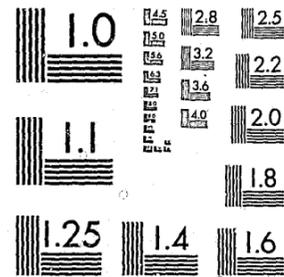


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11/08/82

# Murder & the Death Penalty

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## A Special Report to the People

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California Department of Justice



# Murder & the Death Penalty

NCJRS

JUL 23 1982

ACQUISITIONS

On January 7, 1965, Mrs. Mildred Weiss stood on the lawn of her San Gabriel home directing her husband's car into their garage. Seemingly from out of nowhere she was approached by Robert Lee Massie who spoke to her, shot her, and fled in a waiting car. Mrs. Weiss died as a result of the gunshot wounds.

Massie, who had been on a crime binge that January evening, robbing three other victims and attempting to murder one of them, was sentenced to death for his crimes. His case was reviewed by the California Supreme Court and was upheld. As Supreme Court Justice Matthew Tobriner wrote in 1967, "We hold that Massie's conviction and death sentence must be affirmed. . . ."

However, five years later in 1972 the California Supreme Court, in People v. Anderson, struck down the death penalty as cruel and unusual punishment under the California Constitution. As a result, all convicted killers, including Robert Lee Massie, were freed from death row and made eligible for parole.

In May of 1978 Massie was paroled, the Community Release Board convinced that he was sufficiently rehabilitated to be allowed to return to society. Eight months later, on January 3, 1979, Massie entered the Miraloma Liquor Store in San Francisco. Armed with a gun, Massie robbed storeowner Boris "Bob" Naumoff, and without provocation from Mr. Naumoff, shot and killed him.

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People v. Massie (1967) 66 Cal.2d 899, at 904.

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During the time between the Anderson decision in 1972 and Massie's parole in 1978, the death penalty was reinstated twice. The first reinstatement was in late 1972 when 67% of the voters rejected the California Supreme Court decision outlawing the death penalty and adopted an initiative amending the State Constitution which sanctioned the death penalty. The Legislature then statutorily restored the death penalty by adopting a bill by then Senator George Deukmejian.

However, in 1976, the California Supreme Court struck down this new capital punishment law, resulting in 68 additional killers being freed from death row and becoming eligible for parole. Again the Legislature in 1977 adopted a bill authored by then Senator George Deukmejian to restore the death penalty, overriding by a two-thirds vote Governor Brown's veto.

In 1978, new statutes were adopted by 72% of the voters to expand the number of crimes for which the death penalty could be applied and to significantly increase the prison terms for first degree murders.

As a result, in May 1979, just one year after being paroled from the prison term imposed for Mrs. Weiss' murder, Robert Lee Massie was once again sentenced to death for Mr. Naumoff's murder. As is the situation for all death penalty cases, Massie's case was automatically appealed to the California Supreme Court for review of his murder conviction and death sentence. Although almost two years have elapsed, his case is still pending hearing by the Court.

The people of California have continued to be strong supporters of the death penalty. Twice in the decade of the 1970's they voted overwhelmingly to reinstate and expand the death penalty. The California Supreme Court, however, has effectively blocked the will of the people through myriad technicalities that have kept the death penalty from being carried out, except for one execution, since 1963. Had the will of the people been carried out and Massie been executed for the 1965 murder of Mrs. Weiss, Mr. Naumoff would not have become Massie's second murder victim.

At the same time that the homicide rate has been dramatically increasing, the death penalty has been essentially nullified by the California Supreme Court even though it is considered to be the singularly most effective deterrent to murder available to the criminal justice system.

This Special Report: (1) compares pre-1963 when the death penalty was carried out on a regular basis, and post-1963 when the death penalty was, and continues to be, effectively nullified; (2) provides a history of the death penalty in California; (3) describes the crimes committed by those individuals sentenced to death to show that anyone who resides in a cell on death row arrived there as a result of the commission of a brutal, and often extraordinarily heinous, murder; and (4) lists some simple, common sense crime prevention techniques which all citizens should be aware of in order to fend off the possibility of becoming the victim of a violent crime, including murder.

#### DEATH PENALTY IMPOSED BUT NOT CARRIED OUT

Despite the repeated endorsement of the death penalty by the people of this state, there has been only one execution since 1963. Convicted murderers continue to fill the cells of death row. Since 1977, more than 50 killers have been sentenced to death under California's new death penalty statute. However, the California Supreme Court has moved slowly in reviewing and passing judgment on the automatic death penalty appeals.

As of July 1, 1981, only nine of the pending death penalty cases have been decided by the California Supreme Court. In those cases, the court has reversed seven of them on one technicality or another. Only two death penalty cases have been affirmed. And even those cases are certain to face further extended judicial reviews by the Court before the will of the people is carried out.

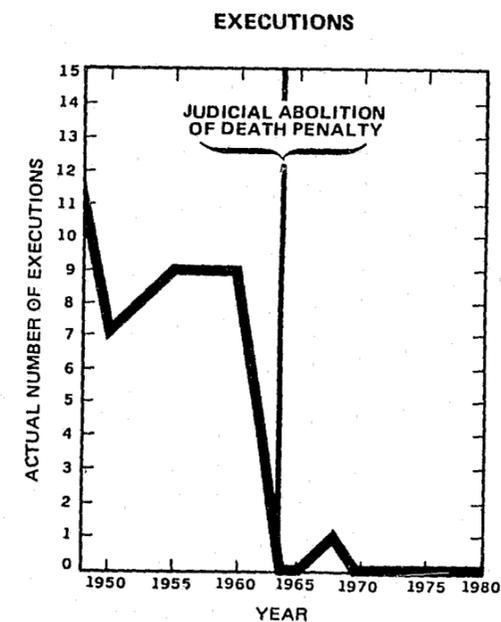
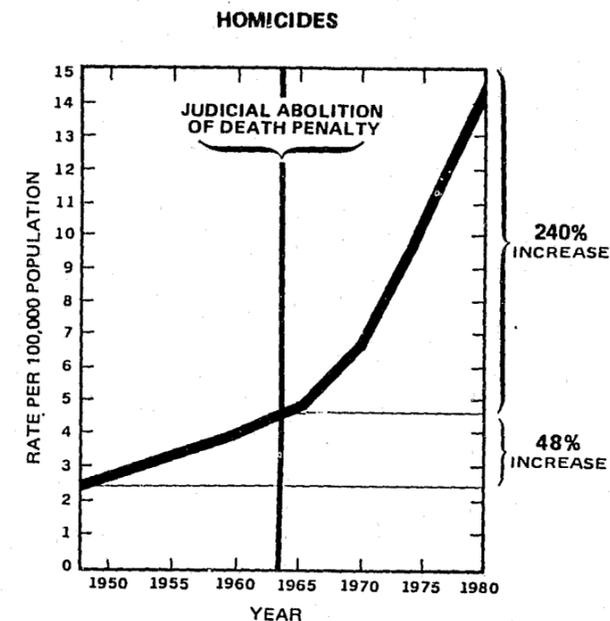
#### HOMICIDE RATE INCREASES AT STAGGERING PACE

One only has to look at the skyrocketing sales of burglar alarms, handguns, guard dog services, home security devices, and personal tear gas, along with the hundreds of other security devices to realize that people no longer feel safe in or out of their homes. For example, in 1980, over 108,000 tear gas permits were issued to individual citizens. Since January 1, 1981, the Department of Justice has issued over 600,000 permits to the instructors in the various tear gas programs for issuance to students who complete the course and pay the permit fee.

