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## Cooley targeted on 'three strikes' cases

Challengers in GOP primary for attorney general say he fails to seek life sentences, but a 2007 murder offers a case study in the risks of charging a repeat offender.

By Jack Leonard and Richard Winton, Los Angeles Times

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As Los Angeles County Dist. Atty. Steve Cooley seeks to become the state's next attorney general, a dominant issue in the campaign has been his approach to the state's three-strikes law, with his two Republican opponents seeking to cast him as being soft on crime.

Cooley defends his policy of generally not pursuing life sentences for relatively minor offenses, saying that justice requires that the punishment should fit the crime. His approach has won widespread support during three successful election campaigns for district attorney but has also drawn fire from critics who say his policy fails to adequately protect society from repeat offenders.

One of the clearest examples of the risks involved is the case of Gilton Beltrand Pitre, a convicted rapist who in 2007 went on to kill a homeless teenage girl whose body was dumped in a Silver Lake alley.

Pitre was found guilty of her murder last month and details of his criminal history were laid out in a court record filed by prosecutors last week.

Two years before the murder, Pitre had been eligible for prosecution under the state's "three-strikes" law when he was charged with a felony for selling \$5 worth of marijuana to an undercover police officer. His two strikes included a 1994 residential burglary and a 1996 rape.

Under the law, prosecutors could have sought a sentence of 25 years to life in prison. Instead, Pitre was allowed to plead guilty to a drug crime in exchange for a 32-month prison sentence, court records show.

Alyssa Gomez, 15, was killed four days after Pitre was released from prison. Prosecutors say Pitre visited the Olive Motel on Sunset Boulevard with the teenage runaway, who had been living on the streets since she was 12.

Her lifeless body, wrapped in a bedspread from the motel, was discovered the next morning in an alley behind a restaurant. Prosecutors said Pitre had sex with the girl and then strangled her.

Pitre, 38, was scheduled to be sentenced for the girl's murder on Thursday but the hearing was postponed until July 14.

Head Deputy Dist. Atty. Michael A. Yglecias defended the office's handling of the 2005 drug case. He said the 32-month prison sentence was appropriate given the relatively minor nature of that crime.

Yglecias noted that Pitre's rape conviction was at the time the only violent crime in his background. Prosecutors, he said, consider not just the office's policy when they decide how to pursue a case but also whether a judge would probably impose a potential life sentence for such a crime.

"The overriding feature in this case was that it was a sale of \$5 of marijuana," he said. "That's pretty much what dictated the outcome."

A district attorney's spokeswoman said Cooley declined to comment on Pitre's case. But his campaign strategist, Kevin Spillane, said that Los Angeles County is among the state's top three counties when it comes to convictions for three-strikes cases.

"The reality is that the D.A.'s office is aggressive about pursuing three-strikes cases," Spillane said. "Tens of thousands of criminals go through the D.A.'s office. It's always easy to find someone who recommit."

Mike Reynolds, who helped draft the 1994 three-strikes law after the murder of his 18-year-old daughter, blamed Cooley's policy for the decision not to seek a longer sentence for Pitre.

Although district attorneys around the state are typically cautious about seeking possible life sentences for eligible third-strikers accused of relatively minor crimes, Reynolds said Cooley's policy goes too far. He said Pitre's rape conviction provided compelling evidence that he was a danger to society.

"You're literally playing Russian roulette politically with every one of these guys that you let out," said Reynolds, who has endorsed state Sen. Tom Harman of Huntington Beach in the June 8 primary race with Cooley and former law school dean John Eastman.

Under the three-strikes law, a judge can sentence an offender to 25 years to life in prison even for a nonviolent felony, such as petty theft or drug possession, as long as the offender's criminal history includes at least two violent or serious crimes.

It is unclear from the court file whether the prosecutor who oversaw Pitre's 2005 plea bargain realized he was eligible for a three-strikes sentence. Deputy Dist. Atty. Marlene Sanchez did not return calls seeking comment.

Under Cooley's policy, prosecutors can seek permission from supervisors to pursue a third-strike sentence even for a minor felony. Yglecias said that was not done in Pitre's case and that such

requests are usually granted when offenders have lengthier criminal records.

"While the three-strikes law gives us a great tool ... the present crime has to have the most weight," Yglecias said. "If not, then we would be talking about the other extreme. Why is the D.A.'s office seeking 25 years to life against a guy who stole a slice of pizza? ... There has to be a balance."

Pitre's strikes began with the burglary of his mother's home, when he stole a television set that he sold for \$40 to support a cocaine habit, according to a sentencing memorandum filed by prosecutors last week in the murder case. He was sentenced to two years in prison.

Two years later, in 1996, Pitre attacked his roommate and began strangling her with the cord from some Venetian blinds, according to a memo.

Pitre told the victim he was going to rape and kill her and that he had killed before, the memo said. He took her to a bathtub that he had filled with water and said she could choose whether she wanted to be choked or drowned. Then he raped and sodomized her.

After the attack, Pitre told the victim he planned to kill her so he would not have to go to jail. The victim dissuaded him by feigning a romantic interest and reminding him she had a young daughter, the memo said.

Pitre pleaded no contest to rape and was sentenced to three years in prison.

In the murder case, the district attorney's office highlighted details about the rape to argue in court papers that Pitre is a "violent, predatory recidivist who falls squarely within the spirit of the three-strikes law."