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Sam Attal / Special to the Daily Journal

Angeli R. Fitch, left, and Givelle J. Lamano are seeking to raise \$100,000 on Kickstarter to fund their advocacy efforts on behalf of three-strikes prisoners seeking early release under Prop. 36.

## Help from all corners on three-strikes resentencing

By John Roemer  
Daily Journal Staff Writer

**S**AN FRANCISCO — After news spread through California's prisoner grapevine that two San Francisco lawyers stood ready to help three-strikes inmates seek release, the pleas for aid started flowing. "We got more than 1,000 letters," said Angeli R. Fitch, who with law partner Givelle J. Lamano established the Three Strikes Justice Center and began drafting petitions in the wake of Proposition 36's passage a year ago.

Their effort is part of a complex push by public defenders, pro bono practitioners, advocates at Stanford Law School and elsewhere, and for-profit law firms seeking to fill the need Prop. 36 created.

The measure diluted the severity of the state's three-strikes law by requiring that the third strike be a serious or violent felony. As many as 4,000 inmates became possibly eligible for a recall of their life sentences, resentencing and release.

The inmates need lawyers to assess their cases, to petition courts for resentencing and to follow through with hearings on their potential danger to the community.

So far, releases have proceeded fitfully. A recent report by Stanford Law School's Three Strikes Project and the NAACP that about 2,000 eligible inmates are still awaiting hearings led state Supreme Court Chief Justice Tani G. Cantil-Sakauye last month to meet with officials from laggard counties to try streamlining case reviews.

Los Angeles County alone has 800

inmates still waiting for hearings, the report said.

Officials at Stanford's Three Strikes Project cautioned that lawyers without specific Prop. 36 experience could be taking on cases and unduly raising the hopes of inmates and their families. "We support any group which supports the public defenders and who work directly with them. Any group which seeks to work independently from the public defender generally risk doing more harm than good. We encourage these latter groups to seek out and offer their services to public defenders," a project spokesman said.

Public defenders are the first recourse for many inmates who may be eligible, but workloads vary and some do turn elsewhere, said John R. Abrahams of Windsor, a former Sonoma County public defender who tracks Prop. 36 developments for the California Public Defenders Association.

"Some counties where prosecutors aggressively used the law to imprison defendants on minor third strikes are now overloaded with work to undo

those sentences," Abrahams said. "Some guys have done 20 years on nonserious, nonviolent offenses. Public defenders handle the majority of those cases, but there is no limit on private attorneys doing them too. But most inmates are indigent, so their ability to hire lawyers is limited."

Fitch agreed, saying she and Lamano first planned to charge low fees for their services but changed their business model once they found that few inmates could afford even nominal amounts.

"We decided to go the nonprofit route," she said. Fitch and Lamano are working on a crowdsourcing video to run on Kickstarter, hoping to raise about \$100,000 to fund their work. Their first hearing, set for Dec. 6 for Jesus Manuel Vasquez, a Madera County inmate serving 25 years to life, was postponed this week to February over difficulties they encountered in their bid to have Vasquez transferred from Pelican Bay State Prison to attend.

"We think he should be there for a hearing on his fate," said Lamano. "We

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## Prop. 36 inmates get outside help

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don't know whether we're getting the runaround or maybe this is new to them," she said of officials who have so far not agreed to the transfer.

Vasquez' third strike is for having been a felon in possession of a firearm, a crime not deemed violent or serious for purposes of Prop. 36, Fitch said.

Even so, their client is serving time with gang charges against him, a fact the prosecution will use to contend Vasquez should not be released, Fitch said. "We knew it wouldn't be easy, but I'm a sucker for these cases. We're going to take it all

the way."

A different approach is the for-profit Three Strikes Law Firm in Bakersfield. "If you sit back and wait for some public defender to get to your loved one, it could be a very long wait," its website warns the families of inmates. Firm founder Mark A. Raimondo said this week that he and colleagues take hard cases. "Obviously, the public defender will do it for free," he said. "It depends on how long [inmates] want to wait." He charges out-of-county inmates about \$3,000 and locals half that, he said, and has represented about 20 men.

One success was Robert Dale McGowan, released just before Thanks-

giving after serving 17 years on a third strike involving 1.78 grams of methamphetamine. "That was very rewarding," Raimondo said. "Here in Kern County, the DA files an opposition on every single case. We struggled for nine months in court. There are enormous fairness issues here."

Alexandria M. Sawoya, chief of the Kern County district attorney's three strikes unit, said there have been between 70 and 80 releases there since Prop. 36 took effect. "And already we've had one reoffender," she said.

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