

June 13,2007

State Board of Pardon and Paroles  
2 Martin Luther King, Jr. Drive, SE  
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Atlanta, Georgia 30334-4909  
Sent via Fax: 404-651-8502

Dear Chair Hunt, Vice-Chair Buckner, and Board Members Hammonds, Keller, and Nix:

As you may know, for the past 25 years I have worked with families of homicide victims and inmates sentenced to death. Some of these experiences are recounted in my 1993 book, *DEAD MAN WALKING*, and its 2005 follow-up, *DEATH OF INNOCENTS*.

I write to urge to you to recommend commutation of the death sentence of Troy Anthony Davis, whose judicial appeals are almost exhausted. Mr. Davis has been on death row in Georgia for more than 15 years for the murder of a police officer he maintains that he did not commit. He was convicted in 1991 of fatally shooting Officer Mark McPhail and was also convicted for the non-lethal shooting of Michael Cooper and the assault of Larry Young at the same crime scene. As I understand it, both Cooper and Young now deny knowing who the perpetrator in their attacks was. Davis's conviction was not based on any physical evidence, and the murder weapon was never found.

Despite mounting evidence that Davis may in fact be innocent of the crime, appeals to courts to consider this evidence have been repeatedly denied for procedural reasons. Nonetheless, it is clear that the prosecution based its case on the testimony of purported "witnesses," many of whom allege police coercion, and most of whom have since recanted their testimony. One witness signed a police statement declaring that Davis was the assailant then later said "I did not read it because I cannot read." In another case a witness stated that the police "were telling me that I was an accessory to murder and that I would . . . go to jail for a long time and I would be lucky if I ever got out, especially because a police officer got killed ... I was only sixteen and was so scared of going to jail." There are also several witnesses who have implicated another man in the crime, but the police focused their efforts on convicting Troy.

Despite these compelling facts, Mr. Davis' habeas corpus petition was denied by the state court on a technicality -- evidence of police coercion was "procedurally defaulted" so the court refused to hear it. The Georgia Supreme Court and 11<sup>th</sup> Circuit Federal Court of Appeals deferred to the state court and rejected Davis's claims. It is shocking that in over 12 years of appeals, no court has agreed to hear evidence of police coercion, or consider the recanted testimony. The United States Supreme Court is currently considering whether to take up Mr. Davis' case and will make that determination on June 25<sup>th</sup>. If it refuses to grant cert in this case, all of his avenues of judicial relief would have been exhausted and an execution date will be set.

Executive Clemency exists not to second guess the courts, but as a final safety net for meritorious cases that, for whatever reasons, have compelling issues that are not thoroughly heard by the courts. This is a textbook case for Executive Clemency.

It is deeply troubling to me that Georgia might proceed with this execution given the strong claims of innocence in this case. It has been repeatedly demonstrated that our criminal justice system is not devoid of error and we now know that 124 individuals have been released from death rows across the United States due to wrongful conviction. We must confront the unalterable fact that the system of capital punishment is fallible, given that it is administered by fallible human beings. I respectfully urge the Board of Pardons and Paroles to demonstrate your strong commitment to fairness and justice and commute the death sentence of Troy Anthony Davis.

Thank you for your kind consideration.

Yours Sincerely,

Sr. Helen Prejean, c.s.j.