



Independent Forensic Services

Orrick, Herrington & Sutcliff LLP
Mrs. K. Dewitt
400 Capitol Mall suite 3000
Sacramento CA 95814

RE:
Kevin Cooper
12.831/MC 160-11

Conifer, October 17, 2013

Dear Mrs. Dewitt,

On your behalf we studied the file that you made available to us of your client Kevin Cooper. Mr. Cooper is convicted of capital murder and sentenced to death by a Californian court in 1985. He has consistently maintained his innocence of the murders for which he has been convicted.

A tan t-shirt had been found beside the road leading away from the house where the murders took place. This t-shirt was found soon after the murders. Initial testing of stains on the t-shirt showed that they contained blood consistent with one of the victims and not consistent with Cooper.

Long after trial, at Cooper's insistence, the State performed a DNA test on some of the blood on the t-shirt. Cooper maintained that the test would prove his innocence. Instead, the blood tested matched Cooper's DNA profile. Cooper is of the opinion that his blood was planted on the t-shirt. A possible source is blood taken from Cooper by San Bernardino County Sheriff's Department personnel on August 1, 1983, two days after his arrest. The vial with that blood contained an added preservative called EDTA, to keep the blood liquefied. In a sample of fresh blood EDTA is not found.

The presence of blood containing EDTA is very likely under a scenario where Cooper's blood came in contact with the tan t-shirt after his arrest.

Independent Forensic Services (IFS) is a private laboratory for forensic testing, with facilities both in the US (Colorado) and in the Netherlands. Our areas of expertise are biological trace recovery, DNA-testing with extensive experience in "touch-DNA" and Low Copy Number Technics, bloodstain pattern analysis, crime scene reconstruction, injury interpretation and time- and cause of death. We have the most sensitive equipment, we use the newest test kits to detect DNA and we use cutting edge technics in trace recovery. Due to the heightened sensitivity of our techniques and our ability to use minuscule amounts of DNA to recover DNA profiles, we have the capability of producing DNA profiles that were previously unavailable via testing because of degraded DNA or minuscule amounts that were deposited.

Our evidence has been accepted in courts in the Netherlands, Australia, UK, and the US. We have worked complex and high profile cases both for the prosecution and the defense. Our goal is truth finding and we go where the evidence leads us.



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The tan t-shirt has been examined extensively, which complicates the case to a certain degree. Nevertheless IFS is able and willing to perform another examination with the methods we use. Finding the right traces, analyzing the contents of the traces, determining who's DNA could be on there and what the most likely way is that the DNA got there is our core business. We interpret the result in a correct, scientific manner and we report in a comprehensible way. Putting the results in the context of the case could very well provide insight in what activities were performed by the wearer of the t-shirt and what has been happening with the t-shirt after it was found.

If we get the opportunity to examine the t-shirt with the techniques we have at our possession we might very well be able to substantiate or refute the statements done by Cooper.

Another object of forensic interest is the hatchet found by the road and was established to have the victims' blood on it. The fingerprint processing could have preserved DNA on the hatchet below that chemical layer. IFS has succeeded previously in recovering DNA from objects in these conditions.

If we obtain DNA results from the hatchet we might be able to determine whether or not this was indeed the murder weapon and who might have handled or owned it. We could combine the DNA results with 3D overlays based on photogrammetry to obtain injury interpretation. Those pictures can be very convincing.

Any object related to the crime scene can be examined in this way by IFS.

What we know from the case so far is worrisome with respect to truth finding and we think the importance of quality independent forensics testing with regard to the innocence or guilt of Cooper cannot be overestimated.

Please let us know if we can be of any assistance,

Kind regards,

Mrs. S. Eikelenboom-Schieveld, M.D.
Independent Forensic Services