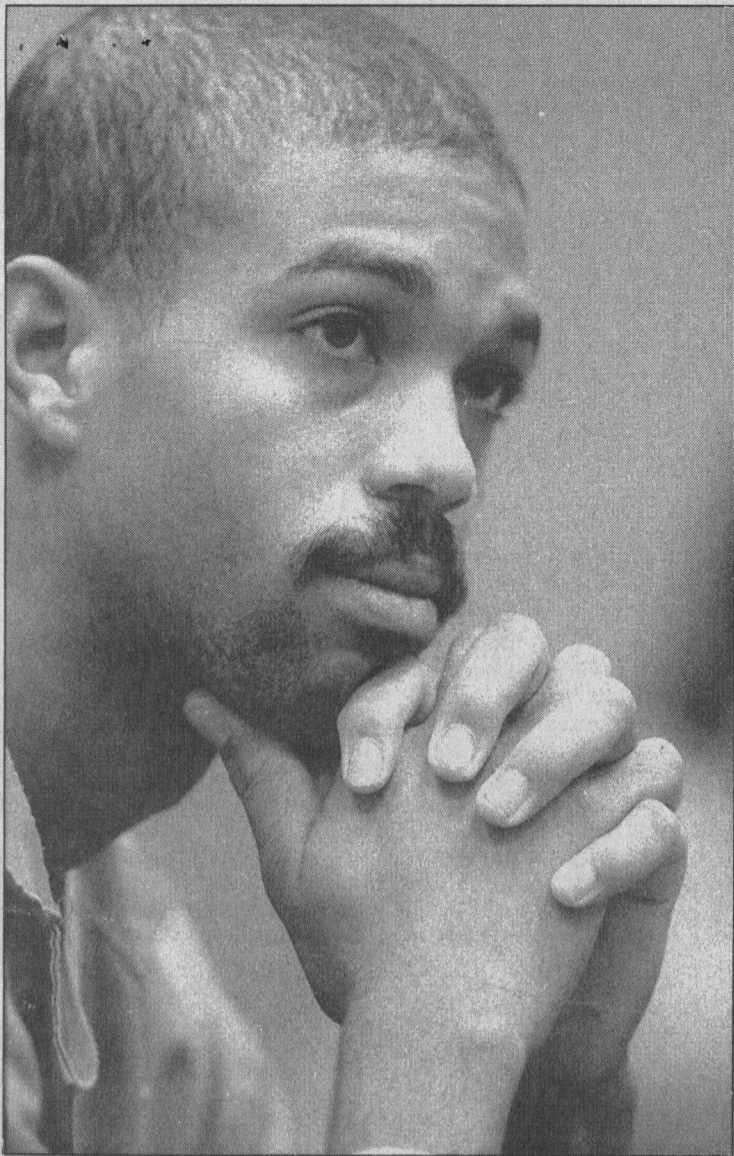


VCR theft suspect could get life term



BY PAUL ROGERS
Mercury News Staff Writer

Police say Charles Weekes helped steal a \$250 videocassette recorder. If prosecutors prove it in court, he could go to prison for life under California's new "three strikes, you're out" law.

Weekes, a 21-year-old Santa Cruz resident with a history of small-time burglaries, is the first criminal suspect in Santa Cruz County facing life in prison under the tough new law, which went into effect March 7.

On Monday morning, about 50 demonstrators who claim the law is overly harsh and too expensive rallied outside the Santa Cruz County Courthouse.

Inside, Weekes pleaded not guilty to two felonies: receiving stolen property and being an accessory to burglary. Both of Weekes' prior convictions are for burglary.

The case has stirred debate locally over the "three strikes" law, which state legislators passed in response to public outrage about the kidnapping and killing of Polly Klaas of Petaluma last year. Supporters say the tough measure will cut crime by removing repeat offenders from society. Opponents argue the public wanted to lock up murderers, rapists and other violent criminals — not VCR thieves.

"I'm not saying that he's never done anything wrong," said Weekes' attorney, Steve Wright of Santa Cruz. "But Charles Weekes is not the kind of person most taxpayers envisioned going away for life."

Santa Cruz County District Attorney Art Danner, up for re-election June 7, finds himself at the center of the storm.

"This is an individual who hasn't learned," said Danner. "He needs to be locked up. The question is — for how long?"

Danner said he supports a different version of "three strikes" that gives prosecutors more discretion. But unless investigators find evidence to clear Weekes, Danner said, he plans to prosecute the case, because burglary counts as a "serious felony," and thus, a strike.

"I don't support this version of the law," said Danner. "But it is the law."

Weekes' latest encounter with police came on March 16. That morning, a maintenance man working at an apartment complex at Brommer Street and 30th Avenue noticed a young man jumping a patio fence while carrying a large object under his shirt.

