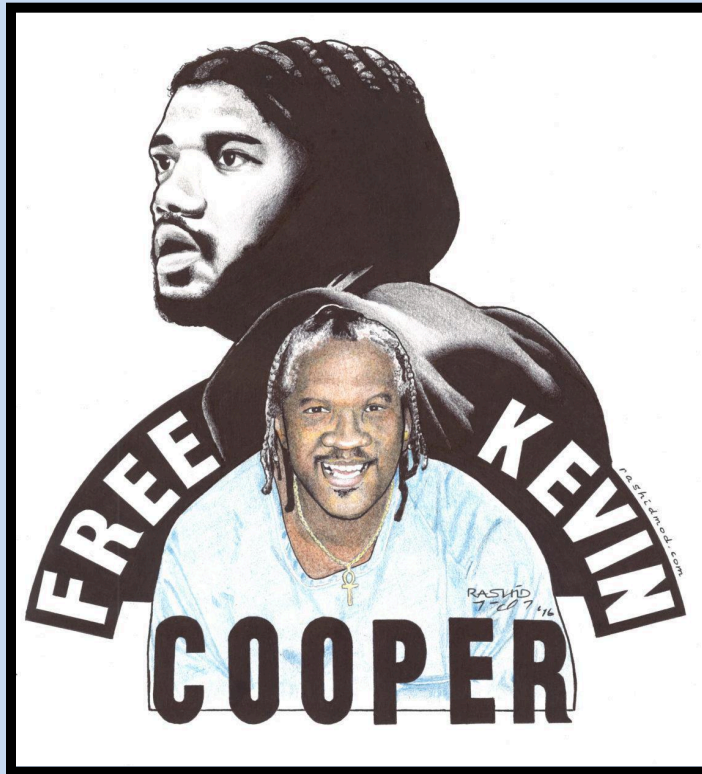


ACTION TOOLKIT TO FREE KEVIN COOPER!



Art by Kevin "Rashid" Johnson

bit.ly/FreeKCToolkit

Background: We come together in support of Kevin Cooper, a 66 year old Black man incarcerated for nearly 40 years on California's death row, despite consistent claims of actual innocence, prosecutorial misconduct including withholding, tampering and destruction of critical evidence (8 *Brady* violations), and overt racial bias. Kevin Cooper has always steadfastly maintained his innocence. Horrifically, in 2004, he came just three hours and 42 minutes from execution and fortunately received a stay in the final hours.

In 2009, five federal judges of the Ninth Circuit Court of Appeals [issued a dissenting opinion](#) that begins: "The State of California may be about to execute an innocent man." Six additional Ninth Circuit judges joined in the dissent, saying Mr. Cooper has never had a fair hearing to prove his innocence. Regarding evidence testing, they said: "There is no way to say this politely. The district court failed to provide Cooper a fair hearing and...imposed unreasonable conditions on the testing". They pointed to a test result that, if valid, indicated that evidence had been planted, and they asserted that the district court had blocked further scrutiny of this issue.

On May 28th, 2021, [Governor Gavin Newsom signed an executive order for an independent investigation into Kevin Cooper's case](#) and assigned the law firm Morrison Foerster to conduct a review of all available documents and witnesses even if they were not part of the trial and appellate records. On January 13, 2023, the Special Counsel's Report was released without a chance for Kevin Cooper to review the comments on it.

"The report, including the selected *experts*, is shockingly biased, siding with the prosecution without considering the exonerating evidence demonstrating Kevin Cooper's innocence. This was in no sense

an independent innocence investigation. Kevin Cooper should not be suffering in prison for decades because he is actually innocent of the crimes he was unlawfully convicted of,” says Rene Kathawala, Kevin Cooper’s lead counsel, adding, “Governor Newsom’s Chief Legal Affairs Secretary told us in a meeting that Mr. Cooper was wrongfully convicted.”

Mary Smith, President of the American Bar Association (ABA), [drafted a letter to Governor Newsom](#) urging him to take action to ensure that the State discloses all relevant evidence and that all evidence is evaluated before acting on Mr. Cooper’s petition for executive clemency.

Please urge Governor Newsom to grant Kevin Cooper’s commutation petition, that he must ensure that the State hands over all evidence so that it can be evaluated. At the very least he must order a new and ACTUAL innocence investigation as outlined by Paula Mitchell in Orrick’s [Rebuttal to Special Counsel](#).

For updates on the fight to #FreeKevinCooper and to take action and support, please follow on Twitter [@FreeKCNow](#) on [Instagram](#) & [Facebook](#) **Free Kevin Cooper** & website [FreeKevinCooper.org](#) & quick links from [linktr.ee/freekevincooper](#)



Urge Governor Newsom to grant Kevin Cooper’s commutation petition!

Call Governor Newsom’s Office (916) 445-2841

Script: “Hello. My name is [redacted], from [redacted] (name of org or group) and I respectfully urge Governor Newsom to grant Kevin Cooper’s commutation petition that his lawyers submitted, based on his claims of actual innocence.

Kevin Cooper has always maintained his innocence and has spent nearly 40 years on death row despite withheld evidence, prosecutorial misconduct including **8 Brady violations**.

I applaud Governor Newsom for the death penalty moratorium in California and for ordering more DNA testing as well as an independent investigation for Kevin Cooper. However, I am deeply dismayed that not only did Kevin Cooper receive a woefully unfair, racist and biased trial but that the so-called “investigation” mirrors the prosecution’s bias continuing the four decades of injustice Mr. Cooper continues to suffer while languishing on death row. Please grant Kevin Cooper’s commutation petition for time served. At the very least please order an ACTUAL innocence investigation, as a matter of racial justice and human rights.

