



January 14, 2023

Kevin Cooper has suffered imprisonment as a death row inmate for more than 38 years for a gruesome crime he did not commit. We are therefore extremely disappointed by the special counsel's report to the Board of Parole Hearings and disagree strongly with its findings. Most fundamentally, we are shocked that the governor seemingly failed to conduct a thorough review of the report that contains many misstatements and omissions and also ignores the purpose of a legitimate innocence investigation, which is to independently determine whether Mr. Cooper's conviction was a product of prosecutorial misconduct. The report failed to address that critical issue. The evidence when viewed in this light reveals that Kevin Cooper is innocent of the Ryen/Hughes murders, and that he was framed by the San Bernardino Sheriff's Department.

The special counsel's investigation ordered by Governor Newsom in May 2021 was not properly conducted and is demonstrably incomplete. It failed to carry out the type of thorough investigation required to explore the extensive evidence that Mr. Cooper was wrongfully convicted. Among other things, the investigation failed to even subpoena and then examine the files of the prosecutors and interview the individuals involved in the prosecution. For unknown reasons and resulting in the tragic and clearly erroneous conclusion that he reached, the special counsel failed to follow the basic steps taken by all innocence investigations that have led to so many exonerations of the wrongfully convicted.

In effect the special counsel's report says: the Board of Parole Hearings can and will ignore Brady violations, destruction of exculpatory evidence, planted evidence, racial prejudice, prosecutorial malfeasance and ineffective assistance of trial counsel; since I conclude Cooper is guilty based on what the prosecution says, none of these Constitutional violations matter or will be considered and we have no obligation to investigate these claims.

Given that (1) we have already uncovered seven prosecutorial violations of *Brady v. Maryland* during Mr. Cooper's prosecution, (2) one of the likely killers has confessed to three different parties that he, rather than Mr. Cooper, was involved in the Ryen/Hughes murders, and (3) there is significant evidence of racial bias in Mr. Cooper's prosecution, we cannot understand how Mr. Cooper was not declared wrongfully convicted. The special counsel specifically declined to address ineffective assistance of counsel at the trial or the effect of race discrimination. We call on the governor to follow through on his word and obtain a true innocence investigation.