

Dear Governor Perdue,

We, the undersigned former prosecutors and judges, urge you to use whatever authority you have to commute the death sentence of Troy Davis. Georgia must not put to death a man whose claims of innocence have yet to be heard in a court of law. We believe that, with your leadership, this execution can be prevented, and that this is essential to ensuring the integrity of Georgia's justice system.

As you know, Mr. Davis was convicted of the 1989 murder of police officer Mark MacPhail. There is no physical evidence to support the conviction. Instead, Mr. Davis was convicted solely on the basis of witness testimony, and seven of the nine non-police witnesses have now recanted or contradicted their trial testimony.

The courts, citing procedural rules and time limits, have denied Mr. Davis an evidentiary hearing to determine the validity of his innocence claim. While we take no position on what such a review might ultimately demonstrate, we believe that such a review must occur before the state determines whether to proceed with Mr. Davis's execution. This is the classic case for executive clemency. Its purpose is to preserve justice when, for whatever reason, the courts fail or are unable to do so.

This is an extraordinary case, in which a man with a strong claim to innocence may well be executed without a court ever holding a hearing on his claims. We urge you not to let that happen, and to act in the interests of justice and make sure that Troy Davis' death sentence is not carried out. An execution in this case, without a proper hearing on significant evidence of innocence, would severely undermine public confidence in the legal system in which we have all so proudly served.

With your leadership, you can instead help restore the integrity of the system. We thank you for your attention to this extremely serious matter.

Sincerely,

Arlin M. Adams, Judge, United States Court of Appeals for the Third Circuit, 1969-1987

Jay W. Burnett, Sr., Retired Criminal District Judge, Harris County Texas

W.J. Michael Cody, Attorney General, State of Tennessee, 1984-88; United States Attorney, Western District of Tennessee, 1977-81

Robert J. Del Tufo, Attorney General, State of New Jersey, 1990-1993; United States Attorney, District of New Jersey, 1977-1980

W. Thomas Dillard, United States Attorney, Eastern District of Tennessee, 1981; United States Attorney, Northern District of Florida, 1983-1986

John J. Gibbons, Judge, United States Court of Appeals for the Third Circuit, 1970-1990, Chief Judge 1987-1990

Daniel F. Goldstein, Assistant United States Attorney for the District of Maryland, 1976-1982

Nathaniel R. Jones, Judge, United States Court of Appeals for the Sixth Circuit, 1979-2002; former Assistant United States Attorney, Northern District of Ohio

Miriam Aroni Krinsky, Assistant United States Attorney, Central District of California, 1987-2002, Chief, Criminal Appellate Section, 1992-2002, Chief, General Crimes Section, 1991-1992

Thomas D. Lambros, Judge, United States District Court, Northern District of Ohio, 1967-1995, Chief Judge 1990-1995

George N. Leighton, Judge, United States District Court for the Northern District of Illinois, 1976-1987; Judge, Circuit Court of Cook County, 1964-1969; Judge, Illinois Appellate Court, 1969-1976; Assistant Attorney General of the State of Illinois, 1949-1951

Laurie Levenson, Assistant United States Attorney, Criminal Section, Los Angeles, CA, 1981-1988

Timothy K. Lewis, United States Court of Appeals for the Third Circuit, 1992-1999; Judge, United States District Court for the Western District of Pennsylvania, 1991-1992; former Assistant United States Attorney, Western District of Pennsylvania; Assistant District Attorney, Allegheny County, Pennsylvania

Kenneth J. Mighell, United States Attorney, Northern District of Texas, 1977-1981

Sam D. Millsap, Jr., Former District Attorney, Bexar County, San Antonio, Texas

Stephen M. Orlofsky, Judge, United States District Court for the District of New Jersey, 1995-2003

Harold James Pickerstein, Chief Assistant United States Attorney for the District of Connecticut, 1974-1996; Court Appointed United States Attorney for the District of Connecticut, 1974-75

Richard A. Rossman, United States Attorney, Eastern District of Michigan, 1980-1981

H. Lee Sarokin, Judge, United States Court of Appeals for the Third Circuit, 1994-1996; Judge, United States District Court for the District of New Jersey, 1979-1994

David Alan Sklansky, Assistant United States Attorney, Criminal Division, Los Angeles, California, 1987-1994

Larry Thompson, Deputy Attorney General of the United States, George W. Bush administration; former United States Attorney, Northern District of Georgia

Paul R. Thomson, United States Attorney, Western District of Virginia, 1975-1979

Atlee W. Wampler, III, United States Attorney, Southern District of Florida, 1980-1982; Miami Strike Force, Attorney-In-Charge, Organized Crime & Racketeering Section, U.S. Department of Justice, 1975-1980

James J. West, United States Attorney, Middle District of Pennsylvania, 1985-1993

Alfred Wolin, Judge, United States District Court for the District of New Jersey, 1987-2004, Senior Judge 2000-2004; Presiding Judge, Superior Court of New Jersey, Criminal Division, 1983-1987; Judge, Superior Court of New Jersey, Civil Division, 1982-1983; Judge, Superior Court of New Jersey, Juvenile and Domestic Relations Division, 1980-1982