

Supreme Court: California must continue prisoner release

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WASHINGTON — A divided Supreme Court ruled Friday that California must proceed with the release of nearly 10,000 prisoners from its overcrowded prison system.

In a ruling by Associate Justice Anthony Kennedy, the court's lone Californian, the justices refused to grant the state a reprieve based on progress on prison overcrowding.

The high court had ruled in May 2011 that conditions in the state's prisons violated the Eighth Amendment's ban on cruel and unusual punishment.

At that time, Justice Antonin Scalia penned a vicious dissent, warning of murders and rapes to come as a result of the court-ordered prisoner release. Scalia, along with Justices Clarence Thomas and Samuel Alito, dissented from Friday's ruling as well.

"California must now release upon the public nearly 10,000 inmates convicted of serious crimes," Alito wrote, "about 1,000 for every city larger than Santa Ana."

The case dates back several years to a federal court panel's decision that required the state to shed about 30,000 prisoners. Even that reduction would have left 110,000 people in state prisons, still 37% above capacity.

When the high court ruled in 2011, it gave the state two years to comply. Having made progress toward the goal, the state asked for a stay of the ruling — and the court refused. Kennedy's ruling came without explanation.

Scalia, however, penned a three-page dissent decrying both the court's original decision and its refusal to reverse it now. Although the court held out hope for the state two years ago, he said, it refused to follow through on its offer of possible revisions.

"It appears to have become a standard ploy, when this court vastly expands the Power of the Black Robe, to hint at limitations that make it seem not so bad," Scalia wrote. "Comes the moment of truth, the hinted-at limitation proves a sham."

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