

NO TOMORROW
Roger Weisberg
Director's Statement

On June 6, 2004, the world woke up to learn that President Ronald Reagan died. On that same day, an unidentified young woman was found shot in a Los Angeles alley, but few people noticed. Ultimately, the police were able to identify this Jane Doe as Risa Bejarano, who was known to millions of Americans as the subject of our PBS documentary, *AGING OUT*, about teens leaving the foster care system.

We sent the homicide detective a copy of *AGING OUT*, because he thought that our film about Risa's last year of life might help him solve this brutal crime. After a suspect, Juan Chavez, was apprehended and charged with the murder, the District Attorney also requested a DVD. At first we were happy that our film could speak for Risa and give her a voice in the trial. But, when the prosecutor decided to seek the death penalty for the defendant, Juan Chavez, we became increasingly ambivalent, because we knew that he intended to use our film to persuade the jury to impose the death penalty by maximizing sympathy for the victim and hatred for the perpetrator.

Since the jury returned verdicts of life without parole for two other murders committed by Chavez and the death penalty only for the murder of Risa Bejarano, we felt compelled to explore the role that our film might have played in the jury's verdict. Ironically, we created *AGING OUT* to give hope to teenagers struggling to overcome the scars of early childhood abuse and neglect. And, Risa participated in our film because she wanted others with similar backgrounds to get a second chance in life. Now we were confronted with the unsettling possibility that our film may have helped the prosecutor convince the jury to give the death penalty to a young man who had suffered the same traumatic childhood abuse and neglect as Risa. Our misgivings were heightened by the prosecutor's manipulation of our film in his closing argument to heighten its impact. He recut *AGING OUT*, using audio clips of Chavez bragging in jail over images of Risa's happiest moments and achievements. He then ended his reedited version of *AGING OUT* with a crime scene photograph of Risa's bloody body, leaving the jury with what they described as one of the most powerful and emotional moments of the trial.

As filmmakers who knew and loved Risa Bejarano, we wanted her murderer to be severely punished, but we have always been morally opposed to the death penalty. We certainly understand that some people may think Juan Chavez deserves to die for what he did, but we felt that the more viewers learned about the imperfect, costly, discriminatory, and arbitrary administration of the death penalty, the more they would question whether the state deserves to kill him.

In addition to the film-within-a-film phenomena, what distinguishes *NO TOMORROW* from other anti-death penalty films is the fact that the defendant is not sympathetic and his guilt is not called into question. In essence, viewers are placed in the same position as the jury and are forced to assess the death penalty after being presented with a portrayal of the perpetrator as a monster and the victim as a model student who was admirably struggling to build a successful life. It's easy to be against the death penalty when there is doubt about culpability, but we believe that *NO TOMORROW* will make viewers question the death penalty even in cases like the Chavez case - and the majority of capital murder cases - where the defendant is neither sympathetic nor plausibly innocent.

Using the suspenseful trial of Juan Chavez as the narrative spine of the film, we added the voices of some of the country's leading death penalty experts to illuminate the complexities and controversies surrounding capital punishment. *NO TOMORROW* allows proponents of capital punishment to make their case, acknowledging what the majority of Americans still feel - that the death penalty is a valid emotional response to the most heinous crimes. Some viewers might feel that their support of capital punishment is validated, especially with such a sympathetic victim. However, these same people would dismiss the film entirely if it was just a one-

sided polemic. *NO TOMORROW* will force even those viewers who conclude that the death penalty is a legitimate human response to consider whether it's a legitimate public policy.