

DECLARATION OF THOMAS R. PARKER

I, Thomas R. Parker, declare as follows:

1. I am a retired Special Agent of the Federal Bureau of Investigation (FBI) with extensive investigative and investigations management experience stretching over 45 years in the issues relevant to this, and similar cases. My final FBI Assignment was Assistant Special Agent in Charge (i.e. Deputy Chief) of the FBI's Los Angeles Regional Office. A complete record of my law enforcement and criminal justice experience is attached hereto as Exhibit A.

2. Since my retirement from the FBI, I founded and currently lead a criminal justice and investigative consulting firm, The Sentinel Group, where I specialize in serving as an expert witness and investigations consultant, both domestically and internationally on police practices, investigative procedures and policies, and police management. In that capacity, I routinely review and analyze capital case homicide investigations to determine the thoroughness of the police investigation and its compliance with legal and professional standards. A list of my prior engagements to the present is attached hereto as Exhibit B.

IN THE MATTER OF PEOPLE V. KEVIN COOPER

3. I was retained by Mr. Cooper's current counsel, Norman C. Hile, in order to assess the sufficiency of the investigation conducted in that case. I have reviewed those investigative and prosecution files and conducted subsequent investigations, and very early in my involvement, I offered to serve as an expert on this case on a *pro bono* basis after becoming convinced of Mr. Cooper's innocence. After spending my life investigating some of the most serious and violent criminals in the United States, it was very difficult for me to arrive at this decision, but any initial reluctance I had was totally overwhelmed by the degree and volume of evidence of police misfeasance and malfeasance I found in this case. Unfortunately, it appears that, unlike the requirements of domestic and international law, Mr. Cooper did not receive the benefit of being innocent until proven guilty. Rather, the investigators in this case suffered from an undeniable obsession and target fixation, commonly referred to as "tunnel vision" – a police phenomenon which I have studied and written about for years. Once they learned of Mr. Cooper's "walk-away" escape from the minimum security section of a nearby incarceration facility just days before the murders pertinent to this case were committed, they presumed he was

their man. From that point forward, their focus on Mr. Cooper, (a Black man), and in my professional opinion, can only be described as an example of abject racism and forcing the evidence of the crime to fit their prime suspect, instead of finding the suspect who fits the evidence.

4. Once Mr. Cooper's escape was discovered, the media focused on the fact that he was a Black man and the murder victims were white. Following such media coverage, some of the ugliest acts of racial hatred took place in that community, including displaying effigies depicting Mr. Cooper as a monkey, a hangman's noose being fashioned and publicly displayed suggesting that he should be executed by hanging as was done to Black men at earlier times in U.S. history.

5. It is noteworthy that San Bernardino County, located in the southern desert area of California, is dominated by a white and Hispanic population who traditionally espouse and vote in favor of politically conservative issues and swift and strong law enforcement. An academic study was just recently made public documenting the fact that San Bernardino County has, and still is, one of the top 12 counties in the United States in terms of imposing capital punishment and sending people to death row in homicide cases. The county is ranked number 3 in California as to the number of condemned prisoners awaiting execution.

CORRUPTION IN LAW ENFORCEMENT DOES EXIST

6. In addition to such an infamous distinction, San Bernardino County is also a predominantly working-class county with a long and well-documented history of political, judicial, and law enforcement corruption with which I am personally familiar due to my prior FBI executive position over this geographical region and being in charge of some of those corruption investigations. For decades, it has routinely been declared by the media and other credible entities, both academic and "watchdog-style" as the most corrupt county in California.

7. While it is discomfoting to imagine that those charged with enforcing the laws would ever contemplate violating those laws, it is my experience that corruption can and does exist within law enforcement circles, and specifically in San Bernardino County.

8. Indeed, Floyd Tidwell, the San Bernardino County Sheriff and the county's top law enforcement officer at the time of the murders in this case and the arrest of Mr. Cooper, was

later found to have been stealing confiscated firearms out of his department's evidence storage facility and selling them or giving them to friends and political supporters for many years, including the early 1980s, prior to and after Mr. Cooper's arrest. It was discovered that he had stolen in excess of 500 operable firearms, most of which were never recovered. He was subsequently charged criminally with four felony crimes and convicted of these thefts, as was his son who was his accomplice in these thefts. At approximately the same time, one of his senior sheriff's managers – the head of the police crime laboratory and a key forensic examiner witness in Mr. Cooper's case – was found to have been stealing large quantities of heroin for many years from the locked narcotics evidence storage area of the sheriff's department to sell and for his own personal use. The history of this department's corruption can readily be traced back over many decades, including the 1980s (the time of the murders) when a number of sworn deputies were found to have been engaging in a sex ring engaging in a series of illicit sexual activities with underage juvenile female police Explorers (cadets). A Sheriff prior to Tidwell was found to have been diverting funds to non-law enforcement purposes. On September 5, 2013, a veteran San Bernardino law enforcement officer was captured and arrested in Texas on charges of kidnapping, the use of weapons, and sexual abuse of two prostitutes in San Bernardino when he allegedly forced them to perform sex acts while he was on duty and uniform. He has been indicted on Federal civil rights violations in Federal Court in Riverside, California, immediately adjacent to San Bernardino County. In 2010, a high-ranking San Bernardino County Sheriff's command official was found to have been falsifying training records in the department to create higher pay for himself, as well as collecting money from subordinates to falsify similar training records to benefit them financially.

9. The police fixation on proving Mr. Cooper, who, in my professional opinion, was the most convenient and publicly-assailable suspect in this case. For example, within hours of the discovery of Mr. Cooper's escape several miles from the murder scene, Sheriff Tidwell, in a massive news conference, publicly declared, "We have our man!" and named Cooper as the obvious killer, even though the actual investigation was still in its very nascent stage and there was no known evidence at that time linking Mr. Cooper to the murders. This was highly unusual and improper for a senior law enforcement official to prematurely make such a statement at this stage of any investigation. After Mr. Cooper was publicly identified by the Sheriff in this manner, there was a wave of media coverage virtually convicting him of the murders in print and

on television, and tending to fan the flames of racism against Mr. Cooper. This then grew into a near mass community hysteria over his still being on the loose, and contributed heavily to the Sheriff's Department focusing nearly exclusively on Mr. Cooper, and showing an unprofessional disregard for any evidence tending to show that Mr. Cooper did not commit the crimes at issue (*e.g.*, the 3 white men originally identified by the only surviving victim and seen in a bar near the victims' home with blood on their clothing and persons) – even though that information had been previously given to them.