[Send an Email to Governor Newsom](#)

Instructions:

1. Go to website: <https://www.gov.ca.gov/contact/>
2. Under topic, scroll down and select “Clemency - Commutation of Sentence”
3. Select “Leave a comment” then click next
4. Select “Pro.”
5. Write a message to urge the Governor to grant Kevin Cooper’s commutation petition.
6. Sample message:

Dear Governor Newsom,

My name is [redacted] and I am a resident of [redacted] (name of city/town you live in and affiliation if desired). I write to you today to urge you to grant Kevin Cooper’s commutation petition that his lawyers submitted, based on his claims of actual innocence.

Kevin Cooper has always maintained his innocence and he has spent nearly 40 years on death row despite a deeply flawed trial and conviction filled with misconduct, withholding tampering and destruction of evidence, including **8 Brady violations**.

While I thank you for ordering more DNA testing as well as an independent investigation for Kevin Cooper, I am deeply alarmed that Kevin Cooper did not receive an independent innocence investigation, but instead the “investigation” that you granted was woefully flawed and mirrored the prosecution's bias. It failed to obtain and review all documents in possession of the San Bernardino District Attorney's Office, Sheriff's Department, crime lab, and all law enforcement agencies investigating the Ryen-Hughes crimes. It also disregards the overt racism, misconduct and 8 *Brady* violations in Kevin Cooper's case.

Please do the right thing and grant Kevin Cooper's commutation petition for time served. At the very least please order an ACTUAL innocence investigation as a matter of racial justice and human rights.



Sample Tweets

Target: @CAGovernor @GavinNewsom @GovPressOffice

Hashtags: #KevinCooper #FreeKevinCooper #InnocenceInvestigation #Justice #Innocence #RacialJustice #WrongfulConviction #EndTheDeathPenalty #AbolishTheDeathPenalty

Feel free to simply retweet any of the following tweets! Please boost Prof Bazelon's 10/29 SF Chronicle OpEd:

<https://x.com/AmnestySF30/status/1737291270266278255?s=20>

<https://x.com/usflaw/status/1719061227270554000?s=20>

<https://x.com/RDunhamDP/status/1718712465603637513?s=20>

<https://x.com/AmnestySF30/status/1718322963634942018?s=20>

<https://x.com/FreeKCNow/status/1717302465417351433?s=20>

Or use the below as examples:

.@CAGovernor @GavinNewsom follow through and grant #CommutationPetition / ACTUAL #InnocenceInvestigation for #KevinCooper on death row nearly 40 years despite #racism #misconduct = 8 Brady violations. The Special Counsel @MoFoLLP report is deeply flawed, biased & incomplete.

The Executive Order required Special Counsel to conduct an independent investigation into #KevinCooper's #innocence; Special Counsel report didn't comply. <https://bit.ly/USFSFC>
@CAGovernor grant @freeKCNOW #CommutationPetition / an ACTUAL #InnocenceInvestigation @GovPressOffice

Special Counsel @MoFoLLP failed to consider #Racism, #Misconduct (8 Brady violations) in determining Kevin Cooper's #Innocence @CAGovernor @GavinNewsom must sign the commutation petition = legal wrongdoing is highly correlated to #WrongfulConvictions <https://bit.ly/USFSFC>

The Special Counsel's [@MoFoLLP](#) report on [#KevinCooper](#) was NOT an independent [#InnocenceInvestigation](#). It failed to obtain & review all relevant documents, create a timeline of the investigation & interview key witnesses. [@CAGovernor](#) [#Clemency](#) <https://bit.ly/USFSFC>

Sample Facebook & Instagram Posts & Graphics

Download Twitter and Graphics Posts Linked Here



DID YOU KNOW? Governor Newsom's Chief Deputy Legal Affairs Secretary acknowledged that Kevin Cooper was wrongfully convicted, yet he remains on death row for nearly 40 years despite that the evidence used to obtain his wrongful conviction demonstrates his innocence. [#WrongfulConviction](#) [#FreeKevinCooper](#)

Biography

Kevin Cooper is an ardent human rights defender, abolitionist, writer, orator, and prolific artist unjustly incarcerated on California's Death Row for nearly 40 years. He was convicted of the brutal 1983 quadruple Ryen-Hughes murders and sentenced to death in 1985 following a trial where evidence that would have exonerated him was withheld or destroyed.

His case has been scrutinized by *New York Times* columnist Nicholas Kristof "[Is an Innocent Man Still Languishing on Death Row?](#)" and by the CBS show *48 Hours*, with Erin Moriarty, the most recent episode on March 21, 2020 in "[The Troubling Case Against Kevin Cooper](#)." Multiple sources including legal representatives, legal and human rights organizations, as well as writings, radio, podcasts and television affirm his innocence.

He actively struggles for exoneration, freedom and for death penalty abolition from California Health Care Facility (CHCF), Stockton, California. Learn more about Kevin's case kevincooper.org, art, writing and activism at freekevincooper.org and follow his essay column scheerpost.com/category/contributors/kevin-cooper. Stay tuned for the upcoming documentary [The People vs Kevin Cooper](https://bit.ly/PeoplevsKC) (bit.ly/PeoplevsKC).