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Jail time for Jackson's doctor could be affected by prison realignment plan in California

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LOS ANGELES — Michael Jackson's doctor is guaranteed to spend the next three weeks in jail awaiting sentencing for the pop star's death.

But the amount of time Dr. Conrad Murray serves after that could be shortened because of the overcrowded prison system in California.

A recently enacted realignment plan diverts nonviolent offenders such as Murray from state prisons to county jails to save money and reduce the state prison population to obey a federal court order.

However, law enforcement authorities have said nonviolent offenders could be released earlier to make room for more serious offenders in county lockups.

Jail overcrowding led to Lindsay Lohan walking out of county jail Monday after spending less than five hours of a 30-day sentence behind bars for a probation violation.

A judge could sentence Murray to a maximum sentence of four years, but it would fall to the Los Angeles County Sheriff's Department to decide just how long he actually spends in county jail, based on time served, good behavior and other factors.

Even without realignment, a four-year sentence could be cut in half if Murray stays out of trouble in jail.

Los Angeles County District Attorney Steve Cooley has blasted the realignment plan, saying already overburdened counties can't handle additional inmates.

In post-verdict comments, Cooley called the new law a "fool's errand" and said Murray "is probably the first of many, many, many poster-children cases that will reveal how (the law) is potentially a complete failure, a criminal justice disaster and it will impact public safety."

Terry Thornton, a spokeswoman with the California Department of Corrections and Rehabilitation, declined to comment on how the realignment might affect Murray. Steve Whitmore, a spokesman for the Sheriff's Department, also declined comment.

Murray was convicted of involuntary manslaughter for supplying an insomnia-plagued Jackson with a powerful operating-room anesthetic to help him sleep as he rehearsed for his big comeback.

Murray, 58, sat stone-faced as he heard the verdict that could send him to prison and cost him his license to practice medicine. He was handcuffed and immediately led off to jail without bail to await sentencing Nov. 29.

Superior Court Judge Michael Pastor was harsh with his comments about Murray after the jury left the room.

“This is a crime where the end result (was) the death of a human being,” the judge said. “Dr. Murray’s reckless conduct in this case poses a demonstrable risk to the safety of the public” if he remains free on bond.

Defense attorney Ed Chernoff said the verdict was a disappointment and would be appealed.

Regarding Murray’s future, Chernoff said, “the keys to his handcuffs belong to the judge. We certainly would like to do anything we can to keep him from going to prison.”

Among the factors the judge will review are recommendations from the Probation Department, prosecutors and defense attorneys. Pastor also will consider that Murray has no previous criminal record and whether he poses a threat to the community.

Some legal experts said the notoriety of the case combined with Pastor’s comments mean Murray would likely receive the harshest sentence.

“I think judges do want to set an example,” said defense attorney Michael Rains, who represented ex-transit police officer Johannes Mehserle.

Mehserle was convicted last year of involuntary manslaughter for the shooting death of an unarmed man. He was sentenced to two years in prison but served only one.

“I believe it would be reasonable for the judge in this case to recognize it as one which will provide doctors important guidance to avoid over-prescribing drugs simply to satisfy the insatiable cravings of wealthy patients,” Rains said.

Other observers believe Murray is a good candidate for probation because of his good standing as a doctor prior to Jackson’s death and his previously clean record.

“The crime was involuntary manslaughter, and the key word is involuntary which suggests there was no intent,” said Martin Horn, former commissioner of New York City’s Department of Correction and Probation. “Do we need an ounce of flesh from this guy? Why have probation if we aren’t going to use it in a case like this?”

Had Murray been sentenced before Oct. 1, when the realignment plan took effect, he likely would have been sent to state prison to serve his term.

Los Angeles County Sheriff Lee Baca has said he can initially accommodate an influx of new inmates. Nearly \$1 billion a year that was converted from part of the state sales tax to a local sales tax will help pay for realignment along with more than \$450 million from California’s vehicle license fee.

An annual state report notes the average time spent in California prisons last year for new male inmates convicted of manslaughter was just over nine years. The statistics do not distinguish between involuntary and voluntary manslaughter, a more serious offense.

Murray likely would face near solitary confinement in jail because of his high-profile status. He would be kept away from the general population in a cell by himself and be escorted by deputies when necessary for safety, authorities said.

Mehserle was only able to get out of his cell once a week and took showers twice a week while at a downtown Los Angeles jail, Rains said.

“It’s a very, very lonely existence and would be so for Dr. Murray,” Rains said.

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