

Criminal Justice Legal Foundation

Case summaries of California capital murderers with exhausted appeals

CALIFORNIA CAPITAL MURDER CASES THAT ARE “SCOTUS CLEARED” As of December 6, 2016

Name	Sentence Date	Crime	Trial
Stevie Fields 35 Cal.3d 329 (1983)	8/21/79	Los Angeles	Los Angeles
Albert Brown 6 Cal.4th 322 (1993)	2/22/82	Riverside	Riverside
Fernando Belmontes 45 Cal.3d 744 (1988)	10/5/82	San Joaquin	San Joaquin
Kevin Cooper 53 Cal.3d 771 (1991)	5/15/85	San Bernardino	San Diego
Tiequon Cox 53 Cal.3d 618 (1991)	5/7/86	Los Angeles	Los Angeles
Royal Hayes 21 Cal.4th 1211 (1999)	8/8/86	Santa Cruz	Stanislaus (penalty retrial)
Harvey Heishman 45 Cal.3d 147 (1988)	3/30/81	Alameda	Alameda
Michael Morales 48 Cal.3d 527 (1989)	6/14/83	San Joaquin	Ventura
Scott Pinholster 1 Cal.4th 865 (1992)	6/14/84	Los Angeles	Los Angeles
Douglas Mickey 54 Cal.3d 612 (1991)	9/23/83	Placer	San Mateo
Mitchell Sims 5 Cal.4th 405 (1993)	9/11/87	Los Angeles	Los Angeles
David Raley 2 Cal.4th 870 (1992)	5/17/88	San Mateo	Santa Clara
Richard Gonzales Samayoa 15 Cal.4th 795 (1997)	6/28/88	San Diego	San Diego
Robert Fairbank 16 Cal.4th 1223 (1997)	9/5/89	San Mateo	San Mateo
William Charles Payton 3 Cal.4th 1050 (1992)	3/5/82	Orange County	Orange County
Albert Cunningham Jr. 25 Cal.4th 926 (2001)	6/16/89	Los Angeles	Los Angeles
Anthony John Sully 53 Cal.3d 1195 (1991)	7/15/86	San Mateo	San Mateo
Ronald Lee Deere 53 Cal.3d 705 (1991)	7/18/86	Riverside	Riverside
Hector Juan Ayala 24 Cal.4th 243 (2000)	11/30/89	San Diego	San Diego

Inmate: Stevie Fields

35 Cal.3d 329 (1983)

Date Sentenced: 8/21/79 | Crime and Trial: Los Angeles

Stevie Fields was paroled from prison on September 13, 1978, after serving a sentence for manslaughter for bludgeoning a man to death with a barbell. Fourteen days later, he went on a three-week, “one-man crime wave.” In 1983, Fields was convicted and sentenced to death on overwhelming evidence of the robbery and murder of Rosemary Cobbs, a student librarian at the University of Southern California; the robbery of Clarence Gessendaner at gunpoint; the kidnaping for robbery, robbery, rape, forced oral copulation, and assault with a deadly weapon on Gwendolyn Barnett; the kidnaping for robbery and forced oral copulation of Cynthia Smith; and the kidnaping, robbery, rape, and forced oral copulation of Colleen Coates, also a young student at USC.

Fields’ conviction and sentence were affirmed by the California Supreme Court in 1983. Fields filed a petition for habeas corpus in the California Supreme Court in 1984, claiming ineffective assistance of his trial counsel, which was denied in 1990, following an evidentiary hearing. The U.S. Supreme Court denied his petition for certiorari in 1991. In 1993, Fields filed his first federal habeas corpus petition. The District Court stayed proceedings to allow an opportunity to pursue unexhausted claims in state court. Fields filed a second petition for writ of habeas corpus in the California Supreme Court, which was denied in 1994. He filed a second amended habeas petition in the District Court in 1995, raising a number of claims which the District Court held were procedurally barred. In 2000, the District Court denied relief as to guilt, but granted relief as to Fields’ penalty. Both Fields and the state appealed. A U.S. Ninth Circuit Court of Appeals panel affirmed on all guilt phase claims except for a claim of juror bias (and the related claim of ineffective assistance of counsel), on which it remanded for an evidentiary hearing to the District Court in 2002. The District Court denied relief in 2003. In 2005, the Ninth Circuit affirmed the denial of relief on guilt and reversed the grant of relief on penalty. The Ninth Circuit granted a rehearing en banc in 2006. The Ninth Circuit denied habeas relief, leaving Fields’ convictions and sentence in place. In 2008, the Supreme Court of the United States denied Fields’ petition for writ of certiorari.

Inmate: Albert Brown, Jr.

6 Cal.4th 322 (1993)

Date Sentenced: 2/22/82 | Crime and Trial: Riverside

In February 1982, Albert Brown, Jr. was convicted and sentenced to death for the October 28, 1980 rape and murder of 15-year-old Susan Jordan. At the time of the murder, Brown had been out of prison for 3 months for the rape of a 14-year-old girl. Brown kidnaped Susan Jordan as she walked to school. He dragged her to a secluded area of an orange grove, raped her, and then strangled her to death with one of her shoelaces. When the

school reported to Susan's parents that their daughter had failed to arrive, they called the police to report her missing, and desperately tried to locate her. Some time between 7:00 and 7:30 that night, the phone at Susan's house rang and her mother answered it. The male-voiced caller said, "Hello, Mrs. Jordan, Susie isn't home from school yet, is she?" Mrs. Jordan replied that she was not. The voice then said, "You will never see your daughter again. You can find her body on the corner of Victoria and Gibson." Later, police searched the orange grove at that corner and found Susan's partially nude body lying face down. Her clothing and some of her school notebooks were also found. After witnesses identified someone answering Brown's description as a suspect, police arrested him. During a search of his residence, police found a telephone directory turned back to the page containing the Jordan's listing, news articles about Susan's death, and two of her missing schoolbooks.

