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**Resolution for a Full Investigation into the Case of Kevin Cooper
and a Reprieve from the Death Penalty**

Whereas, Kevin Cooper, a Black man, has been on California's death row since 1985 despite compelling evidence of innocence in the brutal murder of Peggy and Doug Ryen, their daughter Jessica (10), and Christopher Hughes (11), and the throat slitting of Joshua Ryen (8), who survived and communicated with a social worker in the hospital that the assailants were multiple white men; and

Whereas, DNA and other forensic testing could remove grave doubts surrounding Mr. Cooper's conviction and death sentence, but, the State has refused to permit it, despite a defense offer to pay for this testing; and

Whereas, On February 17, 2016, having exhausted all of his appeals, Mr. Cooper submitted a petition for clemency to Governor Brown asking him to initiate a full investigation of his case for innocence, including DNA testing; and

Whereas, the Governor has the power to order a full investigation and should do so because the State must do everything in its power to avoid executing an innocent person; and

Whereas, the evidence in this case points to three white men, who were seen in the vicinity of the crime, in the victims' car, and in a nearby bar with bloody clothing, and the San Bernardino County Sheriff's Department (SBSD) issued an all-points bulletin identifying these men as suspects and described what they were wearing, and

Whereas, the SBSBD took bloody coveralls worn by a known murderer into evidence, but they threw them away without testing them; and

Whereas, the 5 victims had 144 wounds inflicted with 3 or 4 weapons, and the adult victims had loaded firearms at their bedside, causing the coroner to initially conclude that there were multiple attackers, not a single assailant; and

Whereas, DNA testing done in 2002 has been shown to have been falsified by the prosecution; and

Whereas, in 2004 the Ninth Circuit Court of Appeals stayed Mr. Cooper's execution to allow for testing on blood and hair samples, that testing has never been properly done; and

Whereas, in 2009 11 federal appellate judges dissented from the denial of Mr. Cooper's appeal with 5 of them signing on to a 100-page dissenting opinion that stated "The State of California may be about to execute an innocent man;" and also concluded that the SBSBD "manipulated and planted evidence in order to convict Cooper;" and

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Whereas, at least 12 federal appellate judges, former prosecutors (including two who had won death sentences that were later reversed in Louisiana and Texas), retired FBI agents, jurors from Mr. Cooper's trial, the President of the American Bar Association, a sister of one of the victims, faith leaders, an international human rights commission, U.N. bodies on human rights, and African diaspora, and 4 deans of prominent California law schools have expressed the belief that Mr. Cooper may well be innocent and have called for a full investigation; and

Whereas, over the past 3 decades there have been many exonerations from death sentences, including in California, showing extreme prosecutorial bias and wrongdoing, exemplified by The San Bernardino County Sheriff's Department where Sheriff Tidwell, who headed the investigation of the Ryen/Hughes murders was convicted of felonies for the theft of over 500 guns from county evidence rooms during his tenure as Sheriff from 1983-1991; and where William Baird, the SBSB criminalist who testified for the prosecution was later fired from the department for stealing drugs from the SBSB property locker; and where Daniel Gregonis, the SBSB criminalist responsible for testing key pieces of evidence admitted under oath to altering test results to implicate Mr. Cooper; and the handling of the crime scene was completely deficient (including allowing more than 70 people to walk through it); and

Whereas, a climate of racial hostility, shown in a mock lynching of a stuffed gorilla outside the courtroom during Mr. Cooper's preliminary hearing with a sign reading "Kill the Nigger" exemplified the extreme racism surrounding the prosecution of the trial.

Therefore be it Resolved, that the San Francisco Labor Council publicly calls upon Governor Brown to investigate the case of Kevin Cooper, to have the State test the evidence with the most up-to-date technologies available, and grant him a reprieve from the death penalty.

Submitted by Alan Benjamin, OPEIU Local 29, and unanimously adopted by the San Francisco Labor Council on June 11, 2018.

Respectfully,



Rudy Gonzalez
Interim Executive Director