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April 5, 16

Governor Jerry Brown  
c/o State Capitol, Suite 1173  
Sacramento, CA 95814

Dear Governor Brown:

I write today to urge you to both grant the clemency petition for Kevin Cooper and require that an investigation of his case be undertaken to fairly determine whether or not he is innocent. I have been aware of and have spoken publicly about Mr. Cooper's case for many years, have communicated with your predecessor about it, read Judge Fletcher's dissent, Mr. Cooper's clemency petition and the recent report from the Inter-American Commission on Human Rights. The massive record compiled over time, now including new information, shows that Mr. Cooper has been wrongly convicted and has had his human rights grossly violated. For these reasons I implore you to save Mr. Cooper's life.

As you may recall, I have been involved for over 30 years in the movement to end the use of the death penalty in California and our country. For the past 24 years I have been President of Death Penalty Focus, a national organization working to end capital punishment. I was deeply involved with the Proposition 34 campaign that came very close to ending state killing here in 2014 and I have written and spoken on the subject through the media for years.

One of the many reasons I have worked to end the death penalty in California is the danger that we will execute an innocent person. (Given the facts of Thomas Thompson's case I'm tempted to say "again.") There have already been five California death row inmates who have been cleared and freed. Statistical studies of death row exonerations suggest that there are more innocent people awaiting death in California. The facts argue that Mr. Cooper is clearly one of them.

A review of Mr. Cooper's case, his clemency petition and its supporting documents and exhibits show that his conviction was the result of a racially biased investigation by law enforcement, corruption in the gathering and destruction of evidence, and a dishonest prosecution that not only failed to turn over exonerating evidence but actually destroyed evidence of innocence. Meanwhile, as eleven federal appellate judges have opined, Mr. Cooper has never had a fair hearing to establish his innocence. Sadly, these elements are frequently found in cases where innocent people are convicted and sentenced to death. Our criminal justice system is not properly equipped, including on appeal, to ferret out innocent people who have fallen through the cracks. This was clearly so in Mr. Cooper's case and I do not want your legacy, or our state's, to include the execution of an innocent man.

Please consider in particular the letters from former prosecutors Sam Millsap, Jr. and A.W. "Marty" Stroud II. They know how horrible it is to learn that their actions resulted in the conviction of an innocent man. Mr. Millsap, whom I know personally, struggles with the knowledge that a man he sent to the death chamber was executed before he was shown to be innocent.

I find it particularly significant that the President of the American Bar Association, Paulette Brown, has asked that you grant Mr. Cooper a reprieve and that you undertake a factual investigation of Mr. Cooper's case. The ABA does not take a stand on the death penalty. The fact that its President has made this request demonstrates just how shockingly corrupt Mr. Cooper's prosecution was. While I pray that California will not ever engage in any further executions, I find it particularly alarming when an innocent man like Mr. Cooper is at risk.

Please exercise your clemency powers to stay the execution in Mr. Cooper's case and see that the innocence investigation he deserves is undertaken. I hope and expect that he will be exonerated when a legitimate search for the truth is carried out. And I pray that California will never execute another human being, guilty or innocent, again.

Respectfully,



Mike Farrell