Brown's conviction and sentence were affirmed by the California Supreme Court on direct appeal in 1993. A year later, the U.S. Supreme Court denied his petition for review. In 1996, he filed a petition for habeas corpus in the federal District Court and a petition for writ of habeas corpus in the California Supreme Court. The California Supreme Court denied his petition in 1999. Also in 1999, he filed an amended petition for habeas corpus in the federal District Court. The District Court denied his petition six years later. The U.S. Supreme Court denied Brown's petition for writ of certiorari in 2008.

Inmate: Fernando Belmontes

45 Cal.3d 744 (1988)

Date Sentenced: 10/5/82 | Crime and Trial: San Joaquin

Fernando Belmontes was convicted on strong evidence and sentenced to death in 1988 for the first-degree murder of 19-year-old Stacey McConnell. McConnell's parents found her beaten unconscious on the floor of her house in Victor, California, several feet from the unlocked front door on March 15, 1981. She died of cerebral hemorrhaging due to 15 to 20 gaping wounds to her head which cracked her skull. The pathologist testified that there would have been sounds "like a cracked pot" associated with the blows that fractured her skull. McConnell had numerous defensive bruises and contusions on her arms, hands, legs, and feet, which evidenced a struggle. All her wounds were consistent with having been made by the metal dumbbell bar in evidence at trial. On the day of the murder, Belmontes and two accomplices had gone to McConnell's home to burglarize it, believing she would be away. Belmontes entered the house carrying a steel dumbbell bar while the accomplices waited outside. When he found McConnell in the house he beat her with the bar, later telling one of the accomplices that he had to "take out a witness" because she was home.

His conviction and sentence were affirmed by the California Supreme Court on direct appeal in 1988. His petition for certiorari was denied by the U.S. Supreme Court in 1989. Later that year, after his petition for state habeas corpus was denied by the San Joaquin

County Superior Court, he filed a petition for federal habeas corpus with the federal District Court. His appeal of the denial of state habeas corpus was denied by the California Supreme Court in 1992. Nine years later, the federal District Court rejected his 1989 habeas petition for review. In 2003, the Ninth Circuit Court of Appeals denied relief on guilt, but granted relief on penalty. The Ninth Circuit remanded to the District Court for the issuance of a writ of habeas corpus vacating the death sentence. The State appealed that holding to the U.S. Supreme Court, which in 2005 overturned it and remanded the case to the Ninth Circuit. On remand, the Ninth Circuit again denied relief on guilt, but granted relief on penalty. In 2006, the U.S. Supreme Court reversed that decision and reinstated Belmontes' death sentence.

Inmate: Kevin Cooper

53 Cal.3d 771 (1991)

Date Sentenced: 5/15/85 | Crime: San Bernardino | Trial: San Diego

In 1985, Kevin Cooper was convicted and sentenced to death for the brutal 1983 murders of Doug and Peggy Ryen, their 10-year-old daughter Jessica, and 11-year-old playmate Chris Hughes. The Ryens' 8-year-old son Josh suffered extensive injuries but survived. On June 2, 1983, Cooper had escaped from a minimum security prison in Chino, where he had been serving a 4-year sentence for 2 residential burglaries. A year earlier he had left Pennsylvania where he was suspected of the assault and rape of a teen-aged girl who had interrupted him as he was burglarizing her home. Undisputed evidence, including Cooper's fingerprints and his own statements, indicate that after his escape, he took refuge in an empty house next door to the Ryen home. Cooper made phone calls to two women from that house.

Between 9:00 and 9:30 p.m. on June 4, the Ryen family and their children's friend Chris left a barbeque to return to the Ryen home, where Chris was spending the night. The next morning, Chris's father went to the Ryen home and found everyone dead, except eight-year-old Josh. The victims had died from numerous chopping wounds later determined to have been inflicted by a hatchet or axe and stab wounds inflicted by both a knife and an ice pick. Later that day, blood-stained items were found in the vacant house where Cooper had stayed, including a button from a prison jacket he was wearing when he escaped. A hatchet, several knives, and an ice pick were missing from the vacant house and a hatchet sheath and a strap fitting one of the missing knives were found in the bedroom where Cooper had slept. The Ryen station wagon was later found in the parking lot of a Long Beach church. Hairs from the car matched those of Cooper. Tobacco issued exclusively to prison inmates, which Cooper smoked, was found in the vacant house and in the Ryen station wagon. Two days after the murders, Cooper befriended a couple in Mexico and joined them on a boat trip up the California Coast. Cooper was arrested on a boat off of Santa Barbara after the woman reported that he had raped her at knifepoint, threatening to kill her if she woke her husband. Following his arrest, several items taken from the vacant house in Chino were discovered on the boat.

Cooper's conviction and death sentence were affirmed in 1991 by the California Supreme Court. Seven years later, his petition for state habeas corpus was denied by the California Supreme Court. In 2001, the Ninth Circuit Court of Appeals denied Cooper's petition for habeas corpus, and a year later, the U.S. Supreme Court refused his appeal. Between 1997 and 2004, the California Supreme Court denied Cooper's multiple petitions for writ of habeas corpus. In 2004, on the eve of his scheduled execution, an en banc panel of the Ninth Circuit granted a stay and ordered the District Court to hear Cooper's third habeas corpus petition, this time claiming that DNA testing of the blood evidence would prove his innocence. In 2005, after the testing was performed, the District Court rejected the claim, finding, "Post-conviction DNA testing confirmed that [Cooper] committed the murders...." The Ninth Circuit later affirmed. In 2009, the Ninth Circuit denied Cooper's petition for rehearing. In 2010, the U.S. Supreme Court denied Cooper's petition for writ of certiorari.