In a survey conducted for Harry E. Figgie by Research and Forecasts, Inc., it was found that "fully four of every ten Americans now fear becoming a victim of a specific violent crime, such as murder, sexual assault, mugging, knifing, beating or armed robbery." Recent articles in the Los Angeles Times, outlining these survey results, indicate a much higher fear of crime by Californians.

The graphs on the next page illustrate both the drastic increase in the homicide rate, lending even more credence to the peoples' fear of becoming victimized, and the decrease in the number of executions over the same time period.

Since 1963, the willful homicide rate increased 240%, from a 4.2 per 100,000 population in 1964 to 14.3 per 100,000 in 1980. During the same length of time, from 1948 to 1963, when executions were carried out more regularly, the homicide rate had increased 48% from an estimated 2.5 per 100,000 population to 3.7 per 100,000.



The graphs show that as the number of executions plummeted, the rate of homicide soared at a terrifying rate. As Frank Carrington, a leading author on the death penalty has lucidly stated:

"This is not hard evidence that the threat of death, when perceived as a real threat, deterred murderers; but common sense supports the inference that if, as the threat of the death penalty decreases, the rate of murder increases, then the corollary might well be true; if the threat had increased, the homicide rate might well have decreased." 2/

The actual numbers are even more appalling. In 1963, the last year the courts effectively permitted the death penalty, approximately 650 Californians were victims of unlawful homicides. In the next 16 years that figure increased a shocking 424% to 3,405 in 1980. From 1963 to 1980, more than 30,000 people have been the victim of unlawful homicide while only one murderer has paid the ultimate penalty.

#### THE DEATH PENALTY DETERS MURDER

Professor Isaac Ehrlich of the University of Chicago, an economist doing research for the National Bureau of Economics, is one of several scholars who, since the early 1970's, has been using probabilistic, inferential statistics in social science research to test the deterrent effect of punishment on crime rates. Their hypothesis is, simply stated, that all people, including homicidal criminals, react to incentives.

As Ehrlich's colleague, Professor Gordon Tullock of the Virginia Polytechnic Institute explained:

"Economists tend to believe that crime, far from being the result of sickness or mental disorder, in most cases is simply a business-oriented economic activity which is undertaken for the same reasons as other economic activity. To reduce the frequency of crime, economists recommend we raise the costs of crime." 3/

Analysis of their data has persuaded these scholars that the death penalty, more than imprisonment (no matter how severe the imprisonment), is a negative incentive and leads to a restraining effect on the frequency of murder.

The crux of the scholarly debate among social scientists is that while one camp believes the research proves that the death penalty deters murderers, the other camp holds that the research is inconclusive in this regard. Professor Ernest Van den Haag, School of Criminal Justice at the State University of New York at Albany, after reviewing and critiquing the myriad studies, concluded that even if the research has not enabled scholars to agree that the deterrent effect has been statistically demonstrated, scholars should not conclude "that this lack of evidence for deterrence is evidence of the lack of deterrence. It is not. It means that deterrence has not been demonstrated statistically -- not that non-deterrence has." 4/ Because numerous studies show that capital punishment almost certainly can be a deterrent of capital crimes, Professor Van den Haag is drawn to the irrefutable conclusion that:

"It seems immoral to let convicted murderers survive at the probable -- or even at the mere possible -- expense of the lives of innocent victims who might have been spared had the murderers been executed." 5/

In addition to the academic support for the deterrence theory, criminals themselves have provided us with statements which show how they react to the threat posed by the death penalty. For example, in 1961, Justice Marshall McComb of the California Supreme Court, cited, as evidence of the deterrent effect of the death penalty, comments from violent criminals who did not kill because of the fear of the death penalty:

- Louis Turck, an ex-convict with a 20-year record of prior felony offenses was arrested in 1961 for robbery. He had used guns in other states during robberies, but only pretended to carry a gun in a California robbery. When asked why, he stated he was aware of California's death penalty: "I knew that if I used a real gun and that if I shot someone in a robbery, I might get the death penalty and go to the gas chamber."

- Ramon Velarde, during a robbery in 1960, held his victims hostage with a loaded .38 caliber revolver. After his arrest he said, "I think I might have escaped . . . if I had shot one or more of them. I probably would have done it if it wasn't for the gas chamber. I'll probably do seven to ten years for this. I don't want to die no matter what happens, you want to live another day." 6/

These comments were made during a time when the death penalty had been carried out by the state, thereby imposing a greater threat to criminals than today when the death penalty imposes very little threat of probable execution.

In addition to being a deterrent to murderers, there is no question that the death penalty, if carried out, is an incapacitator of murderers. The theory of incapacitation becomes important when we recognize that, with few exceptions, no criminal goes to prison for life, thereby being prevented from killing again. While in prison, murderers may kill again; their victims being fellow inmates and guards. Additionally, murderers who are paroled murder again. For an example, we need only return to the case of Robert Lee Massie, and dwell on the disturbing thought that as long as the death penalty is not carried out, innocent lives are prey to a risk that could be decreased if the state's capital punishment statute was meted out with greater dispatch.

#### CONCLUSIONS

Something has gone terribly wrong with California's criminal justice system. Murders are occurring at a terrifying rate and show no signs of decreasing. This study has shown that during the past 16 years without the death penalty that the homicide rate has increased an astonishing 240% from 4.2 per 100,000 to 14.3 per 100,000 population in 1980.

Although those who would abolish the death penalty argue that it has little or no deterrent effect, one fact is indisputable -- the citizens of California are four times more likely to be the victim of an unlawful homicide today than they were when killers were executed.

The people of California have twice overwhelmingly voted in favor of capital punishment, yet the California Supreme Court has, in the great majority of death penalty cases, effectively nullified their votes by thwarting death penalty laws by using a smokescreen of technicalities to prevent any convicted killer from being executed.

