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DA Dumanis, Assemblymembers Block and Fletcher, Santos Family Announce Proposed Commutation Legislation

AB648 a Response to Governor's Commutation of Nunez Sentence

San Diego County District Attorney [Bonnie M. Dumanis](#) joined today with Assemblymembers Marty Block and Nathan Fletcher, and the parents of murder victim Luis Santos to announce proposed state legislation that would require timely notification of crime victims and District Attorneys when an application is made for commutation of a prison sentence.

“When the governor is making a serious decision about shortening a convicted criminal’s prison term, we believe victims and prosecutors should absolutely be part of that process,” said DA Dumanis. “Last-minute commutations like the one made recently, without all the facts or input from the parties, only fuel the public’s mistrust of government and greatly diminish justice.”

The San Diego County District Attorney’s Office drafted initial language for Assembly Bill 648 and worked closely to refine it with Assemblymember Block who signed on immediately to author the measure. Assemblymember Fletcher has agreed to be a joint author on the bill. Unlike two other recently-announced bills, AB 648 seeks only to change state law, not the state constitution.

“AB 648 brings transparency to the commutations process by informing the district attorney, victims and their families of the potential change in sentencing and gives them the opportunity to support or oppose the application,” said Assemblymember Block. “When decisions are made that affect victims, it is unacceptable when they or their families find out by reading it in the news. This legislation takes a simple and straightforward approach to ensuring that everyone involved can voice their opinion before a decision is made, and makes sure the Governor has all the information available to him or her when exercising their constitutional authority to commute or pardon a sentence.”

"This legislation is about protecting victims' and their families and ensuring law enforcement perspectives and concerns are addressed," stated Fletcher. "A pardon or commutation is a power exercised exclusively by a Governor. However, we need to put in place proper checks and balances to ensure abuses of power like the recent one is stopped."

AB 648 comes in the wake of Governor Arnold Schwarzenegger's last-minute commutation of Esteban Nunez' sentence from 16 years in state prison to seven years. Nunez, along with a co-defendant pleaded guilty in 2009 to voluntary manslaughter and assault with a deadly weapon. The assault occurred during a fight near San Diego State University that left Luis Santos dead from knife wounds and three other victims injured. Nunez' guilty plea was accepted by the court and he was sentenced for his crimes in June of 2010. His case was being appealed when the commutation was suddenly announced by Governor Schwarzenegger on his last day in office.

"We don't argue with the Governor's constitutional right to order pardons or partial-pardons [commutations]," said DA Dumanis. "This bill merely ensures that a governor who is considering that action has access to all of the relevant information including the voice of the victims. The bill also ensures transparency and due process."

Assembly Bill 648 would require the applicant for a pardon or commutation of sentence notify the District Attorney 30 days before the governor acts upon the application. The District Attorney must then notify the victims, and both the District Attorneys and the victims will have the opportunity to provide written recommendations to the Governor for or against the commutation or pardon. Assembly Bill 648 will also bring transparency to the clemency process. The legislation will require written reports from the governor, along with the applications for pardon or commutation to be filed with the legislature and remain available for public review.

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