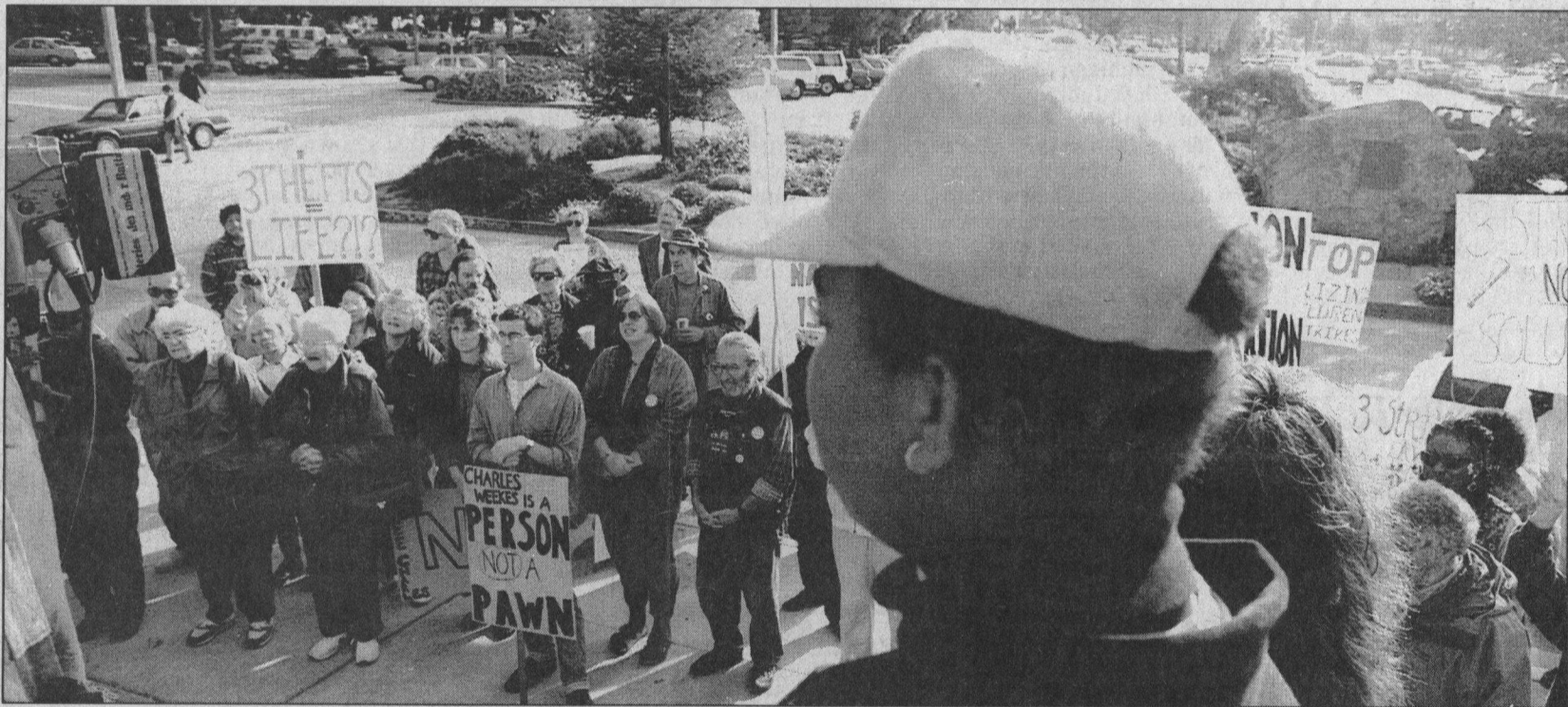
He saw the man run into an apartment rented by Weekes and his girlfriend. He called police. Officers who arrived minutes later questioned Weekes and a 17-year-old boy who had spent several nights at his apartment.

Minutes later, stuffed in a nearby dumpster, deputies found the Sanyo VCR and stolen jewelry inside a black plastic trash bag. Investigators matched the 17-year-old's shoe pattern with a footprint found on the patio fence and arrested him.

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Charles Weekes, above, is the first criminal suspect in Santa Cruz County facing life in prison under the "three strikes, you're out" law. Weekes, 21, pleaded guilty to first degree burglary twice in 1991 and served nine months in county jail. In March, he was arrested in connection with another burglary. At right, about 50 people protest at the courthouse Monday. Weekes' supporters say he is the father of two small children who is facing life in prison for mistakes he made at age 19.



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Several days later, police laboratory technicians found fingerprints on the VCR belonging to the 17-year-old and to Weekes, whom they then arrested March 25.

Weekes claims he had no knowledge of the crime. Prosecutors are not convinced.

Weekes' two prior felony convictions are for burglaries, both committed in 1991. In deals with prosecutors, he pleaded guilty to first degree burglary both times to avoid a state prison sentence. In 1992, he was sentenced to nine months in county jail.

In the first case, in June 1991, Weekes drove a car that was used in the burglary of a house on Rodeo Gulch Drive in Aptos.

In the second case, on Oct. 3, 1991, Weekes and another man broke into a house on Owen Street in Santa Cruz, but were interrupted when the woman who lived there returned and chased them away.

Weekes' supporters say he is the father of two small children who is facing life in prison for mistakes he made at age 19.

"I was under the impression that the three strikes law was for violent criminals," said Cassandra Byard of Soquel, Weekes' mother. "That isn't the case with my son."

Even if Weekes is convicted, he may not serve life in prison. Under the law, he would be sentenced to 25 years to life. With good behavior, he could be released in 20 years.

Under the old law, Weekes would be facing a maximum 18 years in prison. Under more lenient half-time rules for good behavior, he could have been released in nine years.

"What you're really dealing with is nine vs. 20," said Danner.

Santa Cruz County Municipal Judge Tom Kelly ordered Weekes held without bail because of probation violations. His next court hearing is May 12.

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 ■ Voice your opinion in Mercury Center. From Communication, click on Browse Boards. Choose Community Watch, then the folder called 3 Strikes And You're Out.