

AMENDED IN ASSEMBLY FEBRUARY 9, 2006

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 *on*
8 *November 29, 2005 that suspects facing life in prison can be*
9 *extradited to the United States, but that the government of*

1 Mexico cannot extradite any suspects with Mexican citizenship
2 who face the penalty of life imprisonment or the death penalty;
3 and

4 WHEREAS, Mexico has an overbroad definition of citizenship
5 that is not necessarily associated with nationality, and American
6 citizens who have Mexican cultural heritage have claimed
7 Mexican citizenship; and

8 WHEREAS, The Supreme Court of Mexico ruled that
9 assurances by district attorneys in California to seek the lesser
10 penalty of life imprisonment with the possibility of parole is still
11 insufficient to ensure extradition; and *all suspects must still be*
12 *charged and tried in Mexico before being sent abroad for new*
13 *trials; and*

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

17 WHEREAS, There are currently at least 60 of these criminals
18 from Los Angeles County alone who have been charged with
19 rape or murder who have fled this country and are freely
20 enjoying safe haven in Mexico; and

21 WHEREAS, Armando Garcia who is responsible for the April
22 29, 2002, shooting of Los Angeles County Deputy Sheriff David
23 March during a routine traffic stop is believed to have fled to
24 Mexico to avoid prosecution; and

25 WHEREAS, Lvaro Jara, an American citizen believed
26 responsible for an August 29, 1998, gang-related driveby
27 shooting that killed 12-year-old Steven Morales in the crossfire
28 while he was playing baseball, is further believed to have fled to
29 Mexico to avoid prosecution; and

30 WHEREAS, Daniel Perez, who is responsible for two murder
31 attempts against his estranged wife Anabella Vara on April 9,
32 1999, and August 27, 1999, and the fatal shooting of her
33 husband, Carlos Vara, seven times in the head, is believed to
34 have fled to Mexico to avoid prosecution; and

35 WHEREAS, Rodolfo Gallegos, who is responsible for the
36 August 24, 1991, killing of Kenneth Caldera, a boy who loved
37 football, whom Gallegos wrongly assumed to be a rival gang
38 member, is believed to have fled to Mexico to avoid prosecution;
39 and

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

5 WHEREAS, This situation poses a grave and immediate
6 danger to our law enforcement officers and the citizens of
7 California and requires rectification with all deliberate speed;
8 now, therefore, be it

9 *Resolved by the Assembly and the Senate of the State of*
10 *California, jointly,* That the Government of Mexico in good
11 conscience should immediately take the necessary steps to ensure
12 the extradition or serious prosecution of criminals charged who
13 ~~face life sentences or~~ the death penalty; and be it further

14 *Resolved,* That the Legislature strongly condemns the
15 government of Mexico for providing safe haven to suspected
16 criminals; and be it further

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

21 *Resolved,* That the Chief Clerk of the Assembly transmits
22 copies of this resolution to the President of Mexico, to every
23 member of Congress of Mexico and the Supreme Court of
24 Mexico.