

Met News

## **Brazile to Replace Buckley on Judicial Council**

Los Angeles Superior Court Assistant Presiding Judge Kevin C. Brazile will join the Judicial Council as a member, effective Sept. 15, under an appointment by Chief Justice Tani G. Cantil-Sakauye, it was announced yesterday.

He replaces Los Angeles Superior Court Presiding Judge Daniel Buckley, whose term on the Council ends Sept. 14. Brazile will replace him as presiding judge on Jan. 1, 2019.

Under the state Constitution, the chief justice chairs the Judicial Council and appoints one other Supreme Court justice, three Court of Appeal justices, 10 trial court judges, two nonvoting court administrators, “and any other nonvoting members as determined by the voting membership of the council.”

The State Bar Board of Trustees appoints four members, and the state Senate and Assembly each appoints one member.

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Daily Journal

# **Efforts to reform bail system are also premised on distortions**

**What does the Legislature want to do now to increase anarchy in our state? Let everyone out of jail by eliminating the bail system.**



**MARC DEBBAUDT**

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Marc is president emeritus of the Association of Deputy District Attorneys.

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What does the Legislature and its crop of reckless social engineers want to do now to increase anarchy in our state? First, they passed Realignment to force state prisoners to serve their time in county jails. Next they passed Proposition 47 to reduce felonies to misdemeanors. After that they passed Proposition 57 to release all those still in prison who were not included in their previous efforts to free criminals. Then they go after prosecutors spouting their nonsense that there is an epidemic of misconduct and wrongful convictions. Now they want to let everyone out by eliminating the bail system. ["A smarter criminal justice system," Aug. 2, 2017.]

In every single one of these efforts they lied to the public to accomplish their goal. They called Prop. 47 the "Safe Neighborhoods and Schools Act," but it had nothing to do with safety. It had to do with pampering criminals by reducing punishment on selected crimes. It didn't make even one neighborhood or school safer. Quite the contrary. In fact, Prop. 47 by all accounts is responsible for an increase in crime. They called Prop. 57 the "Safety and Rehabilitation Act," but it has nothing to do with safety or rehabilitation. It has to do with pampering criminals by letting them out of prison earlier. It won't make anyone safer. Quite the contrary. Then they decided to go after rogue prosecutors, but they sold their lie by exaggerating the frequency in which prosecutors commit misconduct. Now they want to let everyone out of jail by doing away with bail. My problem is that they are either misleading in their reasoning or outright liars.

# Majority broke statutory construction rules in Prop 47 case

In her July 24 column, Michele Hanisee, heralded the California Supreme Court's decision concerning the interplay of Proposition 36, the Three Strikes Reform Act of 2012, and Proposition 47, the Safe Neighborhoods and School Act passed in 2014.

## MICHAEL SATRIS

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In her July 24 column, "The lies behind Props 47, 57," Michele Hanisee, the president of the Association of Los Angeles Deputy District Attorneys, heralded the California Supreme Court's 4-3 decision in *People v. Valencia*, 2017 DJDAR 6549 (July 3, 2017), which concerned the interplay of Proposition 36, the Three Strikes Reform Act of 2012, and Proposition 47, the Safe Neighborhoods and School Act passed in 2014.

Prop. 36 reduced the punishment of 25-years-to-life imprisonment for third-strike offenders — i.e., those with at least two prior convictions for serious or violent felonies — whose third felony was neither serious nor violent. Prop. 47 reduced certain drug and theft felonies to misdemeanors. Both propositions were made fully retroactive to reduce the punishment for prisoners still serving the terms for the previously specified punishment, but they both also provided a safety valve exception to that retroactive application for any prisoner that a judge found would pose "an unreasonable risk to public safety" if resentenced to the shorter term.

Prop. 47 tweaked Prop. 36's retroactive provision to tighten the safety valve exception to the reduced punishment by strictly defining the phrase "unreasonable risk of danger to public safety." As Hanisee explained about that definition, "[u]nder Prop. 47, a judge could only refuse to reduce the sentence if he or she found an unreasonable risk that the inmate would commit one of eight specific types of violent crime."

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