10. Further, it is my opinion that the facts and circumstances in this case strongly suggest that members of law enforcement not only ignored and/or destroyed exculpatory evidence (*e.g.*, the bloody coveralls worn home on the night of the murders by a previously convicted murderer), but also created and planted evidence intended to inculcate Mr. Cooper in the crimes. Finally, as a result of my review of those files and my subsequent investigation, I believe that Mr. Cooper is totally innocent of the crimes for which he is sentenced to death, and as such, I continue to work pro bono in an effort to uncover evidence of the true murderers and free Mr. Cooper from death row.

POLICE TUNNEL VISION

11. In the hours following the discovery of the murders, multiple pieces of evidence strongly indicated that the murders had been committed by a group of three white men. Shortly after arriving at the hospital for treatment, the only surviving victim, Josh Ryen, gave statements to two different individuals inculcating three white men in the vicious murder of his father, mother, sister, and friend who happened to be spending the night. Likewise, upon learning of the murders, several members of the community came forward to report three strange white men in the Canyon Corral Bar (a bar near the scene of the crimes) and also to report seeing the victims' car¹ with multiple occupants around the time of the murders. Within days of the discovery of the murders, Diana Roper came forward to turn in her boyfriend Lee Furrow's bloody coveralls that he had worn home on the night of the murders. Furrow (a white man) had been convicted in 1974 for murdering a Mary Sue Kitts, who he dismembered and disposed of in a local river.

¹ The family's station wagon was missing from the driveway when the murders were discovered and was not relocated for six days. When it was discovered it was within 4.5 miles of Furrow's mother's home. However, because the police failed to investigate Furrow, they did not discover this.

Roper also reported shortly thereafter that Furrow had been wearing a tan “Fruit of the Loom” t-shirt with a front pocket that was identical to the one recovered by police two days after the discovery of the murders a few blocks from the Canyon Corral Bar. The day before, a bloody blue shirt had been recovered within blocks of the tan t-shirt. Further, Roper noted that Furrow’s hatchet, which matched the description of the murder weapon found near the crime scene, was missing, never to appear again. Finally, given the ferocity of the attacks and number of wounds inflicted in a short period of time (ranging 22 to 48 per dying victim), the medical examiner initially concluded that the crime had to have been committed by multiple assailants utilizing 4 different weapons (2 knives, a hatchet and an ice pick). This is especially true in light of the fact that the adults, Peg and Doug Ryen, were able-bodied chiropractors with loaded weapons located within an arm’s reach of each side of their bed. However, despite this wealth of information pointing to the three white men, after the San Bernardino Sheriff’s Department learned that Mr. Cooper had been hiding in the house on an adjacent horse ranch, it failed to investigate the three white men from the bar and systematically ignored any evidence of multiple assailants.

12. Had the investigators followed up on the three white men and Diana Roper’s statements they would have made several telling discoveries. First, they would have located Christine Slonaker and Mary Wolfe² who were in the Canyon Corral Bar on the night of the murders and were harassed by three white men—one of whom was wearing coveralls—that had blood on their clothes and persons. They also would have located Lance Stark, a regular at the bar and occasional bouncer who would verify the accounts of the three men covered in a “dark substance” that were harassing the women on the night of the murders.

13. Second, had investigators followed up on the leads provided by Roper, including testing the bloody coveralls rather than destroying them before Mr. Cooper’s attorney learned of their existence, they would have spoken to Karree Kellison who was with Roper on the night of the murders and saw Furrow pull up to their house and exit a vehicle matching the description of the stolen victims’ station wagon. She also noticed other people remaining in the vehicle. Further, once the station wagon was later found in Long Beach, California, investigators could have discovered through a search of public records that Furrow’s mother lived within minutes

² In all likelihood, investigators also would have located the third friend that was with Slonaker and Wolfe that night. Unfortunately, due to the passage of time, neither woman could remember the name of that individual when they testified at Mr. Cooper’s habeas proceedings in 2004.

drive, almost in a straight line down one main street of Long Beach from the church parking lot where the car was located.³ Moreover, public records would have also revealed that Furrow himself had a long-term connection to Long Beach, while Mr. Cooper had absolutely none. Of note, Mr. Cooper was known to be in Mexico six days before discovery of the stolen station wagon, and geographically speaking, Long Beach is west of the scene of the crimes, while Mexico is a couple of hours drive in a car directly south.

14. Finally, had investigators confirmed via testing that the bloody blue shirt that was recovered near the Canyon Corral Bar had blood from the victims of the crime, it would have further implicated the three white men in the bar, one of whom was wearing a blue shirt. Josh Ryen also reported one of his assailants as wearing a blue shirt, a fact that is reflected in the crime bulletin that was released two days after the discovery of the murders.

DESTRUCTION OF EVIDENCE

15. The State destroyed at least two pieces of exculpatory evidence that we know of. The bloody coveralls turned in by Diana Roper, and the bloody blue shirt reported by Laurel Epler. The bloody coveralls were destroyed by the Sheriff's Department on the first day of Mr. Cooper's preliminary hearing in December of 1983, and thus, when defense counsel learned of the existence of the coveralls in May of 1984 (because of a phone call from Roper), they were no longer available for testing. The only logical reason to destroy these coveralls without any testing (which testing is required by standard protocols) is to avoid the possibility that Cooper's counsel could have shown that the murders were really committed by Furrow, not Mr. Cooper.

16. Second, it appears that the Sheriff's Department also destroyed the bloody blue shirt that was recovered on June 6, 1983, just one day after the discovery of the murders. The existence of this blue shirt was not known by Cooper's counsel until 2004 when, in the course of habeas proceedings on an unrelated issue, the State produced a police call log that indicated a call from Laurel Epler reporting a blue shirt with possible blood on it just blocks from the Canyon Corral Bar. This report clearly states that the "evidence [was] picked up." Further, defense discovery of police records regarding what happened with this blue shirt was denied by Judge Huff, who was presiding over the habeas proceedings.

³ I was able to discover this fact through such a review and personal observations in 2012.