Inmate: Tiequon Cox

53 Cal.3d 618 (1991)

Date Sentenced: 5/7/86 | Crime and Trial: Los Angeles

In 1986, Tiequon Cox was convicted and sentenced to death for the first-degree murders of Ehora Alexander, her daughter Dietria, and two grandsons, Damon Bonner and Danani Garner. The murders were committed on the morning of August 31, 1984, at the Alexander home. Police responding to a report of gunfire, found the bullet-riddled bodies of 57-year-old Ehora, 23-year-old Dietria, 8-year-old Damon, and 10-year-old Damani. Ehora had been sitting at her kitchen table drinking coffee when she was killed. The bodies of Dietria, Damon, and Damani were found in a bedroom, still in their beds. Evidence supporting the conviction included the testimony of witnesses who overheard Cox plan the murders and later say, "I just blew the bitch's head off;" testimony identifying Cox by one of two surviving grandchildren; testimony identifying the murder weapon as belonging to Cox; and ballistics evidence identifying that weapon as one used to kill the victims.

Cox's conviction and sentence were affirmed by the California Supreme Court on direct appeal in 1991. The U.S. Supreme Court denied his appeal in 1993. In 1993, Cox filed a petition for writ of habeas corpus in federal District Court. In 1994, he filed a petition for state habeas corpus relief in the California Supreme Court, which was denied in 1997. Cox amended his federal habeas corpus petition in 1997 and filed another petition for state habeas corpus in the California Supreme Court in 1999. In 2002, the California Supreme Court denied his second state habeas petition. Later that year, Cox again amended his federal habeas petition before the District Court, which was denied in part in 2006. The petition was stayed pending exhaustion of some claims at the state level and was ultimately denied on all grounds. The District Court issued a certificate of appealability for two claims. Cox appealed to the Ninth Circuit, which affirmed his conviction and sentence and denied his petition for rehearing en banc. The U.S. Supreme Court denied Cox's petition for writ of certiorari in 2011.

Inmate: Royal Hayes

21 Cal.4th 1211 (1999)

Date Sentenced: 8/8/86

Crime: Santa Cruz

Trial: Santa Cruz (guilt and first penalty); Stanislaus (penalty retrial)

In 1986, Royal Hayes was convicted and sentenced to death for the 1981 murders of Lauren de Laet and Donald MacVicar. In December 1981, Hayes, a drug dealer, arranged to sell cocaine to the two victims at a remote wooded location in Santa Cruz. Hayes, the two victims, and a female accomplice, Diana Weller, drove to Santa Cruz on December 29. Prior to their arrival, Hayes arranged to have another female accomplice, Debbie Garcia, dig two holes in the woods, allegedly to hide packages of drugs. The victims, Weller and Hayes, met Garcia at a Santa Cruz donut shop and left in Garcia's car for the woods. Once there, Hayes shot both de Laet and MacVicar in the back of the head. He then cut off the victims' heads and hands, and placed the bodies in the holes, spreading what he believed to be quicklime on them to hasten decomposition. After covering the holes, Hayes left the severed body parts nearby in plastic bags. Two months later, parts of de Laet's skull were discovered. During the investigation, Garcia told police about the murders. A jury in Santa Cruz County convicted Hayes, but was unable to agree on the penalty. For the penalty retrial, the court granted a change of venue to Stanislaus County, where a new jury returned a verdict of death.

The California Supreme Court affirmed the judgment against Hayes on direct appeal in 1999. While this direct appeal was pending, Hayes filed a petition for habeas corpus in the California Supreme Court, which was denied in 1999. The U.S. Supreme Court denied Hayes' petition for certiorari in 2000. Hayes then filed an amended habeas corpus petition in federal District Court in 2002. In 2003, the California Supreme Court denied Hayes' state habeas corpus petition. The District Court denied his federal petition in 2005. Hayes appealed that decision to the Ninth Circuit Court of Appeals, which affirmed the District Court's denial of all of his claims. Hayes did not seek U.S. Supreme Court review of this decision.

Inmate: Harvey Heishman

45 Cal.3d 147 (1988)

Date Sentenced: 3/30/81 | Crime and Trial: Alameda

Harvey Heishman was convicted and sentenced to death in 1988 for the first-degree murder of Nancy Lugassy in 1979. He was found guilty of murdering Lugassy to prevent her from testifying in a criminal proceeding that had been brought against him for raping her. Lugassy and Heishman met in July 1979, after which Lugassy ran crying to her neighbor and said she had just been raped. On August 10, a complaint was filed against him on the rape charge. Heishman was arrested and appeared for arraignment on October

24, 1979, pleading not guilty. The municipal court scheduled a preliminary examination for November 20, 1979, and Heishman remained at large on bail. Lugassy was shot dead in her front yard November 1, 1979. When police arrived that night, they found Lugassy's body with three bullet wounds in front of her home. In her purse was a subpoena for the preliminary hearing. Because of Lugassy's death, and thus her unavailability as a witness, the rape charge against Heishman was dismissed at the preliminary hearing on November 20. Cheryl Miller and Nancy Gentry both testified that they had been involved in Heishman's plan to kill Lugassy. Gentry and Miller provided the eyewitness testimony regarding the plot to kill and the actual killing of Lugassy by Heishman. On several occasions, Gentry and Miller had driven by Lugassy's home with Heishman. The three also drove to two local college campuses to look for Lugassy and see if she was enrolled there. Overall, the prosecution's evidence showed that from December 1969 until July 1978, Heishman was either on probation, on parole, or in prison for various sexual assaults.

