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March 25, 2020

The Honorable Governor Gavin Newsom
1303 10th Street, Suite 1173
Sacramento, CA 95814

Dear Governor Newsom,

Death Penalty Focus is a California non-profit corporation dedicated to the abolition of the death penalty. We thank you for ordering a moratorium on executions for the duration of your term. It was undoubtedly the right thing to do.

When you ordered the moratorium on executions in California, you explained that we have a broken system that has sent many innocent people to death row. In 2019 alone, three death row inmates were exonerated after collectively serving more than eight decades behind bars.¹ In California, five wrongly convicted death row prisoners have been exonerated since 1978.² One of these men, Vicente Figueroa Benavides, was freed in 2018 after 26 years on death row.³

Kevin Cooper, CDCR condemned inmate C65304, has maintained his innocence since 1983. It has been demonstrated that the physical evidence and witness testimony used to convict and condemn Mr. Cooper is unreliable. Experienced forensic investigators uniformly cast doubt on any possibility that Mr. Cooper was related to the Chino Hills killings.

Mr. Cooper's attorney requested that you use your powers authorized by Penal Code section 4812 and Title 15 California Code of Regulations section 2816(b) to order the Parole Board to conduct "a full and complete investigation" into Mr. Cooper's claim of innocence. This "Innocence Investigation" will require the Parole Board to take testimony, examine witnesses under oath, and take all action necessary to conduct a full and complete investigation of Mr. Cooper's claim of innocence, which is likely to result in his exoneration.

¹ See, [Death Penalty Information Center 2019 Year-End Report](https://deathpenaltyinfo.org/news/dpic-2019-year-end-report-death-penalty-erodes-further-as-new-hampshire-abolishes-and-california-imposes-moratorium), available at <https://deathpenaltyinfo.org/news/dpic-2019-year-end-report-death-penalty-erodes-further-as-new-hampshire-abolishes-and-california-imposes-moratorium>.

² Sheeler, Andrew. *Not Guilty: Five California Inmates Who Were Freed from Death Row*. Sacramento Bee, March 13, 2019, available at <https://www.sacbee.com/news/politics-government/capitol-alert/article227617674.html>.

³ See, *Vicente Benavides, Sentenced to Death by False Forensics, to Be Freed After 26 Years on Death Row*, available at <https://deathpenaltyinfo.org/news/vicente-benavides-sentenced-to-death-by-false-forensics-to-be-freed-after-26-years-on-death-row>

In California, your Honor, you have the ultimate authority to set an innocent man free. The Board of Directors and supporters of Death Penalty Focus urge you to order an Innocence Investigation, and to do so with all deliberate speed as he has already spent more than three decades on death row.

Sincerely,

A handwritten signature in black ink that reads "Nancy Haydt". The signature is written in a cursive style with a prominent initial "N" and a stylized "H".

Nancy Haydt, J.D.
Executive Director
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