It is obvious that a major reason that murder and other violent crimes have reached intolerable levels is the historic unwillingness of the California Supreme Court to follow the will of the people. The court has recently affirmed the death sentences of two convicted murderers. It is our hope that the court will not permit further delays and that the law will be enforced.

The Governor will exercise his authority to review each case before an execution is conducted. The public hopes that the Governor will not thwart the will of the people. If these murderers are executed it is believed that some of the estimated 3,600 people expected to meet violent deaths this year will not meet a similar fate to Mildred Weiss and Boris Naumoff.

FOOTNOTES

1. Research and Forecasts, Inc., "Figgie Report on Fear of Crime," 1980.
2. Carrington, Frank, Neither Cruel Nor Unusual (Arlington House: New Rochelle) 1978, p. 86.
3. Carrington, op. cit., p. 89, quoting Malley, Michael T., "Punishment is a Deterrent to Crime," National Observer (June 19, 1976), p. 1, col. 1.
4. Carrington, op. cit., p. 89, quoting Van den Haag, Ernest, "On Deterrence and the Death Penalty," 68 Journal of Criminal Law, Criminology and Police Science (1969).
5. Van den Haag, Ernest, "In Defense of the Death Penalty: A Legal - Practical - Moral Analysis," published as part of "Capital Punishment in the United States: A Symposium," 14 Criminal Law Bulletin (January - February, 1978) p. 59.
6. People v. Love, 56 Cal.2d 720 (1961), McComb, Jr., dissenting at 735-736. Justice McComb in a footnote states that the "case cited is taken from the records on file in the Los Angeles Police Department."

APPENDIX I

APPENDIX I

Numbers of Willful Homicides, Major Crimes and<sup>1</sup>  
Crimes Against Persons for the Years 1948-1980

|      | <u>HOMICIDES</u> | <u>MAJOR CRIMES</u> <sup>2</sup> | <u>CRIMES AGAINST PERSONS</u> <sup>3</sup> |
|------|------------------|----------------------------------|--|
| 1948 | 250              | 100,000                          | 9,000                                      |
| 1949 | 267              | 103,000                          | 11,000                                     |
| 1950 | 265              | 106,000                          | 13,000                                     |
| 1951 | 272              | 109,000                          | 15,000                                     |
| 1952 | 279              | 113,944                          | 17,818                                     |
| 1953 | 276              | 136,912                          | 21,245                                     |
| 1954 | 746              | 148,826                          | 24,306                                     |
| 1955 | 874              | 152,135                          | 24,471                                     |
| 1956 | 976              | 179,961                          | 28,438                                     |
| 1957 | 497              | 194,033                          | 30,030                                     |
| 1958 | 547              | 208,292                          | 32,212                                     |
| 1959 | 515              | 202,923                          | 31,676                                     |
| 1960 | 620              | 251,495                          | 37,686                                     |
| 1961 | 609              | 257,129                          | 38,304                                     |
| 1962 | 671              | 266,658                          | 39,842                                     |
| 1963 | 656              | 305,151                          | 42,362                                     |
| 1964 | 758              | 346,755                          | 47,820                                     |
| 1965 | 892              | 386,708                          | 51,672                                     |
| 1966 | 897              | 418,967                          | 56,942                                     |
| 1967 | 1,051            | 475,836                          | 67,671                                     |
| 1968 | 1,171            | 552,750                          | 80,382                                     |
| 1969 | 1,376            | 604,576                          | 89,191                                     |
| 1970 | 1,355            | 652,389                          | 94,347                                     |
| 1971 | 1,633            | 714,685                          | 104,489                                    |
| 1972 | 1,789            | 723,936                          | 110,680                                    |
| 1973 | 1,862            | 740,157                          | 116,506                                    |
| 1974 | 1,970            | 802,945                          | 127,469                                    |
| 1975 | 2,196            | 876,288                          | 138,400                                    |
| 1976 | 2,214            | 907,898                          | 143,507                                    |
| 1977 | 2,481            | 917,358                          | 152,827                                    |
| 1978 | 2,601            | 977,985                          | 164,751                                    |
| 1979 | 2,941            | 1,060,631                        | 183,704                                    |
| 1980 | 3,405            | 1,192,489                        | 209,903                                    |

APPENDIX II

1. Source: 1952-1980, Bureau of Criminal Statistics, Division of Law Enforcement, Department of Justice. Data for years 1948-1951 are estimates based on available data.
2. Includes willful homicide, forcible rape, robbery, aggravated assault, burglary, grand theft and motor vehicle theft.
3. Includes willful homicide, forcible rape, robbery, and aggravated assault.

APPENDIX II

SUMMARY OF CRIMES COMMITTED BY THOSE  
INDIVIDUALS SENTENCED TO DEATH SINCE  
THE DEATH PENALTY WAS SIGNED INTO  
LAW ON AUGUST 11, 1977, AND AFFIRMED  
BY THE CALIFORNIA SUPREME COURT

E. J. JACKSON burglarized the Los Angeles home of, and beat to death, Vernita Curtis, age 81. Nine days later, Jackson burglarized the apartment residence across the hall from Mrs. Curtis', and beat to death the resident, Gladys Ott, age 90. In addition, Jackson sexually assaulted Mrs. Curtis. Jackson's criminal history includes a prior burglary and the beating of companions. He was sentenced to death for Mrs. Ott's murder on March 19, 1979. The sentence was affirmed by the Supreme Court on October 23, 1980.

ROBERT ALTON HARRIS kidnapped, shot, and killed John Mayeski, 15, and Michael Baker, 16, in San Diego in order to steal their car to rob a bank. Harris had a history of criminal violence including voluntary manslaughter for beating a man to death in 1975 and a "gang-rape" in jail while awaiting trial. He was sentenced to death on March 14, 1979. The sentence was affirmed by the Supreme Court on February 11, 1981.

SUMMARY OF CRIMES COMMITTED BY THOSE  
INDIVIDUALS SENTENCED TO DEATH SINCE  
THE DEATH PENALTY WAS SIGNED INTO  
LAW ON AUGUST 11, 1977, AND REVERSED  
BY THE CALIFORNIA SUPREME COURT

CHARLES ALAN GREEN, a "biker-type" who may have had some association with the Hell's Angels, married a 16 year old girl, Karen, in 1977. Karen, the daughter of a school counselor, married against the wishes of her parents. Shortly after her marriage, she decided to leave Green because he beat her, twice causing her to seek hospitalization. Green, after attending a party with Karen in October 1977, drove her into the woods against her will, insisted she remove her clothing, had intercourse with her, and blew her face off with a shotgun. The death penalty was imposed by the jury, but was reversed for technical reasons by the California Supreme Court.