The conviction and sentence were upheld on direct appeal by the California Supreme Court in 1988. Later that year, the U.S. Supreme Court denied Heishman's petition for certiorari. In 1989, the California Supreme Court denied Heishman's state habeas corpus petition, and his execution was stayed by the U.S. Supreme Court, pending consideration of his petition for certiorari. Three weeks later, the high court denied his petition, vacating the stay. A new stay was granted by the federal District Court pending its review of Heishman's federal habeas corpus petition, which was amended three times between 1990 and 1993. He also filed a fourth state habeas corpus petition in 1993 with the California Supreme Court, which was denied later that year. In 1996, the federal District Court denied relief on five of Heishman's claims. In 2001, the Court denied all but one of his remaining claims. The District Court held multiple evidentiary hearings before denying the last of Heishman's claims in 2007. Heishman's appeal to the Ninth Circuit was later denied. In 2011, the U.S. Supreme Court denied his petition for certiorari.

Inmate: Michael Morales

48 Cal.3d 527 (1989)

Date Sentenced: 6/14/83 | Crime: San Joaquin | Trial: Ventura

Michael Morales was convicted and sentenced to death in 1989 for the brutal 1981 murder and rape of 17-year-old Terry Winchell. Morales's cousin, Ricky Ortega, was angry with Winchell because of her relationship with his gay lover. On January 8, 1981, Ortega called Morales to report that he was taking Winchell on a shopping trip and would be coming by to pick him up. After learning this, Morales told his girlfriend he was going to do his cousin a favor and "hurt" a girl by strangling her with a belt. When they arrived, Morales, armed with a belt and a hammer, climbed in the backseat of the car, directly behind where Winchell was sitting. After Ortega had driven to an isolated location, Morales reached over the seat and tried to strangle Winchell with the belt. The belt broke, so Morales then

began to beat her on the head repeatedly with the hammer until she was unconscious or dead. He dragged her body into a field and completed an act of sexual intercourse. He then stabbed her four times in the chest to assure that she was dead. Winchell was found naked from the waist down, with her sweater and bra pulled up over her breasts. She had received 6 blows to the side of her head and 17 blows to the back of her head. Her skull, cheek bones, and jaw were fractured, and the base of her skull had been shattered. She had been stabbed four times in the chest. She had severe bruising on her face and body and much of the skin on her front side was torn up. She had multiple wounds on her hands and forearms typical of a person defending herself.

Morales's conviction and sentence were affirmed by the California Supreme Court on direct appeal in 1989. The U.S. Supreme Court denied his petition for certiorari at the end of 1989. Morales filed a petition for federal habeas corpus in the federal District Court in 1992. He also filed petitions for state habeas corpus with the California Supreme Court, which were denied in 1993. His federal habeas corpus petition was denied in 1999. The Ninth Circuit affirmed the lower court judgment in 2003. Morales's petition for certiorari in the U.S. Supreme Court was denied in 2005.

Inmate: Scott Pinholster

1 Cal.4th 865 (1992)

Date Sentenced: 6/14/84 | Crime and Trial: Los Angeles

In 1992, Scott Pinholster was convicted and sentenced to death for murdering Thomas Johnson and Robert Beckett during a residential burglary in the Los Angeles suburb of Tarzana in January 1982. Pinholster and accomplices broke into the house to steal drugs. When Johnson and Beckett, who were house sitting for the owner at the time, arrived and discovered the house had been ransacked, they shouted that they would call the police. The three burglars attempted to leave through the rear sliding-glass door, but Johnson and Beckett ran around to the back of the house. When Johnson tried to enter the house, Pinholster stabbed Johnson in the chest three to four times with a knife. Johnson dropped his wallet to the ground and obeyed Pinholster's order to sit. Pinholster then attacked Beckett, stabbing him repeatedly while demanding money and drugs. Pinholster kicked Beckett in the head several times. One of Pinholster's accomplices also stabbed Johnson several times. When the trio returned to Pinholster's apartment, he and one of his accomplices remarked that they had "gotten them good." At trial, one of the accomplices and his wife testified that, after the murders, Pinholster went to their apartment, cleaned the knives and divided the proceeds: \$23 and a bag of marijuana. Other witnesses testified that they had heard Pinholster plan the burglary and brag about stabbing another victim during a previous robbery. Physical evidence included Pinholster's palm print at the murder scene and his bloody boot print near the victims' bodies.

Pinholster's conviction and sentence were upheld by a unanimous California Supreme Court on direct appeal in 1992. The opinion was written by Justice Stanley Mosk, the Court's most liberal member. After the U.S. Supreme Court denied his petition for certiorari, Pinholster filed two state habeas corpus petitions between 1993 and 1997, claiming that he was mentally unstable. Both were denied by the state Supreme Court. On federal habeas corpus, new attorneys representing Pinholster introduced a new psychiatric evaluation related to his claim of mental incompetence. In 2003, the District Court upheld his conviction, but, based on the new psychiatric opinion, overturned his sentence. Five years later, a Ninth Circuit panel reinstated the sentence. In 2009, a divided en banc Ninth Circuit panel reversed the earlier holding and voided his sentence. In 2011, the U.S. Supreme Court reversed the Ninth Circuit and reinstated Pinholster's sentence.