17. The State has consistently asserted that this blue shirt never existed and that it was in fact the tan t-shirt that was recovered near the bar. However, this simply does not make sense given what we know about the recovery of these items of evidence. The blue shirt was recovered after Laurel Epler reported seeing it along the side of the road a little south of the Canyon Corral Bar on the day after the discovery of the murders. The police call log for June 6, 1983 clearly reflects that the shirt was picked up. The tan t-shirt with blood on it was recovered on a different day, June 7, 1983, slightly north of the Canyon Corral Bar on the other side of the street next to an orange towel matching the towels found in the Ryen bathroom. It is clear to me that this discovery occurred as a result of a search that was likely instigated after the discovery of the blue shirt. No other areas near the Canyon Corral Bar were subjected to such roadside searches. Two shirts of different colors recovered on different days on different sides of the street located under different circumstances simply cannot be viewed as the same shirt. Also, the fact that one shirt was found on one side of the roadway, and the second was found on the other side of the roadway suggests strongly that two individuals, one seated on the driver's side of a car, and another sitting on the passenger's side, threw the t-shirts out of the car from two different sides of the car, and suggesting that this was done after the women at the bar had told the three white men that their clothing was covered in blood just before the men hurriedly fled the bar the night of the murders and in a time frame that was probably immediately after the murders were committed. Therefore, absent the State producing the blue shirt, it must be assumed that it too was destroyed in an effort to eliminate evidence that was exculpatory to Mr. Cooper.

18. Also of note, despite standard police protocols and professional practices dictating otherwise, sheriff's investigators in this case made a conscious effort not to record the stages of their investigation. Important interviews were not taped, nor video recorded. Notes of interviews were destroyed. This was done, in my professional opinion, with the express purpose of denying defense knowledge of and access to any evidence that would be inconsistent with the guilt of Mr. Cooper. One notable example of this is the conduct of Sheriff's Detective O'Campo, the investigator who conducted the official interview of Josh Ryen after he had recovered enough to verbally communicate, but was still hospitalized. This exceedingly important interview was not videotaped nor audio recorded, yet Josh was the sole surviving victim and the only eye-witness to the murders. It is ludicrous that such interviews were not recorded or memorialized in some manner. Further, O'Campo destroyed his notes from these

interview after writing his report. Tellingly, the report was devoid of any mention of Josh referring to his attackers in the plural. However, Dr. Hoyle, who attended O'Campo's interview of Josh Ryen for clinical reasons took copious notes of that interview. Those notes reflect multiple occasions where Josh described his attackers in the plural. For example, Josh indicated that "*they* chased us around the house" and that he had to fight *them* off. Obviously, these statements are inconsistent with Detective O'Campo's report and with Mr. Cooper having committed the crimes.

CREATION OF EVIDENCE

19. Not only did investigators suffer from consummate tunnel vision and act to destroy multiple pieces of exculpatory evidence, it appears that they went so far as to affirmatively create and plant evidence to implicate Mr. Cooper in the crimes. Examples of these affirmative acts may be seen in a review of the time flow when particular items were found and under what circumstances. These examples are not exhaustive.

20. For instance, on the day of the discovery of the murders no one had noted, nor photographed any bloody shoe prints on the bed sheet recovered from the victim parents' master bedroom. However, after the sheet, heavily spotted with multiple blood soaks and blood spatter, and had been in the Sheriff's Crime Lab for some period of days or weeks, a partial bloody shoe print matching a type of tennis shoe distributed to inmates at the nearby prison was miraculously discovered upon refolding the sheet in a very specific and particular manner were otherwise non-associatable blood spots came together to form a shoe print pattern matching the tennis shoes from the prison. This particular shoe was available to the manager of the Crime Lab, heroin thief Baird, who claimed that he had utilized exactly the same type and size of shoe in a previous case. Interestingly, I have personally interviewed a former prison employee, who was also a reserve deputy sheriff (i.e. part-time volunteer deputy) who had assisted at the murder scene. He told me that a day or two after the murders, while the crime scene was still being processed, but after Mr. Cooper's escape had become public, he was asked by one of the detectives at the scene if he would go to the prison and obtain a pair of prison tennis shoes. He did this and turned them over to the requesting detective. He also has a vague recollection (vague due to the passage of over 25 years since the murders) of being asked to also get a sample of a prisoner jacket and deliver it to this same detective, which he also did. Testimony from

Mr. Cooper and the prison guard tasked with distributing shoes to Mr. Cooper indicated that Mr. Cooper had not been issued that particular type of shoe⁴, but instead had been given a different tennis shoe with a completely different shoe pattern. It was also later learned that the particular tennis shoes used at the prison were commercially available to the public in various retail locations. Lee Furrow was known to regularly wear tennis shoes during that period of time.

21. In a recent interview, Karee Kellison told me that she had recently been socially contacted by Lee Furrow and while talking with him he told her that he had learned over the years that when he commits a crime, he always wears shoes that are not his own.

22. Another example is the suspect evidence arising from the house where Mr. Cooper hid after his escape from prison days before the murders. After the initial search of this house, no evidence was reported. However, the next day a hatchet sheath was “discovered” in plain view on the bedroom floor where the detectives had been inspecting that residence the prior day. Likewise, a green button and piece of rope were also found in the closet where Mr. Cooper had slept while at the house. These pieces of evidence are highly suspicious. The hatchet sheath was sitting in the middle of the floor in an otherwise empty room. It is impossible to believe that a trained officer associated with the investigation of a hatchet murder that had only been discovered the day before, would not have dutifully noted and reported its presence. (Attached hereto as Exhibit ___ are true and correct copies of photographs of where the hatchet sheath was discovered.)

23. The green button and pieces of rope are also suspicious. First, as recognized by Mr. Cooper and the prison guard that saw Mr. Cooper escaping, Mr. Cooper was wearing a tan jacket on the day that he walked away from prison. However, the button that was found came from a green prison jacket. There only plausible explanation for how a button to a prison jacket that Mr. Cooper did not have ended up in the house where he had been hiding is that it was placed there by overzealous individuals who were aware that Mr. Cooper had been in the house and were eager to connect him to the murders. Likewise, the piece of rope found in the closet is similarly disconnected from the realities of the investigation. While this rope was similar to one

⁴ Another inmate anxious to curb favor and with a history of “snitching” testified at trial to giving Mr. Cooper the type of shoes reflected in the partial shoeprint, but recanted that testimony in 2004. He later recanted the recantation, probably under threat of perjury charge. In any event, Taylor through his own actions has proven himself to be an untrustworthy witness.

that was found in the Ryen stables, there was no indication that anyone at the crime scene had been tied up or that rope had been otherwise utilized. Therefore, rather than being discarded evidence of the crime, this rope is more likely an effort to further tie Mr. Cooper to the murders.

