

AMENDED IN ASSEMBLY JANUARY 4, 2006

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

Assembly Joint Resolution

No. 28

Introduced by Assembly Member Wyland
(Coauthors: Assembly Members Bogh, La Suer, Mountjoy, and Spitzer)

July 13, 2005

Assembly Joint Resolution No. 28—Relative to Mexican extradition.

LEGISLATIVE COUNSEL'S DIGEST

AJR 28, as amended, Wyland. Mexican extradition.

This measure would urge the Government of Mexico to take steps necessary to ensure extradition or prosecution of criminals facing life sentences or the death penalty for crimes committed in the United States.

Fiscal committee: no.

1 WHEREAS, The Preamble to the United States Constitution
2 lists providing for the “common defense” as one reason for
3 forming our national government; and
4 WHEREAS, The Constitution prohibits states from entering
5 into treaties with foreign governments to protect their citizens
6 and arrange extradition for criminals; and
7 WHEREAS, The Supreme Court of Mexico ruled that the
8 government of Mexico cannot extradite any suspects with
9 Mexican citizenship who face the penalty of life imprisonment or
10 the death penalty; and
11 WHEREAS, Mexico has an overbroad definition of citizenship
12 that is not necessarily associated with nationality, and American

1 citizens who have Mexican cultural heritage have ~~sufficiently~~
2 claimed Mexican citizenship; and

3 WHEREAS, The Supreme Court of Mexico ruled that
4 assurances by district attorneys in California to seek the lesser
5 penalty of life imprisonment with the possibility of parole is still
6 insufficient to ensure extradition; and

7 WHEREAS, The Mexican Judiciary does not have adequate
8 resources to prosecute all suspects charged with serious crimes in
9 California and creates a de facto haven for criminals; and

10 WHEREAS, There are currently at least 60 of these criminals
11 *from Los Angeles County alone who have been charged with rape*
12 ~~and or murder who have fled from Los Angeles County this~~
13 *country* and are freely enjoying safe haven in Mexico; and

14 WHEREAS, Armando Garcia who is responsible for the April
15 29, 2002, ~~brutal~~ shooting of Los Angeles County ~~Sheriff Deputy~~
16 *Deputy Sheriff* David March during a routine traffic stop is
17 believed to have fled to Mexico to avoid prosecution; and

18 WHEREAS, Lvaro Jara, an American citizen; *believed*
19 responsible for an; August 29, 1998, ~~gang~~ *gang-related* driveby
20 shooting that killed 12-year-old Steven Morales in the crossfire
21 while he was playing baseball, is further believed to have fled to
22 Mexico to avoid prosecution; and

23 WHEREAS, Daniel Perez, who is responsible for two murder
24 attempts against his estranged wife Anabella Vara on April 9,
25 1999, and August 27, 1999, and the fatal shooting of her
26 husband, Carlos Vara, seven times in the head, is believed to
27 have fled to Mexico to avoid prosecution; and

28 WHEREAS, Rodolfo Gallegos, who is responsible for the
29 August 24, 1991, killing of Kenneth Caldera, a boy who loved
30 football, ~~who~~ *whom* Gallegos wrongly assumed to be a rival gang
31 member, is believed to have fled to Mexico to avoid prosecution;
32 and

33 WHEREAS, The continued freedom enjoyed by murderers
34 who have fled to Mexico; while their victims' families suffer is
35 an abomination and does not comport with any fundamental
36 tenets of justice; and

37 WHEREAS, This situation poses a grave and immediate
38 danger to our law enforcement officers and the citizens of
39 California; and requires rectification; with all deliberate speed;
40 now, therefore, be it

1 *Resolved by the Assembly and the Senate of the State of*
2 *California, jointly,* that the Government of Mexico in good
3 conscience should immediately take the necessary steps to ensure
4 the extradition or serious prosecution of criminals charged who
5 face life sentences or the death penalty; and be it further

6 *Resolved,* That the Legislature strongly condemns the
7 government of Mexico for providing safe haven to suspected
8 criminals; and be it further

9 *Resolved,* That California's Senators and Members of the
10 House of Representatives should take all prudent and necessary
11 steps to ensure that this matter is addressed at the highest levels
12 of our federal government; and be it further

13 *Resolved,* That the Chief Clerk of the Assembly transmits
14 copies of this resolution to the President of Mexico, to every
15 member of Congress of Mexico and the Supreme Court of
16 Mexico.

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