

JOSEPH R. GRODIN

February 8, 1017

The Honorable Edmund G. Brown, Jr.
Governor, State of California
State Capitol
Sacramento, CA 95814

Re: Clemency for Death Row Prisoner Kevin Cooper

Dear Governor Brown,

My attention has been called to what clearly seems a grave injustice occurring within the California judicial system, and one within your power to correct. I am writing to urge you to do so.

Judge Willi Fletcher and a significant number of Ninth Circuit colleagues have warned that the State of California may be about to execute an innocent man, and I agree. I have read the opinions in the Ninth Circuit on the denial of *en banc* hearing in Cooper's case in 2009, and I have read the July 21, 2015 Report of the Inter-American Commission on Human Rights, analyzing subsequent evidence and concluding that Mr. Cooper had been denied rights of fair trial and due process of law protected by the American Declaration. I understand that there is further evidence, discovered after 2015, which points in the same direction. Overall, there is strong reason to believe that Mr. Cooper was the victim of deliberate framing and cover-up of evidence by the prosecution, including destruction and planting of evidence, and that he is in fact innocent of the crime of which he has been accused.

I can understand that you would be reluctant to engage in what might appear to be second-guessing of the judicial branch on the question of guilt or innocence. But what Mr. Cooper and his lawyers are asking at this point is much less than that. He and they are requesting the opportunity to test, at his expense, and by modern forensic methodology, certain items of evidence that are potentially crucial to the determination of his innocence, including a t-shirt, an orange towel, and a hatchet. You have the authority to provide for that testing, pursuant to your clemency power. Mr. Cooper has been on death row for more than 30 years. The requested testing cannot possibly harm the legitimate interests of the prosecution, or of the public. It could, however, result in justice finally being done.

Very truly yours,



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