24. Similarly, the cigarettes purportedly found in the victims' car are also highly suspect. When that car was found, a detective meticulously cataloged its contents in a level of detail including puncture marks found on various portions of seats and of black electrical tape that was affixed to those seats. This catalog noted that there were cigarettes and ashes in the ashtray of the vehicle. However, when the car was inventoried after being towed to a secure police-controlled location, there were no cigarettes taken from the ashtray, and two other cigarettes that were not noted in the original catalog suddenly appeared on the passenger side of the car in the very tight space between the front passenger seat and the door frame. The inconsistencies in the descriptions of the cigarettes further lends suspicion to these items. However, they are even more dubious when one considers that the same personnel who processed the house where Mr. Cooper had been hiding also processed the car after it had been towed. Of note, Mr. Cooper had left behind numerous pieces of tobacco evidence in that house, including rolled and manufactured cigarette butts. This fact was noted in the affidavit⁵ in support of the warrant for Mr. Cooper's arrest. However, only one cigarette butt was noted as having been from the entire house, with no explanation of where the other cigarette butts from the house had gone. Therefore, the individuals who processed both scenes had access to Mr. Cooper's cigarettes butts and the opportunity to plant them in order to further implicate Mr. Cooper in the murders.

25. Finally, while not exhaustive of all of the manufactured evidence, I would like to conclude my examples with a blood drop identified by investigators as "A-41. This small, individual blood drop was taken from a wall area in the hallway of the home of the murder victims where there was no other significant blood spatter spots, suggesting the question as to why this specific blood spot, to the exclusion of any other spots in the same area, was singled out for collection sometime within the first 24 hours of the discovery of the murders and was collected despite its isolated location relative to numerous pieces of blood evidence found in the

⁵ This affidavit recognized that the numerous pieces of tobacco evidence and their locations in the house where Mr. Cooper had hid were consistent with the habits of a prison inmate.

master bedroom. The relevance of the original collected "A-41" blood drop to who actually committed the crimes will never be known. Testing of this drop was slow to begin. Even in the initial phases of testing, it was clear that the lab did not advance beyond what the lay person considers to be blood typing until later and only after the crime lab had information about Mr. Cooper's serological profile. Of note, Mr. Cooper and Doug Ryen both had type "A" blood, and thus, the lab did not do any more specialized testing until they specifically knew what the results should be. Such a process seems antithetical to the way that a crime lab should operate, but it is undisputed that this crime lab, under the direction of Mr. Baird, conducted testing of A-41 and Mr. Cooper's blood sample side by side on the same examination table. Further, when the crime lab learned that one of its key results was inconsistent with Mr. Cooper's true serological profile, the responsible lab person mysteriously altered those results in order to assure that A-41 would match Mr. Cooper's profile. He then lied about these actions at trial.

26. Further, this same lab person claimed to have exhausted the A-41 sample while working with the a defense expert in October of 1983, however, he then later, and surprisingly, "discovered" the following year that the sample had not truly been exhausted. He then ran another test of A-41 that was inconclusive, and again claimed to have been totally consumed in the testing. Years later in August of 1999, this same lab employee again checked out "A-41" in order to "confirm its existence" at the behest of the district attorney who had become aware that Mr. Cooper was interested in the possibility of having DNA testing done of whatever might remain of A-41. What is inexplicable, is the fact that he had "A-41" in his possession for over 24-hours within immediate proximity to Mr. Cooper's known blood sample that, heretofore, was not subjected to evidentiary controls. When "A-41" was examined in 2002, it had reappeared on a piece of drywall despite the lab record indicating that all drywall and blood had been exhausted back in 1983. (Attached hereto as Exhibit ____ is a true and correct copy of a picture of A-41 prior to DNA testing in 2002.) When questioned about these facts in 2003, the lab technician testified that he had never opened the glassine envelope containing A-41. However, he had signed and dated the seal of the glassine envelope for "A-41" with the date "8/13/99" and his initials, "DJG." (Attached hereto as Exhibit ____ is a true and correct copy of a photograph depicts these initials on the seal.) This was the day that he returned A-41 to the property room after having it in his possession for over 24-hours, and it is standard protocol to initial and date the seal whenever it is broken and re-sealed so that a proper chain of custody may be maintained.

Thus, it is clear that this lab employee did, in fact, open the glassine envelope containing “A-41” while he had it in his possession, and it is likely, in my professional opinion, that he utilized this opportunity to plant some of Mr. Cooper’s blood⁶ on the piece of drywall and insert these items into the container that was supposed to hold “A-41” in order to destroy Mr. Cooper’s ability to use DNA testing to confirm his innocence. Thus, it is clear that this lab employee did, in fact, open the glassine envelope containing “A-41” while he had it in his possession, and it is highly likely, in my professional opinion, that he utilized this opportunity to plant some of Mr. Cooper’s blood⁷ on the piece of drywall and insert these items into the container that was supposed to hold “A-41” in order to destroy Mr. Cooper’s ability to use DNA testing to confirm his innocence, which the prosecutor’s office had recently learned was the intention of Mr. Cooper to have retested for DNA identification, which was now available.

CRIME SCENE RECONSTRUCTION AND ANALYSIS

27. As a part of my review and analysis, and re-investigation of some aspects of this case, I contacted a former FBI colleague, who was one of the founders and very early pioneers of the FBI’s world-respected Behavioral Science Analysis Unit specializing in this type of crime scene analysis and reconstruction. Now in private crime scene reconstruction and an internationally renowned expert on such investigative techniques and the application of medically-accepted psychological diagnostic criteria to such reconstructions, he agreed to examine the crime scene reports and photographs in this case to see if there was any new analysis and reconstruction that could be made for this case. After doing so, he reported the following key analytical results:

A. Evidence of the crime scene, the location of the bodies, the number and type of weapons used to kill the victims type and manner in which well over 100 chopping and curtting wounds were administered to the victims, indicated that it would have required at least

⁶ Of note, an exemplar of Mr. Cooper’s blood was found to contain the DNA of more than one individual in 2005. Mr. Cooper’s efforts to investigate why the DNA of another person was found in a sample of his blood have been denied, but one plausible explanation is that blood was added to the vial after Mr. Cooper’s blood was planted on various pieces of evidence in order to present the illusion that the amount of blood in the tube had not changed.

