

JOHN LEWIS
5TH DISTRICT, GEORGIA

SENIOR CHIEF DEPUTY
DEMOCRATIC WHIP

COMMITTEE ON
WAYS AND MEANS

CHAIRMAN,
OVERSIGHT SUBCOMMITTEE

INCOME SECURITY
AND FAMILY SUPPORT



Congress of the United States
House of Representatives
Washington, DC 20515-1005

WASHINGTON OFFICE:
343 CANNON HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-1005
(202) 225-3801
FAX: (202) 225-0351

DISTRICT OFFICE:
THE EQUITABLE BUILDING
100 PEACHTREE STREET, N.W.
SUITE # 1920
ATLANTA, GA 30303
(404) 659-0116
FAX: (404) 331-0947

July 12, 2007

Via: Fax 404-651-8502 & First Class Mail

State Board of Pardon and Paroles
2 Martin Luther King, Jr. Drive, SE
Suite 458, Balcony Level, East Tower
Atlanta, Georgia 30334-4909

Dear Chairperson Hunt and Board Members:

Re: Troy Anthony Davis

I am writing you in urgent appeal to commute the death sentence of Troy Anthony Davis. With the Supreme Court's decision not to hear Mr. Davis's case, his judicial appeals have been exhausted, and this man's life is now in your hands. If we in the state of Georgia believe in the administration of justice, we must not end a man's life when there is even the slightest chance that he is innocent.

As you know, Mr. Davis has been on death row in Georgia for more than 15 years for the murder of a police officer, but he maintains his innocence. Ample evidence suggests that he did not kill anyone, but because of inadequacies in our legal system, that important evidence has never been heard by a court.

In 1991 Mr. Davis was convicted of fatally shooting police officer Mark MacPhail, and he was also convicted of the non-lethal shooting of Michael Cooper and the assault of Larry Young at the same crime scene. Both Cooper and Young now say that they do not know who perpetrated the crimes against them.

Since their testimony in the trial, some witnesses have said that they were coerced by police officers, and others have recanted their testimony. One witness first signed a police statement declaring that Davis was the assailant then later said, "I did not read it because I cannot read." Another witness stated 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.” And still another witness may even be the real killer in this case, according to several new and old witnesses.

Mr. Davis’s conviction was not based on any physical evidence, and the murder weapon was never found. There are allegations of misconduct by police and prosecutors. Even Mr. Davis’s own lawyer admits that he was not able to provide competent representation.

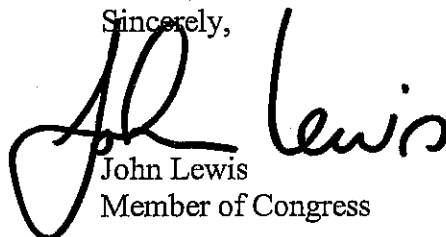
It is unimaginable to me that our judicial system would knowingly allow a person to be executed regardless of such compelling and overwhelming evidence that could prove his innocence, or at least cast reasonable doubt on his guilt. When we as representatives of the people of Georgia administer the ultimate punishment – death – a punishment that cannot be reversed, then it is our duty to consider all known evidence before the execution.

It is shocking to me that in over 12 years of appeals, no court has agreed to hear the new evidence in this case. Despite compelling facts, Mr. Davis’s 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 11th Circuit Federal Court of Appeals deferred to the state court and rejected Davis’s claims. All of his avenues of judicial relief have now been exhausted and an execution date has been set for the week of July 16th.

Now it is up to you. A potentially innocent man will live or die based on the decision you make. You have a duty and an obligation to look at the new evidence with human eyes, not the cold eyes of our legal system. You are not bound by the procedural constraints of the court, and you can prevent this injustice by commuting the sentence of Troy Anthony Davis.

The state of Georgia must not execute Troy Anthony Davis with so much legitimate evidence that may prove his innocence. The court system is not perfect. This case reveals some of its deepest flaws. I respectfully urge the Board of Pardons and Paroles to do what the court system could not – to act fairly, and justly, and commute the death sentence of Troy Anthony Davis.

Sincerely,

A handwritten signature in black ink, appearing to read "John Lewis". The signature is stylized and cursive, with a large initial "J" and "L".

John Lewis
Member of Congress