N. R. VELASQUEZ, in the course of robbing a Texaco gas station in Los Angeles, shot and killed Mario Casas, the station attendant. Velasquez had previously been convicted of second degree murder for the killing of Mr. Isabel Sanchez in 1967. He was paroled in 1975, subsequently returned to prison for parole violation, and paroled again in 1977. Less than two months later he murdered Mario Casas. The death penalty was imposed on November 9, 1979, but has since been reversed by the California Supreme Court.

BILLY LEE CHADD raped, attempted to strangle with a cord, repeatedly stabbed, and finally cut the throat of Linda Hewitt, a young mother of an 18 month old son. Before he killed her, Chadd threatened to kill her son unless she submitted to sexual acts with him. Chadd also murdered, 3-1/2 years before Mrs. Hewitt's murder, in San Diego, Patricia Franklin, age 30, after he raped and otherwise painfully abused her. One month after Mrs. Hewitt's murder, Chadd terrorized, raped, and sodomized a woman and her teenage daughter. Chadd knew that the woman's husband was in the hospital dying of cancer. Chadd was sentenced to death on June 13, 1979. However, his criminal history does not end there. He is currently charged with a 1975 murder by stabbing and strangulation of a Las Vegas man. Chadd's trial is pending in that case. The California Supreme Court heard arguments on Chadd's appeal and reversed the murder conviction, and hence the death penalty sentence.

LAVELL E. FRIERSON robbed, shot, and killed Edgardo Kramer, a young Peruvian airline employee in Los Angeles. Frierson, while a juvenile, had killed a 15 year old boy. He was sentenced to death on August 26, 1978. The California Supreme Court has since reversed the conviction and death penalty for Frierson. After a retrial, Frierson was again convicted and again given the sentence of death. His appeal is again before the California Supreme Court.

GREGORY JOHN TERON, JR. robbed, beat, and smothered to death Earl Reed in his hotel bedroom. Teron had previously been convicted of two second degree murders in Michigan. The death penalty was imposed on August 18, 1978. The California Supreme Court set aside the death penalty.

RONALD E. LANPHEAR, after escaping from a South Dakota jail, shot and killed, in two consecutive days, David Leipold, an Arizona service station attendant, and an unidentified girl hitchhiker. Four days later, Lanphear and his girlfriend were picked up by Robert Unger, an Ohio man, who offered to take them to get some gas. Lanphear robbed, shot, and killed Unger. During his trial in San Bernardino County, Lanphear made arrangements to have his girlfriend (who was a prosecution witness) killed. Lanphear had prior convictions for robbery and burglary. The death penalty was imposed on March 14, 1979. The California Supreme Court set aside the death penalty.

MAURICE S. THOMPSON entered the LaMirada home of June Felice seemingly for the purpose of robbing her. After making no attempt to rifle through her purse or jewelry drawer, or to take the cash offered by Michael Whalen, Ms. Felice's fiance, Thompson held a gun to Whalen and Felice and shot them each three times. Whalen was killed. Felice survived. The Supreme Court set aside Thompson's death penalty sentence.

SUMMARY OF CRIMES BY THOSE INDIVIDUALS SENTENCED TO DEATH SINCE THE DEATH PENALTY WAS SIGNED INTO LAW ON AUGUST 11, 1977 THROUGH 1980 AND ARE PENDING BEFORE THE CALIFORNIA SUPREME COURT (CHRONOLOGICAL BY DATE OF SENTENCE IMPOSED)

3 yrs. 6 mos. A. E. ROBERTSON robbed, kidnapped, raped, tortured, and killed two young San Bernardino women, Karen Litzau and Kimberly Gloe. He was sentenced to death on June 6, 1978.

3 yrs. 1 mo. JOHN GZIKOWSKI, a member of the San Francisco branch of the Hell's Angeles, shot to death two young Filipino men, Gary Orais and Raymond Velonza, with three rounds from a sawed-off shotgun. Gzikowski had served two prior prison terms and had been involved in a Hell's Angels "gang-rape" before committing the murders in San Francisco for which he received the death penalty on September 8, 1978.

3 yrs. 3 mos. D. R. STANKEWITZ kidnapped Theresa Graybeal, a young woman, stole her car, and shot and killed her in Fresno County, where he was eventually tried and sentenced to death on October 13, 1978. Stankewitz, 19 years old at the time the murder was committed, had served four years in the California Youth Authority for stealing a car, assaulting an elderly man, and shooting a police officer in the face during a high-speed chase.

3 yrs. 3 mos. RONALD LEE BELL shot and killed Raymond Murphy, the manager of Wolff's Jewelers, Richmond, and shot and critically wounded Jack Benjamin, a store employee, during the course of robbing the store. Bell had prior convictions of voluntary manslaughter, assault with a deadly weapon, and grand theft. He was sentenced to death on March 6, 1979.

3 yrs. DAVID HOGAN stabbed and beat to death Theresa Holland, 23, beat to death with a hammer her 4-1/2 year old son, Jeremy Montoya, and beat into unconsciousness her one year old infant son, Adam Holland, who survived with permanent brain damage. He was tried in Kern County where he was sentenced to death on March 5, 1979.

2 yrs. 7 mos. DANNY WILLIAMS shot and killed in Merced County two young men, Miguel and Salvadore Vargas, in order to steal their car. He also raped, shot, and killed Lourdes Meza, a young mother of four children, and girlfriend of one of the victim's. Williams was sentenced to death on April 13, 1979.

3 yrs. 1 mo. DAVID L. MURTISHAW, angered when four student filmmakers would not give him a ride home from the Kern County desert area where they were filming, shot, and killed Martha Sota, Ingrid Itayo, and James Henderson. He also shot Lance Buflo, the young husband of Martha Soto, who survived to testify. The death penalty was imposed on April 27, 1979.

2 yrs. 4 mos. ROBERT LEE MASSIE shot and killed Boris "Bob" Naumoff, the owner of the Miraloma Liquor Store, San Francisco, during a robbery. Massie had previously been sentenced to death for a 1965 murder. Following the California Supreme Court's Anderson decision in 1972, his term was reduced to life with possible parole. He was paroled in 1978, and killed Mr. Naumoff on January 3, 1979, for which murder he was again sentenced to death on May 25, 1979.

2 yrs. 10 mos. PATRICK CROY, after robbing a liquor store in Siskiyou County, was pursued by the County Sheriff's Department. During a shootout, Croy shot and killed Deputy Sheriff Jesse Hittson. Croy, 20 years old at the time of the killing, was convicted not only of murder, but also of conspiring to murder a deputy sheriff with his friends earlier in the day. He was sentenced to death on August 2, 1979.

