

POLITICS

Voters could tweak 'three strikes'

Shane Taylor is the type of guy who shouldn't be in jail, according to those who want to revise the state's "three strikes" sentencing law.



MARTIN WISCKOL
REGISTER WRITER

His first two strikes were burglaries in which the only thing reported

stolen was a checkbook, according to court filings. One check had been forged. His third strike came nearly eight years later, when police found 0.14 grams of methamphetamine in his wallet. The judge had the discretion to sentence Taylor to a lesser stint but chose to categorize Taylor as a third-striker, which mandates a life sentence with the possibility of parole after 25 years.

If Proposition 36 passes, Taylor and about 2,700 other inmates could seek resentencing, according to the nonpartisan Legislative Analyst's Office. Additionally, most two-strike criminals would no longer face the life sentence when subsequently convicted of non-violent, non-serious offenses like simple drug possession. Murderers, rapists, child molesters and some others with extremely serious first or second strikes would still face life sentences regardless of the nature of their third felony.

The judge who sent Taylor to prison for life – now-retired Howard Broadman – later said the sentence was too harsh and wrote the court in support of Taylor's early release.

"I made a mistake, and I'm sorry," Broadman says in an as-yet untitled documentary by Loteria Films.

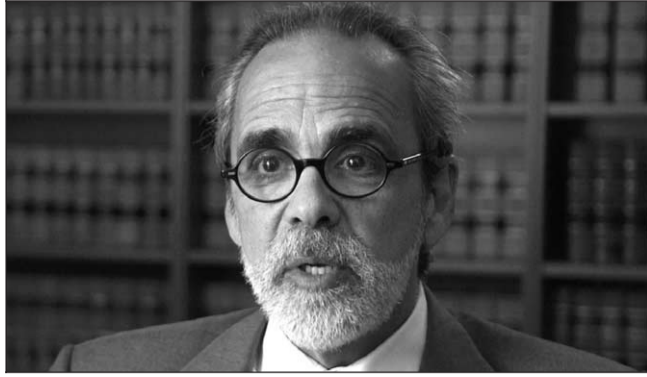


PHOTO COURTESY OF LOTERIA FILMS
Retired Judge Howard Broadman says he made a mistake in sentencing a non-violent offender to life in prison.



FILE PHOTO: THE ORANGE COUNTY REGISTER
County District Attorney Tony Rackauckas says prosecutors should have the broad discretion now available.

"I sentenced Shane Taylor to 25-to-life for a non-violent third offense. His first two offenses were not significant."

But many law enforcement officials want to keep the option to use the life sentence for non-violent, non-serious crimes, saying that some of those cases involve career crooks who would otherwise be back on the streets committing crimes.

"I think it's working well," Orange County District Attorney Tony Rackauckas said of the law. "It gives prosecutors a way to put recidivists away for a

long time." While the California District Attorneys Association opposes Prop. 36, some prominent district attorneys support the measure.

Those include Los Angeles County District Attorney Steve Cooley, who put a policy in place that mirrors Prop. 36's provisions when he took office in 2000.

Michael Romano, an attorney who represents Taylor and who helped Cooley write Prop. 36, said the measure would provide for consistent enforcement of three strikes while upholding the core purpose of

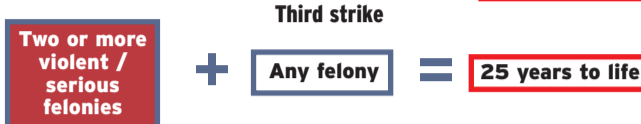
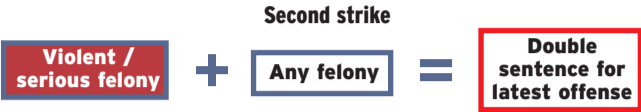
"It gives prosecutors a way to put recidivists away for a long time."