Inmate: Douglas Mickey

54 Cal.3d 612 (1991)

Date Sentenced: 9/23/83 | Crime: Placer | Trial: San Mateo

Douglas Mickey was convicted and sentenced to death in 1983 for the first-degree murders of Eric Lee Hanson and Catherine Blount. In September 1980, Mickey lived with his wife and her two children on an Air Force base in Japan, where his wife worked as a nurse. Mickey did not have a job and his family was experiencing financial difficulties. On September 17, 1980, Mickey flew to California, where he stayed with longtime friend, Edward Rogers. Mickey disclosed to Rogers that he traveled to California in order to rob and murder Eric Lee Hanson. After that, Mickey planned to travel to Alaska to kill his wife's ex-husband in order to obtain life insurance proceeds for his wife and children, who were beneficiaries under the policy. Although Hanson, a drug dealer, was a longtime friend of his, Mickey believed that years earlier Hanson had stolen some of his personal property. In retaliation, Mickey had stolen some of Hanson's marijuana crop in 1979, which he had buried and began to consume upon his return. Around midnight on September 28, Rogers dropped Mickey off at Hanson's home. Hanson had his own knife on him and a gun borrowed from Rogers. Rogers and Mickey set up a rendezvous point at a public telephone booth a few miles from Hanson's home. During the early hours of September 29, evidently after Hanson and Blount went to sleep, Mickey killed the couple. He first bludgeoned Hanson with a baseball bat and slit his throat from ear to ear down to the spinal cord. He then stabbed Blount seven times in the chest. Three of the blows pierced her heart. He took a substantial amount of property from their house and drove off in Hanson's station wagon. Mickey met up with Rogers and they put the stolen property in Rogers' truck. They abandoned the station wagon after wiping it down for fingerprints and returned to Rogers' home and stashed the stolen items. On September 30, Mickey fled to Japan. Within a few days, the State secured a statement from Rogers implicating himself and Mickey in the crimes. The State soon thereafter filed a complaint against Mickey for the double homicide, alleging five special circumstances, making the

crimes capital offenses. Mickey was returned to the United States in January 1981. Overwhelming evidence introduced at trial led to his conviction.

Mickey's conviction and death sentence were affirmed in 1991 by the California Supreme Court on direct appeal, and the U.S. Supreme Court denied certiorari the next year. He filed a petition for federal habeas corpus in 1995, which was stayed pending review of his state habeas corpus petition. The California Supreme Court rejected his claims in 1996, and a second petition in 1997. He then amended his federal petition, raising numerous claims attacking his conviction and sentence. After an evidentiary hearing, the District Court dismissed most of the claims, but granted relief on an ineffective assistance of counsel claim at the penalty phase. The Ninth Circuit later reversed the District Court, reinstating Mickey's death sentence. The U.S. Supreme Court denied certiorari in 2011.

Inmate: Mitchell Sims

5 Cal.4th 405 (1993)

Date Sentenced: 9/11/87 | Crime and Trial: Los Angeles

Mitchell Sims was convicted and sentenced to death in 1987 for the first-degree murder of 21-year-old John Harrigan. On the evening of December 9, 1985, Sims, a former Domino's Pizza employee, ordered a pizza from a Glendale, California, Domino's for delivery to a nearby motel where he and his girlfriend were staying. Harrigan, one of three employees at the Domino's that evening, left to make the 3-minute drive to deliver the pizza. About 20 minutes later, Sims and his girlfriend arrived at the pizza parlor where Sims pulled a gun and ordered the two employees into a back office. When the manager warned Sims that Harrigan would be back from a delivery soon, Sims removed his sweater to reveal he was wearing a Domino's shirt with Harrigan's name tag, and said "I don't think so." While Sims held the pair at gunpoint, his girlfriend emptied the cash drawers into a bag. At that point, an off-duty Domino's employee, who had arrived to order a pizza, saw Sims wearing Harrigan's shirt, and suspecting that a robbery was in progress, called the police. Before leaving, Sims tied both employees to a rack in the cooler, which was kept at 32-40 degrees, and closed the door. A few minutes later the police arrived and freed the employees. A short time later, officers found Harrigan's body in the bathtub of the motel room registered to Sims. He had been hogtied. A washcloth had been stuffed in his mouth and a pillow case tied over his head. He drowned in the bathtub full of water. Later that December, Sims and the girlfriend were arrested in Las Vegas. Following his conviction and sentence, Sims was tried and convicted in South Carolina for murdering two Domino's Pizza employees during a robbery less than a week prior to the Glendale murder.

Sims' conviction and death sentence were affirmed on direct appeal by the California Supreme Court in 1993. The U.S. Supreme Court denied his petition for writ of certiorari in 1994. After the California Supreme Court denied Sims' petition for a writ of habeas corpus, he filed a petition for habeas relief in federal District Court in 1996. The District

Court found some claims unexhausted and granted Sims leave to amend his petition to delete those claims. Sims filed a second petition in state court in 1997, which the California Supreme Court denied in 1998. After he amended his federal petition, Sims received an evidentiary hearing on his claim of ineffective assistance of counsel regarding mental health evidence. Following the hearing, the District Court denied all of Sims' claims in 2003. The Ninth Circuit affirmed the lower court in 2005. The Ninth Circuit denied rehearing en banc the same year. The U.S. Supreme Court denied Sims' petition for writ of certiorari in 2006.

