



County of San Bernardino  
Office of the District Attorney  
JASON ANDERSON, District Attorney

August 28, 2024

Los Angeles Times – Editorial Board  
2300 E. Imperial Highway  
El Segundo, CA 90245

Dear Editorial Board:

Yesterday morning, I read your editorial advocating for the passage of Senator Dave Cortese's Senate Bill 94, which could grant parole for adult defendants who received life without parole sentences prior to June 5, 1990. It may apply to several hundred California prisoners.

In San Bernardino County, we have at least 10 convicted defendants who could qualify for relief. Of those 10 defendants, they are collectively responsible for making 15 people victims of violent crimes. 11 of those 15 victims were murdered, including in one case, the murder of a pre-teen girl and her brother.

We know the names of those victims. People like Robert Unger (murdered by an escapee from South Dakota who convinced Mr. Unger and his girlfriend to give him a ride from a rest stop), Keith and Cameron Rose (two young boys who were murdered by a man who also attempted to assault and kill their mother), ten-year-old Joyce Tolliver (tortured repeatedly and then murdered by her stepfather) and Rick Crisan and Shanna Tholl (a couple murdered after seeking help from their killer). The murderers of these victims would all qualify for potential relief under the proposed bill.

Your Editorial Board either does not know those names or does not care. Did Senator Cortese seek approval of the surviving victims and the murdered victims' family members on the qualifying cases before he authored a windfall for the murderers? Did he seek the counsel of even one destroyed family? If the people who truly mattered in this criminal justice reform debate were to be consulted, they would almost certainly reject this proposed weakening of the law of murder. But, of course, that is the point of this legislation. Age out the surviving victims and loved ones of the murdered victims so that no one is around to object. I object on their behalf.

Your Board piece fails to even mention the victims. It also fails to talk specifically about the special circumstances, and the underlying facts, found true in each case of the murderers for whom you advocate. I suspect you hide those details, just as you do the victims' names, so that your reader cannot fully comprehend the depth of evil necessary for a life-without-parole sentence. No two murder cases are the same. Murder cases that include special circumstances do so because the defendants chose to engage in a particular depravity. Those choices mean the murderers for whom you are advocating are *not* similarly situated to other prisoners who may qualify for release under other statutes. They should *not* be treated the same as other offenders. I agree that juvenile offenders should not receive life without parole. But these adult murderers contemplated under SB 94 are situated differently.

The defendants are not, as you say, “young and stupid.” Their evil should not be forgotten by abstract rhetoric, nor should their just punishment be wiped away in an effort to render victims nameless.

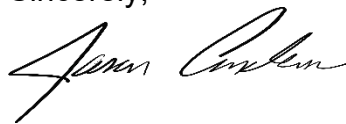
Your editorial was quick to point to factors that might exclude an inmate from relief. Claiming that “serial killers” would not qualify ignores the requirement that at least three first degree murders must be committed before exclusion occurs. Consequently, even with two first degree murder convictions, the number of second degree murders allowable is apparently unlimited. Similarly, a claim that “sex offenders” do not qualify ignores the bill’s reference to the current Penal Code section 290, not that which existed at the time the crimes were committed. Anyone who believes that this potential loophole would not be exploited by life-without-parole murders (some of whom were once on death row) displays incredible naïveté.

Readers should also be aware that these murderers for whom you advocate, who committed special circumstance murders, were given the benefit of a jury that decided their guilt. It was not simply from the unilateral decisions of a prosecutor. Jury verdicts remain the best example of pure democracy in our criminal justice system. In advocating for SB 94, your Board and Senator Cortese seek to supplant the democratic process. You fail to inform your readers about the full process that resulted in murderers receiving life without parole sentences, including the many layers of court review that necessarily follows each conviction.

Finally, you rightfully tie SB 94 with Proposition 36, aimed at amending Proposition 47 in an overall review of how criminal justice reform may play out by this November. Like Governor Newsom and Attorney General Rob Bonta, your Board is against Proposition 36 and its attempt to address fentanyl deaths and the rise in retail theft. The stale, unsophisticated, and ill-informed criticism that Proposition 36 is simply a return to mass incarceration and a war on drugs grants no recognition to the shift in criminal policies that led directly to many of the crises now faced by our state.

We have all recently seen the resources that are quickly mustered when a celebrity’s life is taken by the callous and cold-hearted. None of you will appear at any of the criminal pretrial hearings for the defendants charged with Matthew Perry’s death and complain that the US Attorney is engaging in mass incarceration and a war on drugs. The true measure of a society’s care about all of its members can only be found when it keeps the names of the most fragile of victims, or the most horribly brutalized, from being forgotten. Or more tragically, deliberately obscured.

Sincerely,

A handwritten signature in black ink, appearing to read "Jason Anderson". The signature is fluid and cursive, written in a professional style.

Jason Anderson  
District Attorney  
San Bernardino County