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“Justice delayed is justice denied.” This famous quote from former British Prime Minister William E. Gladstone is front and center on the mind of every prosecutor, on every single homicide case. For prosecutors, we primarily view this in terms of justice for the victim. However, delayed justice caught the attention of one federal judge who recently found that California’s death penalty, as it is currently imposed, violates the Cruel and Unusual Clause of the United States Constitution in *Jones v. Chappel* (filed 07/16/2014, Central District Court of California).

U.S. District Judge Cormac Carney’s ruling was immediately highlighted in the headlines across the nation from Los Angeles to Washington DC. The press quoted from the ruling and ran with the basic idea that the California Death Penalty is dysfunctional and, as a result, lacks purpose. This opinion will be reviewed by the Ninth Circuit and perhaps the United States Supreme Court and therefore does not settle the issue of the constitutionality of our death penalty.

The court ruling focused on stats (900 murderers sentenced to death in California since 1978 - 13 executed during the same time frame) in questioning lengthy and uncertain delays that occur following a verdict and sentence of death. The numbers alone support a conclusion that the death penalty system in California is indeed dysfunctional.

When the death penalty is sought, the focus usually turns to the defendant. The defendant will always dominate the conversation and the unspeakable acts committed against the victim tend to fade away. It is expected we will hear quite a bit about these defendant’s plight on death row and if they are ultimately executed, no doubt we will read about their final meal selections and whether they suffered or not.

As you follow this death penalty discussion in the news, on behalf of the victims of violent crimes and their families, I implore you to focus your attention on the acts of the murderer and life sentence he or she has inflicted on the families and friends of murdered victims.

Of those 900 individuals sentenced to death in California since 1978, there are 14 murderers from Tulare County. They represent men who have raped and murdered a teenage girl, beat to death an elderly man, raped and sodomized an 11 year old girl, murdered a pregnant woman and her unborn child, tortured and murdered a 15 month old baby, and murdered a man during a robbery, among other heinous acts.

As the death penalty debate rages on, killers on death row wake up in prison every morning. They eat. They think and breathe. They sleep. Maybe they hope we have forgotten their crimes, or that time has softened our outrage. I am here to tell you, the prosecutors, the friends and family members have not forgotten. Our outrage is not softened and our focus will remain on ensuring killers are held responsible, accountable, and are punished accordingly.

Tim Ward
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