



CALIFORNIA PEOPLE OF FAITH

working against the death penalty

Execution Alert : MICHAEL MORALES

Michael Morales was scheduled to be executed on February 21, 2006 at 12:01 am. A fourth generation American and devoutly religious father of three, Morales grew up in San Joaquin County. He was sentenced to death for the 1981 rape and murder of 17-year-old Terri Winchell.

SENTENCING JUDGE ASKS FOR CLEMENCY

In an unusual development, Judge Charles McGrath who condemned Morales to die, has asked the governor to grant clemency. This is the first time since California reinstated capital punishment in 1977, that a judge has asked a governor for clemency in one of his own death penalty cases.

He believes the sentence was based on false testimony from a jailhouse informant and that to execute Morales would be “a grievous and freakish injustice.” Without this false testimony, Morales would not have been eligible for the death sentence. The clemency petition asks that his sentence be commuted to life in prison.

MORALES ACCEPTED RESPONSIBILITY

Morales has always accepted responsibility for his actions that led to Terri Winchell's death. He did not plan to kill her. He immediately expressed deep regret and remorse.

He was 21 years old at the time of the crime. It is undisputed that Ricky Ortega, Morales' cousin, orchestrated the murder. He recruited Morales who was drunk and high on PCP, to kill Winchell.

Ortega's attorney spent more than \$80,000 preparing his defense. Ortega got life without the possibility of parole. Morales' attorney spent less than \$2,000. Morales got the death penalty.

Morales also wrote to the governor reiterating his remorse and expressing hope that the governor could believe in repentance, reform and mercy.

INFORMANT'S FALSE TESTIMONY

The informant testified that Morales intentionally plotted Winchell's death and was not remorseful. McGrath explained to the governor that this false testimony was the cornerstone for the prosecution and that the, “confession was the only evidence to support the single special circumstance — lying in wait — that made Mr. Morales eligible for the death penalty.”

The false claim “...completely undermined his attorney's presentation...that Mr. Morales immediately felt deep remorse for his involvement in the incident.”



The alleged jailhouse conversation in which Morales said he had planned to rape and kill Winchell supposedly took place in a crowded cellblock, full of informants and monitored by guards. The informant explained away Morales' willingness to talk by saying that the two men spoke in Spanish; however, in a sworn declaration it is stated that Morales does not speak Spanish.

The prosecutor in exchange for the informant's testimony dropped four of six felony charges against him. Even more disturbing, the prosecutor promised these benefits before Morales allegedly confessed to him and hid this deal from Morales' attorney, the judge and the jury.

DISCRIMINATORY PRACTICES NOT DISPUTED

The California Attorney General does not dispute that in the 1980's when this case was charged, the San Joaquin DA's Office engaged in discriminatory practices, seeking the death penalty in white victim cases 20 times more often than in Latino victim cases, and 57 times more often in cases with a white female victim.

Morales' clemency petition contends that the decision to bring him up on capital charges was fueled by racial and ethnic concerns. They cited six egregious murders from the same period -- including the beating death of a black teenager by a white male -- for which the San Joaquin DA did not seek the death penalty.

Morales' victim was white and his trial was in a rural, predominantly white county. The first statewide study on the effect of race and place on the death penalty in California found that the race of the victim and the location where the trial was held are key factors in determining who is sentenced to die.

EXECUTION MUST BE HALTED

The California Commission on the Fair Administration of Justice is conducting an in-depth study on the issues raised by this case. The governor should sentence Morales to life without parole and stop this execution. The courts must intervene and protect the integrity of the judicial system and protect citizens from grievous injustice.

YOU MUST ACT NOW!

We recognize the suffering of Terri Winchell and her family, but the death penalty is not the answer to violent crime. Michael Morales must not be executed in our names.

