

SENATOR KRISTENSEN: No. Were you referring solely to criminal cases, Senator Chambers?

SENATOR CHAMBERS: Yes.

SENATOR KRISTENSEN: I'm sorry, I stand corrected, if you were talking criminal, I was in error and stand corrected.

SENATOR CHAMBERS: Okay.

SENATOR KRISTENSEN: However...well, it's your time.

SENATOR CHAMBERS: Okay, the point that I was getting to is surrounding the amendment that I have, I'm aware of these other matters. Remember, I said I'm not even touching anything civil because I don't want the two mixed. I want to deal with the criminal first and independently because the court itself has made a distinction between criminal cases and civil and has placed the criminal in a category where they expedite them automatically. So since the Supreme Court, not only in this state, but throughout the land has placed criminal cases in that status, I'm offering an amendment that will maintain them there by saying that every criminal defendant has a right to an appeal to the Supreme Court. That's all that my amendment is designed to do. I left intact, even though I don't like it, the provision that exists in LR 8 that would allow the Supreme Court to select which civil cases it will hear that have gone to the appellate court. None of that am I changing. I'm not changing the appellate court, I'm not changing anything other than to say that every criminal defendant has a right to an appeal to the Supreme Court. That is what exists right now. Every criminal defendant has a right to appeal to the Supreme Court right now. If LR 8 is enacted without my amendment, criminal defendants would not have that right. The appellate court ends it unless it involves the death penalty or if, in one of those cases, a constitutional question relative to the statute could be raised. So the vast majority of criminal defendants would have a right taken away that they currently have had all of these years. It's difficult, probably not only in this Legislature, but anywhere else to talk about ensuring the rights of those who are accused by the state of having violated one of its directives. But none of us have a way of knowing when we or somebody close to us may be in the position of a criminal defendant. There are hundreds of acts that can be committed by a person that constitute a crime. Not all of them indicate that a person is