⁷ Of note, an exemplar of Mr. Cooper’s blood was found to contain the DNA of more than one individual in 2005. Mr. Cooper’s efforts to investigate why the DNA of another person was found in a sample of his blood have been denied, but one plausible explanation is that blood was added to the vial after Mr. Cooper’s blood was planted on various pieces of evidence in order to present the illusion that the amount of blood in the tube had not changed.

two, and possibly more, perpetrators to not only control all five victims (includes the survivor, Josh) at the scene and to be able to kill them simultaneously. In his opinion, there is little if any possibility that the victims were attacked sequentially. His analysis also confirmed for him that this was not a typical multiple murder scene in which there was only one perpetrator, as more fully set forth in his own report submitted in this case.

B. He also concluded that it was essential that all of the victims be encountered and controlled at the same moment to reduce the risk to the perpetrators, and it would have taken multiple assailants to do this. He also pointed out that the blood spatter patterns on the wall behind the parents' beds indicated that they had both been initially and most likely simultaneously attacked while still in bed, indicating at least two perpetrators. He noted that both parents had firearms within arms length reach next to their beds, both were skilled in their use, and both were strong individuals fully capable of fighting the attackers to protect themselves and their children long enough to reach the weapons. Neither was able to do so, again indicating simultaneous attacks.

28. In my professional opinion, and as one who is personally familiar with these techniques and other details of the overall investigation, my colleagues analysis has a high probability of being correct.

CONCLUSION

29. In conclusion, as laid out above, it is my opinion that the investigators in this case suffered from undeniable, endemic tunnel vision that myopically focused all attention on gathering evidence to convict Mr. Cooper and disregard and/or eliminate any evidence that showed the opposite. Further, the facts and circumstances in this case strongly suggest that members of law enforcement created and planted evidence intended to inculcate Mr. Cooper in the crimes which they had pre-determined before any significant investigation that he had committed. Thus, Mr. Cooper was not innocent until proven guilty in the minds of the law enforcement officials who worked tirelessly to insure his current fate. A fate that, as recognized

by Justice Williamlletcher of the Ninth Circuit Court of Appeals, Mr. Cooper unfairly suffers; to be sentenced to die for crimes that he did not commit.

30. The foregoing is true and correct and executed under penalty of perjury under the laws of the United States and the State of California, executed at Santa Barbara, California, on October 17, 2013.

Thomas R. Parker
THOMAS R. PARKER *mta*

Exhibit A

THOMAS R. PARKER



Culminating a thirty year career in local and Federal law enforcement, Tom Parker spent twenty-four years with the Federal Bureau of Investigation (FBI) prior to his retirement in February, 1994. He rose through the FBI ranks in a variety of progressively responsible investigative, supervisory, and management positions and retired as Assistant Special Agent in Charge (i.e. deputy chief) of the Los Angeles FBI Regional Office – the Bureau's second largest office.

Mr. Parker had executive management responsibility for one of the largest field contingents of FBI Agents in the United States investigating organized crime, international narcotics trafficking, major violent crime, violent street gangs, crimes against corporations, white collar crimes, civil unrest, law enforcement and public corruption, and civil rights violations including police brutality. Included among his responsibilities were the latter phases of investigation into rampant corruption in the Narcotics Division of the Los Angeles County Sheriff's Department, as well as the initiation of the FBI investigation into the Rodney King Matter involving the Los Angeles Police Department. He was also the senior Federal law enforcement executive at the Los Angeles Emergency Command Center managing the law enforcement activities during the infamous 1992 Los Angeles riots, as well as the crisis management of the cataclysmic 1994 Los Angeles earthquake.

During his career, he provided management oversight to numerous FBI investigations involving police misfeasance and malfeasance including police corruption and excessive use of force. He also conducted and supervised numerous cases involving irregularities in jails and prisons.

As a senior field commander, Mr. Parker had executive management responsibilities for numerous FBI field supervisors, and was responsible for overseeing and evaluating their supervisory performance. Mr. Parker also created and/or managed various specialized FBI squads and interagency task forces on bank robberies, fugitives, major violent crimes, street gangs, organized crime, drug trafficking, civil unrest, official corruption, and white collar crimes. Mr. Parker also served as the on-site FBI commander for major arrests, the execution of search

warrants, undercover operations, drug seizures, SWAT operations, hostage negotiations, and shooting incidents involving FBI Agents and Interagency Task Force officers . He also created and implemented the first Joint Drug Intelligence Center in the western United States which used sophisticated computer systems to gather, analyze, and disseminate complex drug trafficking intelligence data impacting the southwestern border and Pacific coast of the United States. Mr. Parker was also the senior FBI representative to the Western U.S. High Intensity Drug Trafficking Area Executive Board responsible for the coordination of Federal funding for international and domestic drug enforcement investigations by Federal, state, and local law enforcement agencies in the Los Angeles area. In both 1990 and 1991, he was a delegate to the Japanese-American Working Group on Organized Crime.

His field command responsibilities also included approving the initiation of major criminal investigations, including sophisticated undercover operations, the evaluation of the sufficiency of investigative results prior to the issuance of criminal complaints or indictments, and assuring compliance with Attorney General and FBI Guidelines on the initiation and continuance of criminal investigations.

In 1989, he was selected to be a Management Aptitude Program Assessor to participate in the evaluation of candidates for promotion to supervisory positions throughout the FBI, and served in that collateral assignment until 1994. Additionally, as the Assistant Special Agent in Charge in Los Angeles, Mr. Parker was also responsible for reviewing and recommending candidates for promotion to supervisory rank within that FBI division.

He also conducted numerous internal investigations of violations of FBI ethical standards, policies and procedures, as well as FBI shooting incidents, and recommended disciplinary actions when necessary. He also served as chairman of the divisional FBI Undercover and Sensitive Investigations Review Committee.

Prior to his assignment to the Los Angeles FBI Office, he was the Chief of Resource Management and Strategic Planning for the Criminal Investigative Division of the FBI at FBI Headquarters, Washington, DC. In that position, Mr. Parker was responsible for the formulation, presentation, and implementation of the FBI budget for all criminal investigative programs, as well as managing the allocation of investigative and program resources to the FBI field offices. He also managed the strategic planning functions for criminal investigations and implemented new change strategies designed to emphasize service industry management concepts in order to increase the FBI responsiveness its constituent clients.

