminal record:** In the 26 years between 1972 and his conviction of the current crime in 1998 Gaston was convicted of 14 separate crimes. These crimes consisted of burglary, grand theft-auto, assault with a deadly weapon, receiving stolen property, grand theft, driving under the influence, kidnapping (of a 5 year old girl), armed robbery, possession of controlled substance, and joyriding. Gaston

served four separate prison terms, and spent a good part of this 26 year period in prison, on parole, on probation, or in county jail. He was on parole when he committed the instant crimes.

**Opinion of Court of Appeal:** “Gaston presents one of the clearest examples of a revolving-door criminal we have seen. He is, we believe, what the framers of the [“Three Strikes”] proposition had in mind in urging its adoption. We infer the voters shared that sentiment in approving the measure. Except for a short period in the 19080’s, Gaston has spent almost his entire adult life in state prison, county jail, on parole, or on probation. During a lifelong period of crime, he has been convicted of two crimes classified as serious felonies, as well as some dozen other felonies; he has been in prison on multiple separate occasions, in addition to his return to prison for violations of parole; and he has been in county jail during a good portion of the time in the interstices between these confinements.

“[H]e is the kind of revolving-door career criminal for whom the Three Strikes law was devised. . . .Gaston’s continuous crime spree [] has substantially spanned his entire adult life. . . . he is a 44-year old homeless person who ‘has been unemployed for the past five years,’ has passed ‘most of the past eight years in state prison or on parole’ and ‘has spent most of his life on the street’ . . . the record is barren of any attempts by Gaston to ‘root out’ [his] destructive drug dependency. . . .Gaston has received a number of breaks and has benefited from none of them . . . he has committed an unending series of felonies, as well as other crimes, has been repeatedly punished for these crimes, including the service of four prior prison terms, and has failed to learn anything from the experience.” *People v. Gaston* (1999) 74 Cal.App.4th 310, 312-313, 320, 321, 322 [Justice Epstein].

**10. Gary Elbert Ewing v. California** (2003) 123 S.Ct. 1179.

**Crime of conviction:** Gary Albert Ewing was convicted of grand theft [Penal Code section 487]. The trial court found that Ewing had suffered four prior “felony strike” convictions and sentenced Ewing to prison for a term of 25 years to life.

**County of Conviction: Los Angeles, Docket No. YA043560.**

**Facts of Defendant’s current crime:** In March of 2000, Gary Albert Ewing stole three golf clubs valued at \$1200.00 from a golf course pro shop. He was caught in the parking lot of the golf course and arrested.

**Facts of Defendant’s prior criminal record:** Ewing’s adult criminal career began at the age of 22 when he was convicted of misdemeanor theft and placed on probation with a suspended county jail sentence. Over the next ten years from 1984 to 1994 Ewing was convicted of felony grand theft (reduced to a misdemeanor at completion of probation), petty theft with a prior theft conviction, battery, petty theft, burglary, possession of drug paraphernalia, appropriating lost property, unlawful possession of a firearm, and trespassing. In 1993 Ewing was convicted of three counts of residential (first-degree)

burglary and one count of first-degree robbery (robbery with use of a knife). He was sentenced to prison for 9 years and 8 months.

Ten months after his parole from prison in 1999, and while still on parole, Ewing committed his instant crime.

**Opinion of the United States Supreme Court:** “Ewing’s sentence is . . . amply supported by his own long, serious criminal record. Ewing has been convicted of numerous misdemeanor and felony offenses, served nine separate terms of incarceration, and committed most of his crimes while on probation or parole. His prior ‘strikes’ were serious felonies including robbery and three residential burglaries.” *Ewing v. California* (2003) 123 S.Ct. 1179, 1190 [Justice O’Connor].

**11. *Bill Lockyer v. Leandro Andrade* (2003) 123 S.Ct. 1166.**

**Crimes of conviction:** Leandro Andrade was convicted by jury verdict of two counts of petty theft with a prior theft conviction [Penal Code section 484-666]. The jury also found that Andrade had suffered three “felony strike” convictions for residential burglary. Andrade was sentenced to prison for two consecutive terms of 25 years to life. The Ninth Circuit Court of Appeals granted Andrade’s habeas corpus petition, holding that his sentence was unconstitutional as violating the cruel and unusual punishment provision of the Eighth Amendment to the United States Constitution. The United States Supreme Court reversed the decision of the Ninth Circuit Court of Appeals

**County of Conviction: San Bernardino, Docket No. FWV18781.**

**Facts of Defendant’s current crimes:** On two separate occasions in 1995 Leandro Andrade stole a total of 9 videotapes valued at \$153.00 from Kmart stores in southern California. He was apprehended by store security personnel as he left each of these stores and the videotapes were recovered.

**Facts of Defendant’s prior criminal record:** Leandro Andrade has been in and out of state and federal prisons since 1982. Between 1982 and 1995 and prior to the commission of his instant offenses, Andrade suffered seven misdemeanor and felony convictions. These convictions were for petty theft, three counts of first degree (residential) burglary, transportation of marijuana, and transportation of marijuana. Andrade served three separate prison terms on his felony convictions. In 1991 Andrade was incarcerated for escape from federal prison and his state parole was revoked. He was paroled from state prison two years before his current crimes.

Andrade has been a heroin addict since 1977 and stole to support his habit. He stole the videotapes in his current crimes in order to sell them to buy heroin. Andrade stole Snow White in order to buy China white.

**Opinion of the United States Supreme Court:** Leandro Andrade's sentences are not contrary to and do not involve an unreasonable application of clearly established constitutional principles of cruel and unusual punishment.

## Summary and Conclusion

The last 10 years can be described as nothing less than historical. Criminologists will need to rethink the very dynamics of cause and effect for which tougher laws were perceived only to incarcerate larger numbers with little or no impact on crime and no effect of deterrence.

I had a father approach me in Clovis, Ca and thank me for 3-Strikes. His son, a 2 striker, had finally stopped his drug use and the crime that supported it. He had secured a full time job, gotten married, started a saving account and changed his life out of his fear of becoming a third striker. The father likened this law to tough love and his son had been scared straight.

Other stories of this kind have filtered down to me from time to time. It is a documented fact that many criminals have left California, many others have, for the first time, gotten their lives together. And yet there are still those who do neither and have left us no choice – but then that is their choice.

Respectfully submitted,



Mike Reynolds  
Proposition 184  
“3-Strikes and You’re Out”