2 yrs. 7 mos. ELBERT EASLEY, a "hit man" in a double murder-for-hire, stabbed to death with icepicks Reiner Junghaus and his wife Sigrid, in Stanislaus County. Mr. Junghaus was killed because he and a business associate, Joseph Peuka, had a falling out. Peuka was sentenced to life without possibility of parole. Easley's prior criminal history included a fire bombing of a Nevada brothel. He is suspected of killing, or having killed, at least five other people, including his daughter. He was sentenced to death on August 8, 1979.

- 2 yrs. 7 mos. S. L. FIELDS kidnaped, raped, robbed, and murdered Rosemary Cobb, a young University of Southern California librarian. He had also kidnaped, raped, and robbed other women. He had prior convictions for manslaughter and grand theft. The death penalty was imposed on August 21, 1979.
- 3 yrs. 6 mos. R. HASKETT robbed, raped, and attempted to stab to death his stepsister, Gwen Rose, of Los Angeles. He then stabbed to death his two young nephews, Keith Bradford age 10, and Cameron Rose, age 4, who observed him assaulting Mrs. Rose, for the purpose of preventing their testimony in any criminal proceeding. He was sentenced to death on August 28, 1979.
- 3 yrs. RICHARD JOHN MROCZKO killed his homosexual lover, Jay Love, by strangling him with a coat hanger. Mroczko and Love were prison inmates in San Luis Obispo, Mroczko serving a life term. Mroczko had an extensive criminal history. The death penalty was imposed on September 13, 1979.
- 3 yrs. 2 mos. DAVID L. GHENT, JR., raped and murdered Patricia Bert in San Jose, stabbing and beating her to death. He had sexually assaulted another woman earlier in the day. Ghent had prior convictions for sexual offenses. The death sentence was imposed on October 30, 1979.
- 2 yrs. 4 mos. RICHARD GALVAN MONTIEL, enroute from a purse snatching robbery of an elderly woman in Kern County, entered the home of Gregario Ante, 78 years old, ostensibly to use the telephone after his motorcycle broke down. Montiel robbed Mr. Ante, and then using a kitchen butcher knife, slit the victim's throat. Montiel had a prior criminal history involving many incidents of violence. He was sentenced to death on November 20, 1979.
- 2 yrs. 2 mos. J. P. ANDERSON, while pretending that he would help them repair their car which had broken down in Riverside County, robbed and murdered Donna Cosselman and her grandmother, Louise Flanagan. Mrs. Flanagan was hanged by her neck, and Donna was strangled with a cord. Anderson was sentenced to death on December 9, 1979.

- 2 yrs. 6 mos. H. R. MEMRO picked up the victim, 7 year old Carl Carter, Jr., took him to his Riverside apartment, and strangled him to death with a string. Memro, while being tried for Carl's murder, confessed to having killed two juvenile males two years before. Memro was sentenced to death on January 17, 1980.
- 1 yr. 10 mos. MARCELINO RAMOS robbed the "Taco Bell" Restaurant where he worked, forced two co-workers, Kathryn Parrot, 20, and Kevin Pickrell, 19, into a cooler, ordered them to kneel facing a wall, and shot them each in the head. Kathryn was killed, but Kevin escaped serious injury only because the bullet glanced off his skull. Ramos was 20 years old when he committed this offense. He was sentenced to death on January 30, 1980.
- 2 yrs. 8 mos. STEVEN KING AINSWORTH shot and then kidnaped Nancy Huynh, a 30 year old pregnant woman on her way to work, in a Sacramento downtown parking lot. While Mrs. Huynh was still alive, Ainsworth raped her in the car, and placed her in the car trunk where she died. Ainsworth had a lengthy criminal history including armed robberies for which he had served time in prison. He was sentenced to death on January 30, 1980.
- 3 yrs. 2 mos. THEODORE FRANK kidnaped, raped, tortured, and murdered Amy Sue Seitz, two-and-a-half years old. Amy Sue was enticed into Frank's car in Ventura County and later found dead near Topanga Canyon. Frank had three prior convictions for child molestation, and spent time in Atascadero for such an offense. He was sentenced to death on February 4, 1980.
- 3 yrs. 5 mos. RICHARD LOUIS ARNOLD PHILLIPS robbed, shot, doused with gasoline and set afire James Bartulis and Raymond Rose, both in their mid-twenties, in Madera County. Raymond Rose survived to testify. Phillips later wrote a letter in which he attempted to secure the killings of four witnesses against him, including Raymond Rose, Phillip's girlfriend, best friend, and mother. He had an extensive criminal history. The death penalty was imposed on February 20, 1980.

- 2 yrs. 6 mos. A. J. RUIZ shot and killed his wife, Pauline Ruiz, and his stepson, Tony Mitchel in Ventura County. He was also tied to the murder of a previous spouse, Tanya Ruiz, in 1975, a mentally and physically handicapped woman whose body was never found. He was sentenced to death on February 21, 1980.
- 2 yrs. 3 mos. STEVEN VINCENT HOLT shot and killed Sam Troia, the owner of a grocery store in Monterey, while Troia was taking home the day's proceeds. During his trial, Holt attempted to escape, brutally beating Marjorie Alford, a 52-year-old jail matron. Ms. Alford has not worked a day since the attack. Holt had a prior history of burglary and robbery. The death penalty was imposed on March 14, 1980.
- 2 yrs. 9 mos. FERMIN R. LEDESMA robbed a gas station in San Jose. The attendant on duty, Gabriel Flores, 19, gave the police Ledesma's license number and identified him in a lineup. A few days later Ledesma kidnapped Flores, took him to a remote area south of San Jose, shot him four times, and stabbed him twice killing him. Ledesma had a prior criminal history. The death penalty was imposed on March 14, 1980.
- 2 yrs. 11 mos. V. M. ARCEGA murdered his former girlfriend, Marilyn Miller, in Los Angeles, after she kicked him out of the apartment they were sharing in order to see someone else. Arcega also killed a young runaway staying in the apartment with Ms. Miller, by striking her on the head with a frying pan. Arcega killed the runaway to prevent her from being a witness to the murder of Ms. Miller. He was sentenced to death on March 31, 1980.
- 2 yrs. 10 mos. M. D. MATTSON picked up two young hitchhikers in Los Angeles, Cheryl Gutierrez and Adele Corradini, 14 and 16 years old, raped them and strangled them with a belt. A third young girl survived the attack. Mattson had been convicted in Oregon for sexual offenses. When arrested in Nevada for sexual offenses and kidnapping, he confessed to Cheryl's and Adele's murders. He was sentenced to death on April 10, 1980.

