

November 7, 2016: Weighing Punishment in Death Cases

When someone kills another person, how much time should the killer spend in prison? How many years of imprisonment does it take to achieve “justice?” That’s a question I found myself asking in light of two recent events that share some similarities.

A couple weeks ago, I received a widely disbursed email from a legal colleague concerning an upcoming parole board meeting scheduled for November 17th. At the meeting, Cesar Dizon will present his petition to be released from the Department of Corrections where he has spent the last 20 years for killing attorney Jan Rubenstein. In October 1995, Rubenstein was representing Dizon’s wife in a contested divorce proceeding. Immediately following a heated court hearing, Dizon came up behind Rubenstein as she climbed the stairs to her Hagatna office and shot her. Rubenstein died a few days later. She was 35 at the time of her death and left behind three young children.

Dizon pled guilty to murder, a first-degree felony. In accordance with Guam’s homicide statute, he was sentenced to life imprisonment with the possibility of parole after serving 15 years. Having served the minimum years of imprisonment, Dizon is now eligible for parole.

Then, on this October 27th, bodyboarder Brian Cruz died from head injuries he sustained in an apparent confrontation between himself and a friend, Jaycee Aaron White. On a surveillance video White is seen rushing at Cruz, punching him on the head. Cruz then fell to the ground, apparently striking his head on the concrete sidewalk and fracturing his skull. Like Rubenstein, Cruz lingered for several days before passing. And, like Rubenstein, Cruz was 35 years old when he died and he too left behind three young children.

As we learn more about this latest incident, we will again be confronted with the question, “does justice demand jail time and, if so, how much? Often, the response to this question is highly personal and differs from person to person. Cultural values, religious beliefs, and personal experiences often impact how we view punishment and justice.

In the email I received concerning Dizon’s parole board meeting, the author asked all recipients to sign an online petition objecting to Dizon’s release from DOC. Obviously, supporters of the petition don’t believe that 20 years in prison is sufficient time for the crime committed.

This raises the question, what is the purpose of incarceration? Is punishment the only goal of imprisonment? Or should rehabilitation be an equally important objective? If both are goals, at what point does successful rehabilitation undermine the need to keep the person locked up?

I believe that these are the questions facing the parole board as they decide Dizon's fate. If evidence presented to the board indicates that Dizon is repentant for his terrible crime and has been a model prisoner for the last two decades, should his request for parole be granted? Or, despite significant signs of rehabilitation, does the quest for justice demand continued imprisonment? If so, how many more years?

These same questions may ultimately come into play as the legal proceedings against Jaycee White move forward.

We are all familiar with the saying, "If you do the crime, you do the time." At some point the question becomes, "How much time?"