

## **Appeals Court Upholds California's Revamped Felony-Murder Accomplice Law**

November 19, 2019 MARTIN MACIAS JR

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(CN) – A California bill that restricted prosecutors from charging individuals with murder if they played no major role in a felony or if the crime occurred without anyone being killed was upheld Tuesday in a pair of appellate court rulings.

For decades, California criminal justice laws included the tenet of equal guilt, meaning that accomplices in felonies that resulted in someone else's death would receive the same punishment as the person who did the killing.

But under Senate Bill 1437, authored by Democratic state Senator Nancy Skinner, murder convictions apply only to those who actually committed the crime, except in cases in which a police officer was killed or the crime was excessively brutal.

Proponents of the bill pointed to studies showing the state's felony-murder rules resulted in a disproportionate number of women and young people convicted of murder.

The bill – signed into law in 2018 by former Democratic Governor Jerry Brown – also permits individuals convicted and sentenced under the old felony-murder rules to petition the court for resentencing. Law enforcement groups opposed to the bill applauded when Orange County Superior Court Judge Gregg Prickett ruled earlier this year that the law is unconstitutional, a move that bucked the trend of trial courts upholding the law's validity.

In related proceedings, prosecutors in San Diego and Riverside Counties sued to block resentencing petitions filed by people who were convicted of murder under the state's old law.

Prosecutors argued in court [documents](#) that the bill unconstitutionally amended a pair of statewide ballot measures that increased punishments for murder and revamped the list of offenses that [qualify](#) for murder convictions.

Proposition 7 and Proposition 115 – approved by California voters in 1978 and 1990, respectively – protect crime victims’ rights and are rooted in separation of powers principles, prosecutors argued. But a Fourth District Court of Appeal panel turned down those challenges in a pair of rulings Tuesday.

Writing for the majority, Presiding Justice Judith McConnell [said](#) that SB 1437 does not unlawfully amend the ballot measures because it neither adds to nor takes away from their application.

“Here, the voters who approved Proposition 7 and Proposition 115 got, and still have, precisely what they enacted – stronger sentences for persons convicted of murder and first degree felony-murder liability for deaths occurring during the commission or attempted commission of specified felony offenses,” McConnell wrote. “By enacting Senate Bill 1437, the Legislature has neither undermined these initiatives nor impinged upon the will of the voters who passed them.”

Associate Justice Joan K. Irion concurred with the ruling while Associate Justice Terry B. O’Rourke dissented.

Citing a Fifth District Court of Appeal decision in *O.G v Superior Court*, O’Rourke said the panel’s ruling “violates the well settled rule that the Legislature may not enact a law that thwarts the initiative process without the consent of the people.”

The appellate panel also [reversed](#) a [trial](#) court’s decision to deny California resident Patty Ann Lamoureux’s petition for resentencing. Lamoureux had been sentenced to life in prison after being convicted of murder for participating in a robbery that resulted in the killing of a friend’s family member.

Skinner applauded the ruling Tuesday and said in a statement the appellate court recognized the clear unconstitutionality of the Golden State’s old felony-murder rule.

“Justice won today,” Skinner said. “With this decisive decision, I urge district attorneys throughout California to drop their challenges and [join](#) with [Attorney General] Xavier Becerra in enforcing the state’s new felony-murder statute.”

In a tweet, Becerra praised the court’s ruling and said the new rule “is a major part of CA’s efforts to make our criminal justice system fairer for everyone.”

Riverside County District Attorney Michael A. Hestrin and San Diego County District Attorney Summer Stephan did not immediately respond to a request for comment Tuesday.