- 3 yrs. 3 mos. RICHARD DEAN TURNER robbed, shot, and killed Merle and Freda Claxton, ages 78 and 77, respectively. Turner had a prior conviction for armed robbery in Oklahoma. He was later arrested for pointing a .22 rifle at a Hesperia resident; the resident heard the gun click although no shot was fired. Turner was sentenced to death for the Claxton murders on April 16, 1980.
- 1 yr. 8 mos. RONNY MOZINGO, a 23-year-old parolee having previously been convicted of rape, raped and killed, execution-torture style, his stepmother, Janey Mazingo. Mazingo's criminal history started when he was ten years old when he molested and assaulted a neighborhood girl. Other offenses included car theft, petty theft, rape, and threatening a security guard with a gun. He was sentenced to death on April 25, 1980.
- 1 yr. 11 mos. RODNEY JAMES ALCALA kidnapped and murdered Robin Samsoe, age 12, in the Chantry Flats area of the Sierra Madre Mountains, in the Los Angeles area. Alcala's prior criminal history included a conviction and prison sentence for an abduction and brutal beating of a child in 1968. He was released in 1977. Four months before Robin's murder, he beat and raped a 13-year-old girl. He was sentenced to death on June 25, 1980.
- 1 yr. 7 mos. MICHAEL T. LEACH robbed and tortured to death by stabbing Michael Messer, age 17. Michael had attempted to sell "mushrooms" and marijuana to Leach, age 18, at the time of the murder. He was sentenced to death on July 11, 1980.
- 2 yrs. M. JOSEPH, while in the course of a robbery, shot and killed Oscar Dent, 68 years old, in his home in Los Angeles. Joseph had a prior criminal history of narcotics, carrying a concealed weapon, grand theft, and rape. He was sentenced to death on July 8, 1980.
- 1 yr. 10 mos. MELVIN TURNER, who had been on parole for just two months, and had just been fired as a security guard at Torrance Airport for bad checks, bound, gagged, and shot in the temple two victims at the airport. The first victim, Joalla Champion, a 41-year-old school teacher, had brought the second victim, George S. Hill, Jr., a 35-year-old surgeon, to see her plane. Turner had many juvenile offenses on his record and a two and a half year stint in prison for robbery. He was sentenced to death on August 20, 1980.

- 3 yrs. 5 mos. LEE E. HARRIS killed an elderly couple, Mr. and Mrs. Crumb, managers of an apartment building in Los Angeles where Harris had previously been a tenant. Harris had executed another victim in Kansas just three days prior to murdering the Crumb's. He also admitted to having killed an inmate in Colorado State Prison. The death penalty was imposed on September 3, 1980.
- 1 yr. 9 mos. MARVIN P. WALKER, in the course of robbing Dan's Bottle Shop in San Jose, shot in the head and killed Joe Vasquez, a 15-year-old stockboy. Walker also beat with a wine bottle, and shot in the back, Jerry Romero, 30 years old, the co-owner of the shop. He also shot in the head Andy Zamora, 20 years old. Romero and Zamora survived. One month later, Walker burglarized a medical center in San Jose, pistol whipped, sexually assaulted, and shot in the eye and ear, Rosa Olveda, the 20-year-old bookkeeper. Rosa survived with scarring and severe medical problems. He was sentenced to death on September 9, 1980.
- 1 yr. 6 mos. JUAN A. BOYD shot and killed David Edsill, a college football player in Los Angeles, after Edsill asked Boyd for directions to a party. Boyd grabbed Edsill, asked how much money he had, and killed him. Boyd had a seven-year history of violent assaults of at least seven people, and breaking and entering. The death penalty was imposed on October 22, 1980.
- 1 yr. 7 mos. DANNY M. GUERRA worked as a security guard at FedCo store in San Bernardino County. He robbed two other security guards of their guns, took a car belonging to one victim, and took both victims to an open field where he shot them after a struggle; one victim survived. Guerra was 20 years old when he committed the murder. The death penalty was imposed on November 19, 1980.
- 1 yr. 5 mos. DONALD GRIFFIN strangled and severely mutilated with a buckknife his 12-year-old stepdaughter, Janis Kelly Wilson, in Fresno County, in the course of rape, sodomy, and lewd and lascivious conduct. Griffin was on probation for burglary when he murdered Janis. He received the death penalty on November 26, 1980.

- 1 yr. 8 mos. EDDIE McDONALD, during the course of a robbery, shot and killed Jose Esparza, a dishwasher at Phillip's Chicken Pie Shop in Long Beach. McDonald had an extensive juvenile criminal history and had served time in state prison for robbery convictions. He was sentenced to death on December 11, 1980.
- 2 yrs. 10 mos. DARRELL RICH sexually assaulted and killed, over a six-week period of time, Linda Slavik, age 27, Annette Edwards, age 19, Patricia Ann Moore, age 15, and Annette Selix, age 11. One victim was shot, another bludgeoned to death, and a third thrown off the 105-foot tall bridge spanning Shasta Lake. Rich, 23 years old when he killed the victims, had been convicted of three prior assaults with a deadly weapon. He was tried in Yolo County and sentenced to death on December 19, 1980.
- 1 yr. 7 mos. RICHARD WILLIAM GARRISON, and an accomplice, Gary Roelle, arranged to meet Wanda Bennett, age 49, with whom Roelle had previously become acquainted, at a local dump in the Yucca Valley area of San Bernardino County for the purpose of showing Mrs. Bennett some collectibles to be found at the dump. Garrison used a sawed-off shotgun to shoot Mrs. Bennett in the back of the head. There was considerable speculation that Garrison was hired to kill Mrs. Bennett. Garrison and Roelle, after burying Mrs. Bennett in the garbage, drove to her home whereupon Garrison shot Mr. Bennett, age 63, in the head while Bennett slept. Garrison and Roelle then proceeded to burglarize the home. Garrison was sentenced to death on January 19, 1981.
- 1 yr. 7 mos. JERRY THOMAS BUNYARD made arrangements with Erwin Popham to murder Bunyard's wife Elaine. Elaine, in her late 20's, and nine months pregnant, and Bunyard had been having marital difficulties. Bunyard feared losing money through a dissolution of the marriage. He requested Popham to knock Elaine unconscious, and then shoot her in the head to make her death appear a suicide. Instead, Elaine struggled and after breaking three iron skilletts over her head, Popham shot her in the head and killed her. The unborn baby, just hours away from delivery, was also killed. Elaine's seven-year-old daughter by a previous marriage found the body of her mother in the garage. Popham was convicted of first degree murder. Bunyard was sentenced to death in San Joaquin County on January 30, 1981.

2 yrs. 1 mo.

BERNARD LEE HAMILTON was caught in the act of burglarizing Eleanor Buchanon's van in Mesa Junior College parking lot after Mrs. Buchanon completed an evening math class. Hamilton kidnapped and murdered Mrs. Buchanon, and dismembered her body. Mrs. Buchanon left a husband, and two children, one 14 months old, and the other, three months old. Mr. Buchanon alerted the police that his wife was missing when she did not return immediately after class to nurse her baby. Her headless body was found the next day. Hamilton was sentenced to death in San Diego County on March 2, 1981.

