

SENATOR CHAMBERS: Senator Kristensen, because you can state your objection much better than I can, will you state again what your objection is to my amendment.

SENATOR KRISTENSEN: Yes. The objection I have is that it doesn't make sense to place a category of felonies into the Supreme Court under the present structure. And the reason for the structure is that the Supreme Court is there for the common law creation, they're the court of last resort. In other words, they're the final determination of the law. Just because you're convicted of a Class IB felony doesn't mean that that appeal has any new or novel issue of law, it wouldn't contribute to the case law. It could just be an objection that my sentence is too long. That is an error-correcting appeal. Under our system, the way that the court has been crafted, is that that's the appropriate place for challenges of error that belongs in the appellate court. Just because it's a class of crime doesn't mean that it has substantive issues that need to be decided on appeal. A speeding ticket, for example, could have much more impact on case law and so on, and that's only an infraction. And that should be in the Supreme Court, if we're talking about admissibility of evidence, or a constitutional issue. Just because of the class of crime doesn't mean the issue raised on appeal is one that needs to be addressed at the Supreme Court, could better be addressed at the appellate court.

SENATOR CHAMBERS: Thank... Senator Kristensen, the reason I used the term category of felony is because this is the only other one that I've been able to determine where a life sentence can be imposed. So I'm looking at the sentence in the same way you're looking at the sentence when you included a life sentence as being entitled to an appeal to the Supreme Court. Here is the question that I will ask you. What did you say with reference to the Class IB felony in terms of it maybe not raising novel points, maybe there are just errors raised, or an objection to the length of the sentence. What did you say about the Class IB felony that will not also apply to a life sentence?

SENATOR KRISTENSEN: I think it's the same thing. The problem with the life sentence is that I drafted that in there basically because I figured you would like to have that in there, and that would be something that would be necessary to satisfy the ultimate penalty. Because I think the ultimate penalty in this state, politically, is probably something you need to include,