

# Biding Time

Prisoners on death row have mixed views when it comes to capital punishment ballot measures. **BY DANIEL JEWETT**

**I**NMATES ON SAN QUENTIN State Prison's death row undergo very tight security. They must be shackled every time they change locations, and they are confined, one each, to a single cell for the majority of the day. Despite these constraints they are surprisingly aware of what's going on in the outside world, many getting news from the televisions they are allowed to buy and have in their cells. And during a recent, and rare, tour for the press in August, a big topic of discussion was the upcoming capital punishment measures on the California ballot — two propositions that could decide the prisoners' fates.

Proposition 62 would repeal the death penalty and retroactively convert death sentences to life without parole, thereby also ending the lengthy appeals process for those sentences; supporters argue this measure could save the state nearly \$150 million a year. The competing Proposition 66, which also promises a taxpayer savings, would permit reforming of the appeals process, which would also speed up executions. If both measures pass, the one with the most votes would become law. Court challenges have prevented any executions in the state since 2006, and for many inmates the appeals process can span decades as cases are shuttled between state and federal courts.

San Quentin's public information officer, Lt. Samuel Robinson, says prison management is talking a wait-and-see approach to the propositions and their potential impact and "hasn't put much energy into what will happen" if either one passes. State prison spokeswoman Terry Thornton adds that as in the 2012 election, which also saw a capital punishment proposition, the inmates "have an understandable interest in their future" and some, accordingly, anxiety about how the measures would affect their fate. "The prison's clinicians have a plan to address the mental health needs of condemned inmates



East Block, built in 1930, has 520 cells for the condemned on five tiers.

during the upcoming election," she says, adding that extended mental health care will be available during and after the vote. In August, many of California's 747 condemned prisoners had a lot to say about life on death row, the long appeals process and the upcoming ballot propositions.

Jonathan Jackson was convicted of murder after a robbery he participated in went bad and has been in prison for 20 years. He expressed frustration with what he sees as a broken system. "They are denying us our constitutional rights," he says, his voice barely audible through an intercom on his solitary confinement cell. "I waited years for an attorney."

Jackson doesn't think the death penalty is an effective crime deterrent. "An eye for an eye is teaching the wrong lesson," he says. "I've never heard anyone say they won't do a crime because of the death penalty.

"We all have mothers and fathers," he adds. "We've made mistakes, but nobody deserves to die."

Joey Perez, a 45-year-old who grew up in San Francisco's Excelsior district and has been in trouble with the law for most of his life, actually tried to get the death penalty after his first-degree murder conviction. "I hit the DA with a metal water pitcher," he recalls, thinking "Let's get it over with if we are going to do it." Dying in prison is my only fear," he adds, "a concrete coffin. Life here is miserable."

Perez, who doesn't think either ballot measure will succeed this time around, questions the uneven application of the penalty as he speaks from an outdoor cage where he is allowed to get a few hours of recreation time. He claims he didn't commit the murder he is charged with. "There was no evidence against me other than [the word of] a codefendant who was given a deal to testify."

James Thompson, who was convicted of murder in Riverside County in 1996, also complains about the slowness of the appeals process as well as the difficulty of getting a good attorney. He says he sat in solitary confinement in county jail for five years after getting arrested in 1991 while on parole for another murder in Texas he did plead guilty to. After brief meetings with an attorney he didn't think was fighting hard enough for him, Thompson was found guilty in just three hours.

"I have been fighting this since 1991 and am no closer to getting a decision," he says through a fence in a yard for small groups of condemned men. "I'm in limbo and the limbo is indefinite. We need to speed up the appeals process — it's job security for prison guards."

San Quentin's death row, where all male condemned are housed, holds infamous criminals like Scott Peterson from Modesto (convicted of murdering his pregnant wife), Douglas Clark (who with an accomplice was one of the Sunset Strip Killers), Richard Allen Davis (whose crimes fueled passage of the

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three strikes law) and David Carpenter (the Trailside Killer). This list also includes Joseph Naso, convicted of serial murder in Marin in 2013. Judge Andrew Sweet called Naso "an evil and disturbed man" who "inflicted abhorrent and repugnant levels of suffering and cruelty" on victims.

When asked his thoughts on being executed, Naso says, "I don't know what to make of it; nobody wants to be executed. But it's a one-time thing, you can't reflect on it after it happens."

The 82-year-old confirms that there is a lot of talk among prisoners about the ballot propositions and the death penalty, adding that whatever the result, it's not likely to have much impact on him at his age. "California is a little behind the times. But whatever happens, it will be too late for me." **M**

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