Mr. Parker was also responsible for creating and implementing the first Asset Seizure and Forfeiture Teams in major FBI field offices to identify and locate the illicit profits of major criminals and to recover those profits for ultimate forfeiture to the government. He was also a member of the FBI's National Undercover Review Committee which had the approval authority over all FBI criminal undercover operations. He also represented the FBI at U.S. Department of Justice, White House, and Congressional budgetary and strategic planning meetings.

Mr. Parker also served as a member of the FBI Inspection Staff where he conducted compliance, effectiveness, and efficiency examinations of FBI field offices and their investigations throughout the United States and FBI Headquarters divisions, as well as managing internal FBI investigations of Agents and other personnel who have violated FBI

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policies and procedures in carrying out their duties, or have been involved in shootings and other use of force incidents.

During his FBI career, he held numerous field supervisory and management positions throughout the United States and also served as a Supervisory Special Agent/Program Manager in the Office of the Director, FBI Headquarters, Washington, DC, where he managed a full range of congressional liaison and national public affairs functions for the FBI involving Congressional testimony, media relations, law enforcement liaison, and citizen information programs. He was also an instructor at various training courses for the press officers of the FBI's field offices. He also served for two years as senior speech writer for then FBI Director William H. Webster. Thereafter, Mr. Parker was designated as the Supervisory Special Agent in Charge of the St. Paul, Minnesota FBI Office, where he was responsible for management of all FBI resident agents in Minnesota and their investigations.

While a field investigator early in his career, Mr. Parker specialized in the investigation of complex violent crimes including murders, organized crime, white collar crimes, and corruption of police, corrections, and public officials. He was the FBI representative to the Las Vegas Federal Organized Crime Strike Force investigating corruption within the Nevada gaming industry.

He personally initiated the successful multi-year probe into the hidden Mafia ownership and control of major Las Vegas casinos which resulted in the conviction and imprisonment of the entire leadership of the Mafia families in Chicago, Kansas City, and Cleveland, as well as the liberation of these casinos from organized crime control. His investigation became the focus of the 1995 hit movie, "**Casino**" starring Robert DeNiro and Sharon Stone.

He has personally investigated and/or managed in excess of 10,000 criminal cases while serving in the FBI, including international drug trafficking, major violent crimes and murders, major street gang activities, organized crime, complex white collar crimes, official and police corruption, and police excessive use of force.

For over ten years, Mr. Parker was an FBI field instructor for police officers and prison officials on best practices in law enforcement management and supervision, criminal investigative procedures, informant policies and procedures, police report writing, hostage negotiations, law enforcement ethics and corruption, and public affairs. He was also a frequent guest lecturer at the FBI Academy on organized crime, public corruption, and public affairs, and was also an adjunct Instructor in Criminology for the College of St. Francis, Joliet, Illinois.

Mr. Parker was also a trained and experienced hostage negotiator. During his career, he also posed as the co-pilot of a hijacked jetliner in order to obtain the release of passengers being held hostage and capturing the armed skyjacker. He led one of the first successful FBI investigations into the illegal activities of a heavily armed militia-style group of anti-government militants, and conducted many successful criminal investigations into the organized crime infiltration and control of several labor unions in the United States. He also conducted or managed a number of investigations which resulted in the conviction and imprisonment of several high-level government officials for corruption, including a police chief, the Speaker of the Missouri State House of Representatives, and two sitting U.S. Congressmen.

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During his career, Mr. Parker was the recipient of over twenty official commendations from the Director of the FBI for valor, managerial excellence, and investigative achievements.

Prior to his employment as a Special Agent of the FBI, Mr. Parker was a police officer in Santa Clara, California for four years.

Upon his retirement from the FBI, Mr. Parker founded and led an international security consulting and investigative firm in Los Angeles with contract associates in a number of domestic and international locations. He and his highly experienced investigators and security consultants were regularly retained throughout the world by multinational corporations, international law firms, government agencies, and private individuals to conduct extremely complex international consulting projects and investigations. He has been regularly quoted or interviewed in various national and international mass media outlets including the Wall Street Journal, the New York Times, and the Los Angeles Times, and has also been a guest expert commentator on CNN, MSNBC, all four major U.S. television broadcast networks, and a number of foreign television networks on various major investigations and police operations around the world, including the October, 2002, sniper shootings in the Washington, DC, area, and the 9/11 attacks on the United States.

Through a U.S. Government grant, Mr. Parker has also consulted with various regional units of the Ministry of the Interior Affairs (MVD) in Russia on developing new training programs for their national police, as well as prosecutors, judges, and Ministry of Justice prisons staff, designed to increase their professionalism and responsiveness to the citizenry, reduce violence and corruption by police officers and prison officials, and to improve the thoroughness of their investigative and enforcement operations prior to the arrest of suspected lawbreakers. He has also provided training to the police in nine cities across Russia in developing community policing programs and more effective responses to gender violence incidents.

He and his firm were finalists in the search for a western police consultant for a European country national police agency suffering from poor management, corruption and organized crime infiltration of its police operations, as well as on a separate project relating to improving the criminal enforcement competencies within that country's national social welfare programs.

In 1998, Mr. Parker served as an unpaid consultant on the book captioned Shielded From Justice: Police Brutality and Accountability in the United States (Human Rights Watch, 1998), which reported the results of 2-1/2 years of research into continuing problems of police brutality in fourteen American cities, including Los Angeles.

On a part-time basis between 1994 and 2004, and full-time since 2005, Mr. Parker has served as a court-certified expert witness in state and Federal courts on police operational procedures and best practices, law enforcement management, law enforcement excessive use of force, the competency and thoroughness of complex investigations, jail and prison violence, and political asylum cases arising from claims of police persecution in foreign countries.

As an expert witness, Mr. Parker issued a report in September, 2011, reporting systemic officer-on-inmate violence in the Los Angeles County Jails System, which led to the appointment of a Blue Ribbon Commission by the Los Angeles County Board of Supervisors. Their report totally validated Mr. Parker's findings and recommendations. He has also been retained for similar studies and reports in other locations around the country.

In 2008, he was appointed by the Mayor and City Council as a Commissioner on the Board of Fire and Police Commissioners for the City of Santa Barbara, California and served two years in that position and as its Vice-Chair.

