

The quality of mercy

Joe Ferullo | Jun. 1, 2011 NCR Today

Steven Martinez is not a good man -- on this everyone agrees. At 42, he is serving a 150-year sentence in a California prison, for beating and raping a San Diego woman in 1998. He is a repeat offender. But back in 2001, his spinal cord was severed in a prison fight, leaving him unable to move below his neck at all. Yet, according to the state parole board, Martinez remains a threat to society.

His case [was profiled recently in](#) [1] the *Los Angeles Times*, in a report focused on California's "medical parole" law. It was passed last year, and Martinez's case was the first decided under its guidelines. Things did not go as planned.

The new law was not meant as some form of "criminal coddling" and wasn't really passed for any high-minded reasons -- though humanitarianism was dragged into it late in the game. The law was driven (as too many laws are) by money. In a cash-strapped state, it seemed wrong-headed to keep medically-incapacitated prisoners behind bars when they could do no harm outside prison walls.

According to the *Times*, Martinez's medical expenses cost the state more than \$600,000 a year. When he was in a medical facility outside the prison, round-the-clock guards for him cost another \$800,000 a year.

His family -- his father is a retired firefighter, his mother a former business executive -- was ready to take him home and provide care there.

But the San Diego district attorney fought the plan -- and the parole board agreed that Martinez was still a threat, even in his current condition. If paroled, the board said, he could possibly use his vocal chords (which are not paralyzed) to order crimes, maybe even attacks on state employees that he's lashed out against behind bars.

"In the end," Martinez's lawyer told the *Times*, "fear won out over reason."

Sponsors of the state law are now worried that no one will be paroled for medical reasons -- even though the law calls for all rejections of parole to be "reasonable."

"If we can't start with a quadriplegic, where can we begin?" asked state Senator Mark Leno.

But as Martinez's lawyer says, fear is a powerful tool. It even overcomes the lure of cash -- the state estimates it could save \$10 million a year if all the eligible prisoners were paroled: some are in comas, others in persistent vegetative states, or hooked up to ventilators. By law, none of these men are lifers, or on death row.

When does justice tip into pure vengeance? California may be staring at the answer. Again, Steven Martinez is no model citizen -- and everyone can be thankful he was removed from society before he committed more crimes. But he can't anymore.

And unchecked revenge exacts its own toll in tough times. State Sen. Leno tells the *Times*: "When we are

unable to fund education and healthcare, how much vengeance can we afford?"

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[1] <http://www.latimes.com/news/local/la-me-prisoners-20110530,0,78103.story>