

California's "three-strikes" law boosts prison population—two cases in point

By Kim Saito
15 February 2000

As a result of its “three-strikes-and-you're out” law, the state of California has one of the fastest growing prison populations of any state in the US. The law imposes an automatic 25-years-to-life prison term if a person is convicted of three felonies. According to the latest figures from the California Department of Corrections, a record 162,381 people inhabit the state's prisons. Two recent cases are noteworthy in illustrating what the courts consider third-strike offenses.

In January, the California Supreme Court unanimously ruled that someone who pretends to be a dead person may be convicted of false impersonation, a felony. The case arose in 1998 when Randolph Lee signed the name of his dead brother to a traffic citation he received. A few weeks later police stopped Lee for an expired registration and other traffic violations while he was driving in Lancaster. When the cop asked for his driver's license, Lee said he did not have it and again claimed to be his brother Edward Watson, who died in 1970.

The police officer couldn't find the name on his patrol car computer, so he brought Lee to the police station. Police then discovered Lee had an outstanding warrant for driving with a suspended license and was on parole. Lee was then charged with violating Penal Code section 529, subdivision 3, a felony. Because of two prior felony convictions for robbery and assault, the impersonation charge potentially became a “third strike.”

Lee said that he was only guilty of a misdemeanor, giving false information to a police officer. But in the unanimous decision, the high court ruled that he was guilty of a felony.

Another case involves Todd Givens, 30, who was on trial in 1997 on drug and weapons charges. Assuming that he was on his way to prison, he got married in a

jailhouse ceremony so he could have conjugal visits. A Tulare County jury subsequently acquitted him.

Then in December 1999 the district attorney's office charged him with bigamy because he was legally married to another woman. Since Givens had two prior felony convictions for armed robbery, prosecutors turned bigamy, normally punishable by no more than three years in jail, into a “third strike” that could mean 25 years to life.

Three-strikes critic Roberta Robles, founder of Californians 2 Amend 3-Strikes in Orange County, said, "I thought I had heard it all—stealing vitamins, bouncing your own check—but bigamy?"

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