Inmate: David Raley

2 Cal.4th 870 (1992)

Date Sentenced: 5/17/88 | Crime: San Mateo | Trial: Santa Clara

David Raley was convicted and sentenced to death in 1988 for the kidnap and first-degree murder of 16-year-old Jeanine Grinsell and the kidnap, oral copulation by force, and attempted murder of 17-year-old Laurie McKenna. On Saturday, February 5, 1985, Raley was a security guard at the Carolands Mansion in Hillsborough, California. The mansion was not open to the public, but Raley sometimes gave unauthorized tours, usually to high school age girls. On the night of the 5th, the victims asked Raley for a tour and he agreed. At the end of the tour, Raley locked the girls in a walk-in safe in the basement. Raley had the girls undress to only their underwear and handcuffed their hands behind their backs. He was holding a large knife and told them they had to "fool around" with him for five minutes and then he would let them go. He then took them to a workroom. Raley tied a rope connected to the leg of a bench to Laurie's handcuffs and led Jeanine away. Laurie heard her scream, and they came back 15 minutes later. Raley tied Jeanine to the bench and led Laurie to a kitchen where he ordered her to perform sexual acts on him. Raley said he would let them go, but would kill them if they told anyone what had happened. Jeanine said she wanted to go first because she had the keys to the car. Raley handcuffed Laurie to a door near the safe and left with Jeanine. Laurie heard bumping and running noises. Both Raley and Jeanine returned. Raley left, and Jeanine told Laurie that Raley had hit her with a club. Raley returned and led Jeanine away. The sound of Jeanine's screams lasted for 15 minutes. Then there was a dragging sound. Raley returned for Laurie and pulled her toward a dark hallway. When she resisted, he stabbed her in the abdomen. She fell, and they struggled. Raley stabbed her 35 times, and hit her with his club. He left and returned with a carpet, rolled her up in it, dragged her out of the mansion, and put her in the trunk of his car. Jeanine was already in the trunk, bloody, with her hands still tied behind her back. He drove to his house and parked in the garage, where he let Jeanine and Laurie out of the car while he cleaned the blood from the trunk. After putting the girls back in the trunk, Raley watched TV with his sister and played Monopoly with her until 11 pm. He then hung out with friends who were showing him their new car stereo. At some point, in the night he drove the victims to a remote location. He removed Jeanine from the trunk and threw her down a ravine. He then removed Laurie, beat her around

the head and neck with a club 10 or 11 times, and threw her down the ravine with her hands still tied, where she rolled next to Jeanine. In the morning Laurie was able to crawl up the hill and find help. The girls were taken to the emergency room, where Jeanine bled to death on an operating table. An autopsy of Jeanine disclosed 41 stab wounds and a skull fracture.

On direct appeal in 1992, the California Supreme Court reversed his conviction for attempted oral copulation of one of his victims and affirmed the remaining convictions and the death sentence. The California Supreme Court denied his petition for habeas corpus the same year. Raley then filed a petition for habeas relief with the federal District Court, which was ultimately denied on all grounds in 2004. Raley then appealed to the Ninth Circuit Court of Appeals, which affirmed the denial of relief and voted to deny his petition for rehearing. The U.S. Supreme Court denied his petition for a writ of certiorari in October 2007.

Inmate: Richard Gonzales Samayoa

15 Cal.4th 795 (1997)

Date Sentenced: 6/28/88 | Crime and Trial: San Diego

On December 18, 1985, Richard Samayoa beat to death Nelia Silva and her two-year-old daughter, Katherine, in the course of burglarizing the Silva residence. Samayoa lived across the street from the Silva family. A forensic pathologist found Nelia was struck in the head 24 times. Testimony revealed the faces of both Nelia and her daughter were smashed in, their skulls crushed, and fragments of bone had penetrated their brains. The pathologist testified that the wrench found outside of the residence was consistent with and could have been the instrument that caused the injuries. Samayoa left Nelia and Katherine naked from the waist down, which he said he did to make the crime look like rape. He then stole jewelry from the house, which he later gave away to family members. A criminologist with the district attorney's office developed a crime scene reconstruction, determining Nelia was struck many times while lying on the floor. Katherine had been struck once while she was near the left leg of her mother, then moved along the hallway, smearing blood on the wall, where she received another blow. Rolando Silva, Nelia's husband and Katherine's father, found the bodies of both victims lying on the floor in pools of blood. The jury deliberated for about 80 minutes before returning a penalty phase verdict of death.

Nine years earlier, Samayoa raped and sodomized a woman with multiple sclerosis while she begged, "Please don't rape me. I'm a cripple." He was convicted of rape and burglary. Five years later, while staying at a friend's house, Samayoa went into the bedroom of his friend's sister, smashed a flower pot in her face, and tried to rape her. He was convicted of assault with a deadly weapon and sentenced to prison once again. Samayoa also had a prior burglary conviction.

Samayoa's judgment for the Silva murders and burglary was affirmed, and a rehearing was denied in 1997. His petition for writ of certiorari was denied by the U. S. Supreme Court in 1998. His habeas corpus petition was denied by the California Supreme Court in 2000. He filed a habeas petition in the Federal District Court in San Diego in 2002. He filed another habeas corpus petition in the California Supreme Court, which was denied in 2005. The District Court held that the state court decision was not unreasonable in denying relief by deciding that there was no reasonable probability that additional evidence about Samayoa's childhood would have produced a different verdict. The Ninth Circuit Court of Appeals affirmed in 2011. Judge Barry G. Silverman wrote in the Ninth Circuit's opinion, "The two murders themselves were uncommonly brutal, and the aggravating evidence horrific." Samayoa's petition for writ of certiorari was denied by the U. S. Supreme Court on February 21, 2012.