TONY RACKAUCKAS
DISTRICT ATTORNEY,
ON THREE STRIKES

Strike three

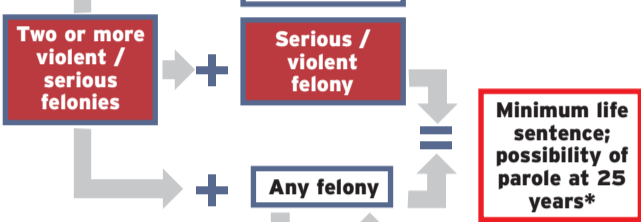
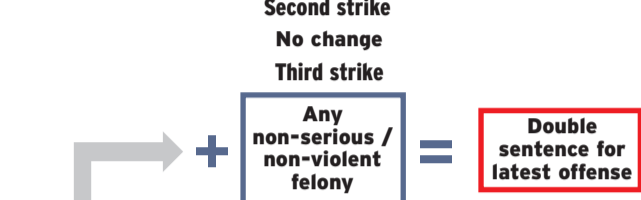
In 1994, voters approved Proposition 184 – known as the "three strikes" law – to ensure repeated felons would serve longer sentences. Proposition 36 would exempt some of those felons whose third strike is non-violent and non-serious.

SENTENCING UNDER CURRENT THREE STRIKES LAW



Exception: The district attorney prosecuting a case can use discretion and not press for a third strike.

SENTENCING UNDER PROPOSITION 36



(And if any of the offenses are certain specified crimes including certain drug-, sex- or gun-related categories)

*With enhancements, an offender could receive a sentence greater than 25 years to life.

Proposition 36 and resentencing
Courts will determine who is eligible for resentencing. Of those, courts will determine if an offender poses an unreasonable risk to public safety, thus excluding the person from resentencing.

Source: California Legislative Analyst's Office; California Department of Corrections and Rehabilitation

Brian Moore and Sonya Quick / The Register

keeping hardcore criminals off the street.

FEWER THIRD STRIKES ALREADY

California voters overwhelmingly approved three strikes when it appeared on the 1994 ballot as Prop. 184, with 72 percent voting the proposal into law.

Cases such as Taylor's have prompted several futile efforts to reform the law, including 2004's Prop. 66. Prop. 66 would have required the third felony to be violent or serious. Prop. 36 makes the same requirement – but differs from the earlier measure by exempting convicted murderers,

rapists and child molesters, who would continue to face a possible life sentence even if the third felony is non-violent.

Senior Assistant District Attorney Joseph D'Agostino said that while Rackauckas' office files an average of 450 three strikes cases a year, the county since 2008 has seen just one three strikes conviction that would have been preempted by Prop. 36.

Statewide, there are 8,800 third strikers in prison, with about 2,700 who could seek resentencing under Prop. 36.

In the last three years, just 91 third strikers with a non-violent, non-serious third strikes have been convicted, according to the California District Attorneys Association.

Nonetheless, the Legislative Analyst's Office estimates the passage of Prop. 36 would save \$70 million a year because of reduced inmate population and because some state parolees would instead be overseen by county probation departments. But Orange County Sheriff Sandra Hutchens noted that just because a third strike may be non-violent and non-serious doesn't mean the offenders aren't engaged in violent and serious activities.

Even if Prop. 36 passes, the cost to society will continue, she said.

"I remember before three strikes when I was a deputy, and these people would keep coming back again and again," Hutchens said.

While the law itself may not be a deterrent to crime, keeping habitual criminals locked up is. "If they are in jail, they aren't committing crimes."

PEOPLE

TODAY'S CELEBRITY BIRTHDAYS



Miller



Allen



Barker



Baldwin



Bissett



Winslet

Comedian **Bill Dana** is 88. Singer **Arlene Smith** of the Chantels is 71. Singer **Richard Street** (The Temptations) is 70. Singer-guitarist **Steve Miller** is 69.

Singer **Brian Johnson** of AC/DC is 65. Actress **Karen Allen** is 61. Director **Clive Barker** is 60. Guitarist **David Bryson** of Counting Crows is 58.

Singer **Bob Geldof** is 58. Actor **Daniel Baldwin** ("Homicide: Life on the Streets") is 52. Guitarist **Dave Dederer** (Presidents of the United States of America) is 48.