Sources: Death Penalty Focus, ACLU, Natasha Minsker, Daily Journal 3/29/2005; L.A. Times, Henry Weinstein



EXECUTION ALERT **MICHAEL MORALES** **TAKE ACTION**

**Do not let anyone be executed while the Justice Commission is doing its work.
Ask for the governor to grant clemency for Michael Morales.**

- ◆ Write to Governor Schwarzenegger at the Governor's Office at State Capitol, Sacramento, CA.95814 or email www.govmail.ca.gov. Fax your letter to 916.445.4633.
- ◆ Tell your local representative to put executions on hold. Visit at his or her office.
- ◆ Write a letter to the editor. Watch the news coverage and send a letter to the editor of your local paper, explaining why we must put executions on hold and clemency should be granted to Michael Morales.
- ◆ Talk with your faith leader and write to the governor and your representative including your community's faith resolution and statement on the death penalty. To find your faith's resolution and statement visit : www.deathpenaltyreligious.org/education.html or www.amnestyusa.org/interfaith/faith_perspectives.html.
- ◆ Listen to the voices of the murder victims' families and family members of those that have have been executed who work against the death penalty. To find out more visit: <http://www.murdervictimsfamilies.org> and <http://www.mvfr.org>.

If the courts do not stay this execution and if the governor does not grant clemency, join with California People of Faith and participate in execution protest events. Visit www.deathpenalty.org to view planned services and events.

STATE COMMISSION TO STUDY FLAWS IN CRIMINAL JUSTICE SYSTEM, CONVICTIONS OF INNOCENT PERSONS

The California Commission on the Fair Administration of Justice, was recently formed "to study the extent to which California's criminal justice system failed ..., resulting in wrongful executions and wrongful conviction of innocent persons." and "to examine ways of providing safe-guards and making improvements in the way the criminal justice system functions." Commission members are appointed by the Senate Rules Committee.

Creation of the justice commission follows a series of reports and developments drawing attention to flaws of California's criminal justice death penalty systems.

Two recent California cases of wrongful conviction involved Harold Hall, released after serving 19 years for a double murder that he

did not commit, and Thomas Lee Goldstein, who served 24 years before he could prove his innocence. Both men's convictions were based, in part, on unreliable testimony from informants.

In January 2003, the Santa Clara Law Review published a study of California's death penalty system and identified more than 80 flaws including the lack of standardized, independent DNA testing; lack of state-wide qualifications, education and training of judges and lawyers handling capital cases; and the lack of training for homicide detectives and lawyers regarding the unreliability of "jail house snitches."

The commission is to submit its findings and recommendations to the legislature and the governor by December 13, 2007

Faith Communities Speak Out About The Death Penalty

American Baptist Churches

"...It is more important than ever that the religious community speak to the moral, religious and ethical implications of killing by the state."

American Jewish Committee

"...(The death penalty) is cruel, unjust, and incompatible with the dignity and self-respect of man..."

Buddhist Peace Fellowship

"Society is like a dense fabric, made of many intertwined threads. Murder is like a violent tear in the fabric. The death penalty is like trying to repair the tear by cutting away at the fabric when we should take care to weave the many split threads back into the fabric."

Catholic Bishops of the U.S.A.

"We oppose capital punishment not just for what it does to those guilty of horrible crimes but for what it does to all of us as a society. We cannot overcome crime by simply executing criminals, nor can we restore the lives of the innocent by ending the lives of the convicted of their murders."

Episcopal Church

"...reaffirms its opposition to capital punishment and calls on the dioceses and members of this church to work actively to abolish the death penalty in their states..."

Evangelical Lutheran Church

"The ongoing controversy surrounding the death penalty shows the weaknesses of its justifications. We would be a better society by joining the many countries that have already abolished capital punishment."

Presbyterian Church (USA)

"The use of the death penalty tends to brutalize the society that condones it..."

United Methodist Church

"The United Methodist Church cannot accept retribution or social vengeance as a reason for taking human life. It violates our deepest belief in God as the creator and redeemer of humankind."

Unitarian Universalists Ass.

"...The act of execution of the death penalty by government sets an example of violence..."