Inmate: Robert Fairbank

16 Cal.4th 1223 (1997)

Date Sentenced: 9/5/89 | Crime and Trial: San Mateo

Robert Fairbank was sentenced to death for the 1985 murder of Wendy Cheek. Her body was found on December 14 by a motorist in a grove of trees near a highway in San Mateo County. Her body was naked, partially burned, and had been covered with abandoned automobile parts in an apparent effort to conceal it. Cheek had a number of blunt injuries consistent with blows from a fist. Multiple puncture wounds appeared to be from a phillips screwdriver. Other puncture wounds were consistent with being stabbed by a barbeque fork. She also had stab wounds that appeared to be from a knife. Cheek had been burned extensively with gasoline and set on fire after she died. Her blood was found in numerous places and on various items from Fairbank's apartment.

On December 5, 1985, Fairbank had lured a woman into his apartment under false pretenses and sexually assaulted her, for which he was later convicted. He was arrested and released on his own recognizance when Wendy Cheek disappeared. At the time of the murder, Phyllis Marie Kitchell Fairbank, who lived in the apartment with Fairbank near where Cheek's car was found, was in the hospital after being physically abused by him. Two days after leaving the hospital, she called an ambulance after Fairbank began to kick and punch her repeatedly. She called the police the next day and had him arrested. The prosecution presented evidence that Fairbank had several convictions starting in 1975, which included a conviction of battery with serious bodily injury in 1976. While awaiting trial, Fairbank wrote numerous letters to another inmate discussing the murder of Cheek. He asked John Szymkiewicz, who occupied a jail cell near him, to confess to the murder or create an alibi in exchange for money. He also asked Szymkiewicz for help with hurting and intimidating witnesses. Fairbank pled guilty to first-degree murder and the special circumstances of attempted oral copulation, torture, and use of a deadly weapon after less than two full days of testimony.

Following his conviction and death sentence in 1989, Fairbank's claims of trial and sentencing error were reviewed by the California Supreme Court on direct appeal. In 1997, the Court rejected his claims and affirmed the conviction and sentence. Fairbank filed a federal habeas corpus petition in 2000 and an exhaustion petition with the California Supreme Court. In both, he requested additional discovery and an evidentiary hearing. In 2003, after the Supreme Court summarily denied his claims, Fairbank then amended his federal petition to include his newly exhausted claims. The state petitioned for summary judgment and received it. In 2010, Fairbank appealed to the Ninth Circuit. In February 2011, the Ninth Circuit affirmed the lower court's decision. A year later the U. S. Supreme Court declined to hear Fairbank's appeal.

Inmate: William Charles Payton

3 Cal.4th 1050 (1992)

Date Sentenced: 3/5/82 | Crime and Trial: Orange County

On May 26, 1980, at about 4:00 a.m., William Payton went to the home of Patricia Pensinger, where he and his wife had previously been boarders. Pensinger heard someone, later identified as Payton, entering the front door. Payton told Pensinger he was having car trouble and wanted to speak with her. While they were talking, Montgomery walked into the kitchen and was introduced to Payton. Payton asked if he could sleep on the couch at about 4:50 a.m., after finishing three beers during the conversation. Pensinger said he could and went to sleep in her bedroom where one of her three sons was already asleep in her bed. Payton first went into Montgomery's room where he raped and murdered her. Montgomery's body was found in a pool of blood on the floor of her room. Payton had stabbed Montgomery 12 times; six of the stab wounds in line from her stomach to her pubic area. Payton then went to Pensinger's room and attacked her with a knife, stabbing her in the neck, back, and chest. Her son Blaine, 10 years old at the time, tried to protect Pensinger and was stabbed 23 times in the neck, face, and back. Payton tried to stab Pensinger in the abdomen, but the knife was too bent to use and he attempted to flee. Pensinger told her son Blaine she would distract Payton while he should escape. Pensinger went down to the kitchen where she encountered Payton with a new knife who began stabbing her again. Payton stabbed Pensinger a total of 40 times. Another of Pensinger's sons woke up, heard the commotion, and called for another male boarder. Payton then fled the scene and went home. He arrived home covered in blood at 6:15 a.m., according to his wife. On Montgomery's body, saliva and semen were identified that could have belonged to Payton. Payton's fingerprint was also found on a beer bottle in the kitchen. Payton's wife testified he came home covered with blood, and that upon removing his clothing, she noticed blood on his genitals, legs, and other areas. Payton confessed to an inmate that he committed the crime. Payton was convicted of first-degree murder, rape, and two counts of attempted murder. The rape was committed during the murder, qualifying as a special circumstance.

The conviction and sentence were upheld by the California Supreme Court on direct appeal in 1992. Payton filed a habeas corpus petition in the federal District Court. The U.S. District Court vacated his death sentence, but upheld his guilt. A three-judge panel of the Ninth Circuit Court of Appeals reinstated the death sentence, but a larger 11-judge panel vacated it again. The U.S. Supreme Court overturned the Ninth Circuit's decision. The Ninth Circuit again vacated his death sentence but not his conviction in 2003. The U.S. Supreme Court again reversed. After years of more litigation on other issues, the Ninth Circuit upheld the sentence in 2011. The U.S. Supreme Court let their ruling stand on October 9, 2012.

Inmate: Albert Cunningham Jr.