1 yr. 11 mos.

JOSEPH ARMENDARIZ entered the Sacramento home of Joe Alvarez Valesquez, the father of his girlfriend, and stabbed him 20-30 times, leaving him for dead. He proceeded to burglarize the home and to steal a car. Armendariz was sentenced to death on March 6, 1981.

1 yr. 7 mos.

DAVID BALDERAS, after a Christmas Eve party, kidnapped a young couple, Randy Lilly and Coreen Yvonne Smith. He forced them at gunpoint to drive to the country where he robbed them and repeatedly raped Coreen. He stole their car and returned to town. Later he kidnapped Neil Wanner, age 40, and again forced him at gunpoint to drive to the country. He robbed Wanner, shot him in the leg and left him to bleed to death. Balderas was apprehended and put on trial. His first trial was declared a mistrial. While awaiting a new trial, he forcibly escaped from Kern County Jail and committed four armed robberies, for three of which he later received convictions. He was sentenced to death on April 15, 1981.

APPENDIX III

APPENDIX III

Chronology of Capital Punishment in California\*

1851 to 1967 - The death penalty was carried out 502 times in California. A total of 308 died by hanging and another 194 died in the gas chamber, including four women. The last hanging occurred in Folsom State Prison in 1937. The last hanging occurred at San Quentin in 1942.

1942 to 1967 - Executions were conducted only in San Quentin's gas chamber.

April 12, 1967 - Aaron Mitchell, age 37, convicted of killing a Sacramento police officer became the last murderer to die in San Quentin's gas chamber. The only execution in California since 1963.

February 18, 1972 - In People v. Anderson, the California Supreme Court struck down the death penalty as cruel and unusual punishment under the California Constitution. As a result 111 convicted killers were freed from death row and made eligible for parole.

June 1972 - In Furman v. Georgia, the United States Supreme Court ruled, in a decision that is still referred to as "cryptic" by legal scholars, that the death penalty can be applied only by a statute that narrowly defines the crime; killing a peace officer, for example.

November 8, 1972 - The death penalty was reinstated in California by constitutional amendment as Proposition 17, approved by 67 percent of the voters.

September 24, 1973 - Governor Ronald Reagan signed a bill, Senate Bill 450, authored by then Senator George Deukmejian, in accordance with the United States Supreme Court's Furman decision, narrowly defining types of murders which may result in the death penalty.

They included murder of a prison guard, an on-duty peace officer, or a witness in a criminal case; multiple murders or murder for hire; first-degree murder by anyone with a prior first-degree murder conviction; train-wrecking resulting in death; first-degree murder committed during a robbery or burglary of an occupied residence; and first-degree murder during a rape, a kidnapping, or lewd conduct involving a child under 14.

\* This section is taken from a news article prepared by reporter Dennis McDougal of the Long Beach Independent/Press Telegram. "From Hangman to the Gas Chamber," November 23, 1980, section A, page 9, column 1.

January 1, 1974 - The new law codified as section 190 of the Penal Code took effect.

July 2, 1976 - In five separate cases from Texas, North Carolina, Louisiana, Florida, and Georgia, lumped under the lead case Gregg v. Georgia, the United States Supreme Court ruled that the death penalty is not "cruel and unusual punishment" as defined in the Eighth Amendment of the United States Constitution. But a plurality of justices go on to rule that the sentencing body, whether judge or jury, be given guided discretion in deciding whether or not to mete out capital punishment, focusing on both the crime and the criminal defendant.

December 1976 - From its view of the Gregg v. Georgia decision, the California Supreme Court in Rockwell v. Superior Court struck down California's 1973 law because it required a jury to give a mandatory death sentence if a criminal met the requirements of the enumerated types of crimes punishable by death. As a result, 68 convicted killers were freed from death row and made eligible for parole.

May 27, 1977 - California Senate Bill 155, again authored by then Senator George Deukmejian, enumerating "special circumstances" under which a defendant who has been found guilty of murder can be sentenced to death, was passed by the legislature and sent to Governor Brown. Unlike the 1973 law, Senate Bill 155 gives jurors the discretion to determine whether the factors in a specific case require death or life imprisonment for the murderer.

May 27, 1977 - Governor Brown vetoed Senate Bill 155.

August 11, 1977 - The legislature approved Senate Bill 155 by a two-thirds vote override of Governor Brown's veto in both the Senate and Assembly.

November 7, 1978 - Seventy-two percent of the voters in California enacted Proposition 7 -- a strengthening of Senate Bill 155 extending the death penalty to include categories of first degree murder beyond those adopted in both the 1973 law and 1977's Senate Bill 115. They included such crimes as murder for financial gain, murder by poison, and murder of a fireman, prosecutor, judge or elected or appointed official. Proposition 7 also significantly increased the minimum penalty for non-death penalty murders.

August 31, 1979 - In an unclear decision in People v. Frierson, the California Supreme Court upheld the constitutionality of capital punishment under the California Constitution and appeared to uphold the statute imposing it, but rejected the death penalty for the defendant because of alleged legal mistakes by Frierson's defense counsel. Attorney General George Deukmejian personally took part in the oral argument of the Frierson case.

October 23, 1980 - In a clear 4-3 decision in the case of People v. Jackson, the California Supreme Court upheld both the constitutionality of the death penalty and the statute that imposed it.

February 11, 1981 - The California Supreme Court in a 4-2 decision reaffirmed its holding in Jackson and affirmed the sentence of death in People v. Harris.

APPENDIX IV

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PREVENTION OF HOMICIDE

Many homicides are committed in the course of the commission of another crime such as robbery, burglary, sexual assault, domestic violence, narcotics and dangerous drug traffic, and gang violence.

Therefore, in order to prevent being the victim of a homicide, one must avoid potentially dangerous situations, and be prepared to deal with them when necessary. Below is a checklist of do's and don't's suggested by the Attorney General's Crime Prevention Center for those potentially dangerous situations in which a homicide might occur:

Burglary

At home:

1. Carefully lock your doors and windows.
2. Vigorously arrange with your neighbors a "Neighborhood Watch" for surveillance.
3. Actively participate in "Operation Identification."
4. Request local law enforcement to conduct a home security survey of your home.
5. Install adequate lighting around the perimeter of your home.
6. When going out in the evening, use timers on your lights and a radio and television to give your home a lived-in atmosphere by lights, televisions, and radios going on and off from time-to-time.
7. Trim hedges and shrubbery behind which potential assailants may hide.
8. Make certain no ladders are near the house, making entry possible through an upstairs window.
9. Secure backyard tools so that they cannot be used by a potential assailant to break in or to harm someone.

