

I'm Kevin Cooper and I've written this letter from death row at San Quentin Prison and I'm sending it out far and wide so that people can hear from me directly about what the Governor has done, and what he is apparently choosing not to do regarding my case.

My legal team drafted an [excellent rebuttal](#) to the unsigned Special Counsel's Report—what was supposed to be an "Innocence Investigation" but what clearly was not. My team had asked me not to speak out about the sham of an innocence investigation that the Special Counsel did and in particular since January 2023 as they worked on the rebuttal and then in order to give the Governor's office time and space to respond thoughtfully and legally.

David Sapp, the Chief Deputy Legal Affairs Secretary for the Governor's office, was responsible for my case. In one meeting, he told five members of my team that I was wrongfully convicted. We had hope that the truth was finally in the right hands of people committed to justice rather than protecting law enforcement and powerful DA's offices and whoever else is involved in trying to kill me.

On October 4, 2023, Mr. Sapp sent an email to my attorney, Rene Kathawala, of Orrick, Herrington, and Sutcliffe LLP, stating in part that just because there are "procedural errors in the investigation and prosecution it doesn't mean that Kevin is innocent..." and that "the rebuttal does not undermine our confidence in the Special Counsel's conclusion that the DNA evidence implicates Mr. Cooper in the Ryens/Hughes crimes and that he is not actually innocent."

It appears that Mr. Sapp, the voice of the Governor's office on my case, has made a conscious decision to look AWAY from the prosecutorial misconduct and the eight Brady Violations lined out by many highly esteemed legal experts. By doing this he upheld my wrongful conviction—a wrongful conviction that he acknowledged when speaking with my team.

Mr. Sapp also has not disputed that the Special Counsel's report was not the product of an independent innocence investigation, but the Governor does not seem interested in ensuring that his Executive Order is complied with. This cannot be explained rationally.

Apparently violating my constitutional rights with eight Brady violations—tampering with witnesses, tampering with evidence, planting evidence, destroying evidence, withholding material exculpatory evidence, perjury, and the many other violations we have proven in my case—apparently these violations are acceptable to the Governor's office. Each of these violations are illegal and unconstitutional under the laws of the United States of America and the state of California.

The end does not justify the means, not in this country nor in this state. How can a “progressive” governor who voices his concerns about the death penalty killing innocent people, how can he allow a factually innocent person to remain incarcerated and sentenced to death on his watch?

How can a governor issue an executive order granting an independent innocence investigation and then not do anything when his executive order is blatantly violated, when it is in fact hijacked, and white-washed by people whose sole agenda is to keep me in prison on death row where I will die or possibly be executed if executions are resumed in the state of California?

The governor has a duty to protect me, and my constitutional rights from being violated by the district attorney and the sheriff's department. I am a poor African American man, one of countless other black and brown and poor people, suffering from the way too many wrongs in the criminal justice system, committed by the very people who are sworn not to commit these wrongs. The governor has a duty to uphold the rights of all people in this state no matter who they are, or where they are.

I am asking everyone reading this letter to please speak out and help stop this injustice. Please get involved and help right this wrong, a wrong that happens to so many people across this country. Please join this fight, not just for me, but for justice, real justice, and for the rule of law.

In Struggle and Solidarity,
Kevin Cooper
October 25, 2023