25 Cal.4th 926 (2001)

Date Sentenced: 6/16/89 | Crime and Trial: Los Angeles

Albert Cunningham Jr. was convicted and sentenced to death in 1989 for the 1985 murder and robbery of Carmen Treto. In December 1985, Cunningham saw Carmen Treto and a friend in a Pasadena bar. Witnesses reported that several times during the night, Treto displayed a large amount of cash he had with him. Around 2:00 a.m., Treto and his friend headed to his car, but before they were able to get in, Cunningham drew his gun and demanded that Treto hand over all of his cash. Cunningham proceeded to fatally shoot Treto, and also decided to shoot his friend, Juan Cebreros, before fleeing the scene in Treto's vehicle. Cebreros was left wounded in the parking lot, suffering from a gun shot wound to the thigh. Cunningham had previously been convicted of second-degree murder in 1976 and paroled in 1980. He was convicted of the murder, robbery, and attempted murder and sentenced to death on June 16, 1989.

The conviction and sentence were upheld by the California Supreme Court on direct appeal in 2001. The court also denied Cunningham's writ for habeas corpus in 2002. Cunningham filed a federal habeas petition in 2004. The federal District Court denied the petition in May 2009. The Ninth Circuit denied Cunningham's petition for a rehearing in March 2013, and the U.S. Supreme Court denied his petition for writ for certiorari October 7, 2013.

Inmate: Anthony John Sully

53 Cal.3d 1195 (1991)

Date Sentenced: 7/15/86 | Crime and Trial: San Mateo

Anthony Sully was convicted and sentenced to death in 1986 for the murders of six people. Sully was a former police officer who went into the electrical contracting business, for which he had a warehouse, and also was a partner in an "escort service." He lured Gloria Fravel, a prostitute, to his warehouse, where he raped her, suspended her from the ceiling,

kept her there over the weekend, and then brutally sodomized her and murdered her. He then decided he wanted to rape and murder a “new girl,” meaning one who had not been a prostitute, and decided on Brenda Oakden, 19, a roommate of the receptionist at the escort service. Ms. Oakden’s body was found in a barrel in Golden Gate Park, as were the bodies of Michael Thomas and Phyllis Melendrez. Multiple items of forensic evidence tied the barrels to Sully. Sully also lured Barbara Searcy to the warehouse and shot her in the back of the head. He dragged her body behind his truck in an attempt to prevent identification. Finally, he lured Kathryn Barrett to the warehouse on the pretense of buying cocaine. One of his accomplices stabbed her with a knife, and Sully hit her in the mouth with a sledgehammer. The accomplice told another accomplice that he could hear Barrett’s bones cracking as Sully hit her with the sledgehammer.

The conviction and sentence were upheld by the California Supreme Court on direct appeal in 1991. The same court denied a habeas corpus petition in 2000. The federal District Court took another eight years to deny a federal habeas corpus petition. A three-judge panel of the Ninth Circuit affirmed the denial in 2013. The United States Supreme Court denied certiorari on June 2, 2014.

Inmate: Ronald Lee Deere

53 Cal.3d 705 (1991)

Date Sentenced: 7/18/86 | Crime and Trial: Riverside

Ronald Deere was convicted of the murders of three people and sentenced to death in 1982. After reversal of the sentence by the Bird Court, he was resentenced to death in 1986. Deere had previously threatened to kill everyone in his girlfriend’s family if she broke up with him. He then shot to death Don Davis, the husband of his girlfriend’s sister, and the couple’s daughters, Michelle, 7, and Melissa, 2. Deere admitted the killings and directed his attorney not to put on mitigating evidence in the penalty phase.

The California Supreme Court affirmed the conviction and rejected an incompetency claim, but it reversed the penalty verdict because the lawyer complied with the informed and voluntary choice of his mentally competent client. On return to the Superior Court, Deere was sentenced to death again. The California Supreme Court affirmed the second sentence in 1991. It denied a habeas corpus petition the same year. Deere filed another habeas corpus petition in 1993, which the California Supreme Court denied in 1994 as successive, untimely, and without merit. A federal district judge granted habeas corpus relief in 2010 on the ground that Deere’s counsel had been ineffective in not seeking a competency hearing, but a panel of the Ninth Circuit reversed, finding that there was no reasonable probability that Deere would have been found incompetent. The United States Supreme Court denied certiorari on October 6, 2014.

Inmate: Hector Juan Ayala

24 Cal.4th 243 (2000)

Date Sentenced: 11/30/89 | Crime and Trial: San Diego

Hector Ayala and two others conspired to rob an auto body shop where they mistakenly believed a large amount of drugs or cash was stashed. Their plan was to tie up and kill everybody in the shop. One victim escaped, even though shot in the back, but Ayala and his cohorts murdered three others: Jose Rositas, Marcos Zamora, and Ernesto Dominguez.

The California Supreme Court affirmed on direct appeal in August 2000 after granting the defense lawyer 20 extensions of time. Among the claims rejected was a contention that the prosecution had discriminated in its use of peremptory challenges and that the judge had wrongfully excluded the defense lawyer from a portion of the hearing on the matter. The court held that the exclusion was error, but it made no difference because, after considering all the evidence, it was clear that the prosecutor did not violate the anti-discrimination rule. The California Supreme Court subsequently denied two habeas corpus petitions.

The federal District Court denied Ayala's claims in 2006. Seven years later, a divided panel of the Ninth Circuit Court of Appeals reversed and overturned the conviction and sentence. The United States Supreme Court reversed this decision in 2015, finding that the California Supreme Court decision was "an entirely reasonable application of controlling precedent." The Ninth Circuit affirmed the District Court's decision denying relief on the remaining claims on February 11, 2016, and that court denied rehearing on March 23, 2016. The time to seek review by the United States Supreme Court of this decision elapsed June 21, 2016.