In May, 2012, he was recognized by the Legal Aid Foundation of Santa Barbara with their 'Heroes of Justice Award' for his work on criminal justice reform and four decades of service to the criminal justice system.

In February, 2013, Mr. Parker was appointed by the Superior Court of Santa Barbara County as a Juvenile Justice Commissioner with responsibilities for overseeing the juvenile justice system across the county and providing reports and recommendations to the Presiding Judge of the Superior Court regarding the effectiveness and efficiency of those sectors.

Throughout his career, Mr. Parker has authored and had published a number of professional articles on various aspects of law enforcement operations and criminal investigations.

Mr. Parker is a member of the following professional associations:

- Society of Former Special Agents of the FBI
- FBI Special Agents' Association
- Society for Police and Criminal Psychology
- Academy of Criminal Justice Sciences
- American Correctional Association
- International Corrections and Prisons Association
- California Probation, Parole, and Correctional Association
- California Association of Hostage Negotiators
- National Tactical Officers Association
- California Association of Licensed Investigators
- Santa Barbara County Bar Association (Associate Member)
- California Attorneys for Criminal Justice (Associate Member)
- National Association of Criminal Defense Attorneys (Associate Member)

Exhibit B

THOMAS R. PARKER

Examples of Expert Witness Engagements

Dennis Rutherford, et al, Plaintiffs v. Los Angeles County Sheriff Leroy Baca, et al, Defendants

USDC Case No. Civ. 75-04111-DDP; U.S. District Court, Central District of California

Expert Witness Consulting and Investigation, and detailed report on deputy-on-inmate violence against inmates in Los Angeles County Jails System, and assessment of safe and secure jail operations management by top command staff and elected Sheriff Leroy Baca, Los Angeles County Sheriff's Department. (2011 – case pending)

Carol Ann George v. The County of Santa Barbara, California; ET AL

USDC Case No. CV09-2258, U.S. District Court, Central District of California, Los Angeles, California

Excessive Use of Force in Shooting Death of Donald George by deputies of Santa Barbara County Sheriff's Department – Expert Witness Consulting, Report, Deposition, and upcoming trial testimony for plaintiffs. (2008-2011 – case pending)

In The Matter of Roberto Carlos Silva-Pereira, Respondent, Detained Alien Removal Proceeding

DHS Case No. Unknown, U.S. Department of Justice, Executive Office for Immigration Review, Office of the Administrative Judge, Florence, Arizona

Pre-Report Investigation in anti-American guerrilla territory of El Salvador, Expert Witness Reports and Testimony for Respondent relating to Political Opposition enlisting National Police in El Salvador to File False Criminal Charges Against Respondent as frame-up for his ultimate execution in Salvadoran prison environment. Expert witness work and report resulted in public exposure of widespread corruption within Salvadoran ruling party, which, in turn, evolved into the political assassination of the high-level party official who engineered the attempted framing of client and subsequent extortion of client's family in El Salvador. (2007-2010)

Mark Nunez, Et Al, v. City of New York, Et Al, USDC Case No. 11 Civ. 5845 (LTS) (JCF), U.S. District Court, Southern District of New York, New York, N.Y.

Expert Witness Consulting and Investigation, and detailed report on pattern and practice of officer-on-inmate violence against inmates at Rikers Island, New York City Department of Corrections (DOC), and assessment of safe and secure jail operations management by top DOC command staff. (2012–Present – Case Pending)

Kevin Cooper v. Jill Brown, California State Prison at San Quentin

USDC Case No. CV-04-00656-H, Southern District of California, San Diego, California

Death Penalty Case Habeas Corpus Petition – Expert Witness Consulting, Top-to-Bottom Review of Criminal Investigation Which Resulted in the Conviction of Cooper and Imposition of Death Penalty, and Preparation of Declaration regarding sufficiency of police investigation, question of planted evidence, and malfeasance by investigating police for Petitioner-Appellant. (2011 – case pending)

Francisco Carrillo, Plaintiff v. Craig Ditsch, County of Los Angeles, Los Angeles Sheriff's Department, Defendants

Case No. CV11-10310 SVW; U.S. District Court, Central District of California, Los Angeles, California

Report and Deposition on police practices regarding Plaintiff having been wrongfully convicted of drive-by murder based on falsified evidence and suborned false eyewitness identification by Los Angeles County Deputy Sheriff, resulting in Plaintiff serving twenty years in prison on wrongful conviction. (2012 – present – case pending)

Celestine Gibson, Plaintiff v. Las Vegas Metropolitan Police Department, Et Al, Defendants

Case No. 2:12-CV-00900-GMN-CWH, U.S. District Court, District of Nevada, Las Vegas, Nevada

Expert Witness Consulting on police practices in shooting death of mentally-impaired son of plaintiff by officers of Las Vegas Metropolitan Police Department. (2013 – present – case pending)

United States of America, Plaintiff v. Michael Smith, Defendant

Case No. 2:12-CFR-48-MHT-TFM, U.S. District Court, Middle District of Alabama, Northern Division

Defendant was a correctional officer/supervisor in a southern state prison facility convicted of killing an inmate by beating him with a police baton. Expert witness consulting and testimony on existence of mitigating circumstances of outdated prison operating policies and procedures, dangerous conditions, use of force practices, lack of proper training, and lack of adequate management oversight were among the causal factors resulting in the death. (2013 – case pending)

Lt. Norman Come', Petitioner v. City of Santa Maria, Defendant

Expert Witness for Petitioner regarding City and Police Management Practices in administrative/personnel hearing on allegedly unwarranted suspension of police lieutenant

State of California, Plaintiff v. Rickie Lee Fowler, Defendant

Case No. FSB904563, Superior Court, County of San Bernardino, San Bernardino, California

Criminal Investigation Consultant and Expert Report on Police Practices and Competency of Police Investigation where Defendant charged with arson and murder. (2012)

Richard Dean Turner v. Robert K. Wong, Warden, California State Prison at San Quentin

USDC Case No. CV 09-7449 GAF, U.S. District Court, Central District of California, Los Angeles, California

Death Penalty Case Habeas Corpus Petition – Expert Witness Consulting and Declaration regarding insufficiency of police investigation for Petitioner-Appellant. (2010–2011 – case pending but death penalty sentence reversed)

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Shawn Nee, National Photographer's Rights Association, Et Al, v. County of Los Angeles, Los Angeles County Sheriff's Department, Et Al:

Case No. CV-11-8899, U.S. District Court, Central District of California, Los Angeles, California.