10. When going out, particularly for an extended period of time, notify neighbors whether you do or do not expect visitors. Always leave an emergency telephone number with neighbors so you can be reached in an emergency.
11. Before entering your home, check it for signs of an intruder. Have in mind a response plan to quickly exit your home and call for assistance.

### Robbery

#### Business Person

1. Alter paths of travel to and from home, work, or bank.
2. If making night deposits be aware that a robbery could occur. Use caution when making deposits.
3. Consider hiring trained security officers to accompany you to and from bank.
4. Avoid talking about or "flashing" your day's proceeds.
5. Do not let money stack-up in the cash register.
6. Always be, and appear to be, attentive to your surroundings.

#### Non-business Person

1. If out at night and using public transportation, travel with company whenever possible.
  - a. Let someone know where you are going and your estimated time of arrival and return.
  - b. Stay as close as possible to lighted areas. Stay near the curb and away from alleys and tall hedges.
  - c. Enroute to, or from a bus stop, avoid shortcuts through alleys, parks, and vacant lots.
  - d. If immediate area is deserted, try to get to an occupied building or lighted area until safe to proceed.

2. If on public transportation and the bus is empty, sit as near to the driver as possible.
3. Be aware of suspicious persons and keep a safe distance.
4. Always be, and appear to be, attentive to your surroundings.

### Sexual Assault

1. Since studies indicate approximately 50% of all rapes occur in the victim's home, make certain your residence is secure.
2. Install a peephole in your front door. Positively identify anyone before admitting them into your residence.
3. Remember to lock doors and windows when you leave, even if for a short time, such as going to the apartment laundry room.
4. In the evening, avoid heavily landscaped areas. Urge your apartment manager to see hedges are trimmed and that carports and parking facilities are well-lighted.
5. List only first initial and last name in the phone directory and on the mailbox if you live alone. Some people who live alone list their name on the mailbox as Mr. and Mrs. \_\_\_\_\_, to make it look like a couple occupies the residence.
6. Use caution when entering elevators, laundry rooms, carports, and apartment garages.
7. If walking or jogging, pay particular attention to your surroundings. Whenever possible, jog or walk with a companion.
8. Try to avoid an established pattern of jogging. Alter your routes.
9. Notify someone if you are going jogging, where you are going, and how long you will be gone.
10. Avoid remote areas for jogging.

11. Alert local law enforcement of any unusual or suspicious events.
12. In an emergency situation consider using the word "FIRE," instead of "HELP." It may get more results.
13. Always lock car doors and park in well-lighted areas. Upon return, look all around carefully, have car keys ready, out of your pocket or purse; you will get into your car more quickly, and the keys may be used for self-defense. Check inside of car before entering to detect any intruders.
14. If your car has a mechanical breakdown, it is generally recommended that you raise the hood of your car, and then stay inside your car and wait for local law enforcement to assist you.

If someone comes to your car, roll the window down slightly and request they telephone local law enforcement, CHP, or a friend. Never admit a stranger or get out to talk or show them anything. Never accept a ride from a stranger, no matter how "nice" the stranger appears.

15. Absolutely never hitchhike. If you do not have access to public transportation, arrange to ride with a trusted friend. Hitchhiking is simply too dangerous, fraught with potential violence.
16. Absolutely never pick up hitchhikers. If you are concerned for someone's safety, go to a pay telephone and notify a local law enforcement agency of the location and description of that person.

#### Gang Violence

In 1980, 300 homicides in Los Angeles County resulted from gang violence. As in all crime prevention, look for methods to avoid affording someone the opportunity to commit a crime. Most crime prevention for gang violence consists of personal avoidance and identifying ways to prevent youths from joining gangs.

1. Parents and communities should provide activities for young people in the 8 to 12 year old group to deter the desire to associate with a gang.

2. Provide a neighborhood center for activities where trained counselors are available for advice to young people.
3. Provide youth field trips and exposure to places outside local areas.
4. Business people can lock or chain-off their parking lots, which alerts local law enforcement that no one is supposed to be on the property.
5. Encourage law enforcement and business sponsored activities.
6. Promote parental involvement in school and neighborhood centers.

#### Domestic Violence

1. Identify the profile of an abuser and of a victim.
2. If you fit the profile of either case, find trained counseling facilities to assist you.
3. If you believe yourself to be the potential victim of domestic violence by your spouse, parent, or child, contact your local law enforcement office for the telephone number of a Domestic Violence Shelter or Child Protective Services.
4. Fill out a police report if you are the victim of abuse and be prepared to press charges. A police record will provide law enforcement with a history of your case. If violence occurs again, law enforcement officials can develop a stronger case against the abuser. This is particularly important in homicide cases. Without documented records the incident may appear as a random act of violence, when in reality it was part of a pattern of the abuser.
5. Counseling may assist women to become more assertive, independent, and aggressive. Women can develop options for themselves so that if problems at home become overwhelming, they will know what is available to them if they must leave home.
6. Become aware of your ability to make a citizen's arrest. Contact your local law enforcement agency to learn more about this.

7. Take advantage of diversion programs to help solve some of the causes of spousal, parent, or child abuse. One example would be Alcoholics Anonymous.
8. Look for signs in your partner, spouse, or child that another incidence of abuse may take place. For example, depression caused by financial problems, loss of a job, or promotion may be signs.
9. Learn to deal with stress.

#### Narcotics and Dangerous Drug Traffic

1. Do not get involved in narcotics or dangerous drug traffic or use.
2. Recognize the substantial and inherent dangers of involvement with drugs and drug trafficking.
3. If you get involved with drugs, you must realize that you cannot get out. Do not fool yourself that you can deal in drugs for awhile to make some money, and then get out.
4. Avoid known drug distribution locations.
5. Report any known dealers to law enforcement agencies.
6. Choose friends carefully. Do not get involved with people who use or deal drugs.
7. Seek to educate younger brothers and sisters on the dangers of illegal drugs.
8. If undergoing emotional problems seek professional counseling from reputable professionals.
9. Do not expect leniency from law enforcement or the courts if you are caught.
10. Narcotics and dangerous drugs are not only dangerous for their known mind-altering qualities. Because they are not produced in sterile, government inspected laboratories, they often contain diseases, germs, and even dirt. Not only that, people who cultivate, produce, process, transport, and sell or give away narcotics and dangerous drugs are criminals; they are not tested or licensed by the government, are often armed with deadly weapons, and are known to kill people who fail to or are slow to pay for their purchases.

11. Marijuana and cocaine are narcotics. It is a felony to process or manufacture, transport, or distribute either of them, and not have commonly been attended by deliberate killings.

APPENDIX V

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