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**LDF Submits Letter Supporting Innocence Investigation for
Kevin Cooper, a Black Man on Death Row Despite Serious Conviction Concerns**

Today, the NAACP Legal Defense and Educational Fund, Inc. (LDF) sent a letter to California Governor Gavin Newsom in support of Kevin Cooper's request for an innocence investigation. Cooper is a Black man who has served over 35 years on death row despite serious concerns about the integrity of the state's case against him, including the risk that it was tainted by racial discrimination.

Cooper was convicted of murder and sentenced to death in 1985, despite questions about the veracity of the case against him abounding since he was initially charged. Indeed, a federal judge who reviewed Cooper's case in 2009 concluded that "he is probably innocent." Another federal judge separately observed that Cooper's case was rife with "examples of evidentiary gaps, mishandling of evidence, and suspicious circumstances," including "significant evidence bearing on Cooper's culpability [that] has been lost, destroyed or left unpursued." More recent DNA testing on evidence connected to the crime points to another person. Furthermore, multiple witnesses have come forward to report that another man confessed to the crime and implicated two accomplices.

Cooper's case has the hallmarks of the kinds of evidentiary errors that lead innocent people to be convicted of a crime. And the risk of such errors is particularly pronounced in capital cases where the defendant is Black. As the Death Penalty Information Center reports, since 1973, 54% of death row exonerees have been Black. Other data also indicates that cases in which there are white victims, such as Cooper's, are more likely to lead to innocent defendants being sentenced to death.

"We strongly urge Governor Newsom to exercise his discretion to request an innocence investigation regarding Mr. Cooper's case. Mounting historic and recent evidence, along with judicial reviews, have cast serious doubt on Mr. Cooper's prosecution, conviction, and sentencing. Under no circumstances should he be serving decades in prison, let alone facing a death sentence, without an intensive, independent review of his case," said Anuja Thatte, Assistant Counsel at LDF.

Thatte continued, "Moreover, the fact that Mr. Cooper's trial may have been marred by racial discrimination, coupled with the high rate of exonerations in cases with Black defendants, means that Mr. Cooper's case involves the type of circumstances that too often result in the conviction of an innocent person. This is absolutely unacceptable – and an innocence investigation may well be the last recourse for Mr. Cooper to seek justice and preserve his life."

LDF has long opposed the death penalty, as it constitutes cruel and unusual punishment that violates the Constitution. It is also infected with intrinsic flaws, including persistent racial discrimination and human error. Since 1973, over 170 innocent people have been sentenced to death in the United States.

Cooper is represented by Norman Hile and Jacob Heath of Orrick, Herrington & Sutcliffe LLP.

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Founded in 1940, the NAACP Legal Defense and Educational Fund, Inc. (LDF) is the nation's first civil and human rights law organization. LDF has been completely separate from the National Association for the Advancement of Colored People (NAACP) since 1957—although LDF was originally founded by the NAACP and shares its commitment to equal rights. LDF's Thurgood Marshall Institute is a multi-disciplinary and collaborative hub within LDF that launches targeted campaigns and undertakes innovative research to shape the civil rights narrative. In media attributions, please refer to us as the NAACP Legal Defense Fund or LDF. Follow LDF on [Twitter](#), [Instagram](#) and [Facebook](#).