Actress **Josie Bissett** ("Melrose Place") is 42. Actress **Kate Winslet** is 37. Guitarist **James Valentine** of Maroon 5 is 34. Bassist **Paul Thomas** of Good Charlotte is 32. Actor **Jesse Eisenberg** is 29.

CELEBRITY WATCH

Minaj says she'd 'shoot' Carey, but it's just an 'Idol' threat

By **TIMOTHY MANGAN**
THE ORANGE COUNTY REGISTER

Mariah Carey told **Barbara Walters** her fellow "American Idol" judge **Nicki Minaj** threatened to shoot her, Walters reported on "The View" Thursday morning. (Sigh.)

Consulting her notes, Walters recounted a phone conversation with Carey just before the ABC talk show went on the air, with new details of Tuesday's blowup between Carey and Minaj that was partly captured on video made public on TMZ.

Walters said Carey told her that "when Nicki walked off the set, multiple people heard Nicki say, 'If I had a gun I would shoot the (expletive, etc.).'"

After the pair attended a meeting on Wednesday, Minaj said to Carey, "I love you, but we might fight again," according to Walters. "Mariah responded, 'No, we will not.'"

Walters said Carey told her that the singer had hired extra security.

Walters issued an in-

vitiation to Minaj, asking her to return to the show to give her side of the story. Minaj responded on Twitter.

Actual wording: "Hey yAll. Lets just say nicki said smthn about a gun. Ppl will believe it cuz she's a black rapper. Lmao. I'll then hit up Barbara n milk it"

When asked Wednesday what it feels like sitting between the dueling divas, "Idol" judge Keith Urban



cracked a wry smile. "Best seat in the house," he said.

Rock noms

Rush, Deep Purple, Public Enemy and N.W.A. are among the group of first-time nominees for the Rock and Roll Hall of Fame.

They join returnees Heart, Joan Jett and the Blackhearts, Randy Newman, Donna Summer and Kraftwerk among the 15 artists vying for entry.

The list of nomi-

nees up for induction in 2013 is as eclectic as they come.

Nominees differ wildly in sound, origin and influence, ranging from the enduring prog rock of Canadian trio Rush and Procol Harum to German proto-electronica act Kraftwerk, the disco of Chic and Summer to the New Orleans funk of the Meters and the blues of Albert King and the Paul Butterfield Blues Band.

Motown also is represented by first-ballot entries The Marvelettes.

A group of 600 artists, music historians and members of the industry will choose 2013's inductees. They will be honored April 18 in Los Angeles.

It's the sixth time on the ballot for Summer, but the first since her death in May. Chic is on the ballot for the seventh time since 2003.

Newton's manse

A three-week jury trial is set next spring in a property battle between **Wayne Newton** and his landlord that could force the Las Vegas Strip entertainer out of his opulent Casa de Shenandoah mansion.

Court records show that Clark County District Judge Elizabeth Gonzalez plans several other hearings in the lawsuit before trial is set to begin in May.

The Las Vegas Sun reports the judge held a telephone conference this week



DAVID BECKER, GETTY IMAGES

Wayne Newton is in a dispute over a plan to turn his Casa de Shenandoah mansion into a tourist attraction.

with attorneys from both sides. Investors want the judge to let them dissolve a partnership set up to create a museum and tourist attraction to honor the "Danke Schoen" crooner's life and career.

They bought Newton's sprawling compound for \$19.5 million in June 2010, planning to offer the gold-trimmed Newton mansion for public tours.

Jewelry heist

Approximately \$127,000 worth of jewelry has been stolen from actress **Julianne Moore**'s New York City brownstone.

Police say a complaint was filed with the NYPD on Oct. 1. They said Thursday that a necklace, bracelets

and watches, some by Cartier, were reported missing. The robbery reportedly occurred at the home in Manhattan's West Village sometime between June 6 and Aug. 28.

Police say the brownstone was under renovation at the time and about 15 to 25 construction workers had access to the house.

There have been no arrests and the jewelry has not been recovered.

The Associated Press contributed to this report.