Police Practices Expert Witness consulting and report regarding inadequate and faulty training and unlawful police procedures used in preventing photographers from taking photographs in public places, and unlawfully detaining and searching them without reasonable suspicion or probable cause, in violation of their civil rights. (2012—present – case pending)

Richard Lonnie Booker, Petition for Writ of Habeas Corpus

Supreme Court, State of California, Automatic Appeal No. S083899

Riverside County Superior Court No. CR67502

Claims of Incompetent Police Investigation in Capital Case; Ineffective Assistance of Counsel; Expert Witness Research and Competency of Police Investigation. (2011 – case pending)

State of California, Plaintiff and Respondent vs. Raymond Oscar Butler, Defendant and Appellant

Supreme Court, State of California, Automatic Appeal (Capital Case) CRIM No. S055501

Los Angeles County Superior Court, No. NA019605

Expert Witness Consulting with Appellate Counsel on procedures in Los Angeles County Jail System and misconduct of correctional deputies relating to jailhouse murder. (2011 – case pending)

Chris Vasquez, Elizario Perez, Plaintiffs v. County of Los Angeles, Los Angeles County Sheriff Leroy Baca, Defendants

U.S. District Court, Case No. CV-11-03849 (PJWx), Central District of California, Los Angeles, California

Expert Witness consulting and report relative to two Deputy Sheriff's assigned to Los Angeles County Jails beaten by fellow jail Deputies after dispute over excessive use of force in jails. (2012, case pending)

Claudia Navarro Pineda Et Al, v. City of Houston, Texas; D.H. Strouse; D.R. Barrera; P.A. Herrada; D.R. Perkins; Et Al

USDC No. H-98-3877, Southern District of Texas, Houston Division

Claim of Illegal Police Raid Resulting in Shooting Death of Innocent 3rd Party -- Deposition testimony as expert witness for plaintiffs (1998-2001)

Richard L. Garcia vs. United States of America, United States Postal Service, Et Al

USDC No. 98-7521 RSWL (SHX), Central District of California

Claim of Investigative Malfeasance of U.S. Postal Inspectors resulting in workplace violence shooting of plaintiff -- Deposition testimony as expert witness for plaintiffs (1999)

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Juan Berry, James Suggs vs. Las Vegas Metropolitan Police Department, ET AL

USDC No. CV-S-99-00446-JBR (RLH), District of Nevada

Claim of Excessive Use of Force by Off-Duty SWAT Officers -- Deposition testimony as expert witness for the plaintiffs (2000)

The Estate of Dwayne Eli Sanchez, Et Al, v. The City of Santa Maria, California

USDC No. CV 99-5839-JSL (MANx), Central District of California

Shooting Death of Driver of Vehicle by Police -- Deposition testimony as expert witness for plaintiffs (2000-2001)

Gwen Price; Estate of James Jahar Perez v. City of Portland, Oregon

USDC Case Number, C04-1178-MO, U.S. District Court, Portland, Oregon

Shooting of Driver of Vehicle by Portland Police Department Causing Death of Plaintiff – Expert Witness Case Consulting and Expert Witness Report for Plaintiff (2005)

Main Street Motor Cars, Inc., Et Al, v. North Las Vegas Police Department, Et Al

USDC No. CV-S-00-1161-PMP (LRL), District of Nevada

Claim of Acts of Official Corruption by Police Captain -- Expert witness report and trial testimony for plaintiffs (2001)

The Estate of Charles Webb, Et Al, v. The City of North Las Vegas, Nevada, Et Al

Death of Prisoner While in Police Custody -- Pre-filing expert witness review and analysis for plaintiffs (2001)

Jerry W. Vlasak, MD v. Las Vegas Metropolitan Police Department

Case No. Unknown, U.S. District Court, District of Nevada, Las Vegas, Nevada

Excessive Use of Force and False Arrest – Expert Witness Consulting for Plaintiff (2002)

Matthew Grace and Geary Johnson v. Howard University

USDC Case No. 1:04cv00336, U.S. District Court, District of Columbia

Claim of Misfeasance of Howard University Police resulting in shooting of Plaintiff Grace and Violation of Constitutional Rights – Expert Witness Consulting (2004)

In The Matter of Rosario Gambino, Respondent, Detained Alien Removal Proceeding

DHS Case No. A12-392-286 U.S. Department of Justice, Executive Office for Immigration Review, Office of the Administrative Judge, San Pedro, California

Pre-Report Investigation and Document Review in Italy, Expert Witness Reports and Removal Hearing testimony for Respondent (2006-2008)

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In The Matter of Yuliya Kalinin, Respondent – Detained Alien Removal Proceeding

DHS Case No. Unknown; U.S. Department of Justice, Executive Office for Immigration Review, Office of the Administrative Judge, San Pedro, California

Expert Witness reports and Removal Hearing testimony for Respondent regarding excessive use of force and false arrests by Russian Police (2006-2007)

Other Political Asylum Matters

Between 2001 and 2007, I have been retained as an expert witness on seven (7) other matters involving highly sensitive political asylum proceedings arising from foreign police persecution and/or beatings of the U.S. asylum seekers, but due to statutory confidentiality restrictions and signed agreements, I am not at liberty to divulge details or captions of same.

United State Gypsum v. LaFarge North America, ET AL

USDC Case No. 03-CV-6027, U.S. District of Illinois, Northern District of Illinois, Chicago, IL.

Claim of Infringement of Intellectual Property and Trade Secrets – Expert Witness Consulting, Report, and Deposition Testimony for Plaintiff re: Economic Espionage (2006-2008)

Pioneer Liquidating Corporation vs. San Diego Trust and Savings Bank, Et Al

USDC No. 94-361-SPK (BTM), Southern District of California

Multi-Million Dollar business fraud case -- Trial testimony as expert witness on fraud for plaintiffs (1995)+

Positive IONS, Inc. v. ION Media Networks, Inc., Paxson Communications Corp., Et Al

USDC No. CV06-4296 ABC (FFMx), Central District of California

Trademark and Trade Secret Infringement – Expert witness report for defendants (2007)

Exhibit C



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Exhibit D

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Exhibit E

