

Dear District Attorney Chisolm,

We, the undersigned former prosecutors and judges, urge you to use your authority to prevent the execution of Troy Davis. Georgia must not put to death a man whose claims of innocence have yet to be fully 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 witnesses have now recanted or contradicted their trial testimony.

The U.S. Court of Appeals for the 11th Circuit has just denied Mr. Davis's request to file a successor *habeas* petition, citing procedural rules and time limits. Other courts, based on the same grounds, have denied Mr. Davis an evidentiary hearing to determine the validity of his innocence claim. In a case where witness testimony is in dispute, and no other evidence exists, the mere parsing of affidavits, as some courts have done, is not sufficient. An evidentiary hearing with live testimony and vigorous cross-examination is essential to determining the relative credibility of the witnesses' trial testimony and their subsequent recantations.

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 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,

Bob Barr, United States Attorney for the Northern District of Georgia, 1986-1990

William G. Bassler, Judge, United States District Court for the District of New Jersey, 1991-2006; Judge, Superior Court for the State of New Jersey, 1988-1991

Robert C. Bundy, United States Attorney, District of Alaska, 1994-2001

Jay Burnett, former Judge, 351st Criminal District Court, Harris County Texas, appointed 1984; Judge, 183rd Criminal District Court, Harris County, Texas, 1986-1998; Visiting Criminal District Judge, 2nd Judicial Administrative Region of Texas, 1999-2000

Michael Burrage, Chief Judge, United States District Court for the Eastern District of Oklahoma, 1996-2001; Judge, United States District Court for the Eastern, Northern and Western Districts of Oklahoma, 1994-2001

A. Bates Butler III, United States Attorney, District of Arizona, 1980-1981; First Assistant United States Attorney, District of Arizona, 1977-1980; Deputy Pima County (Arizona) Attorney, 1970-1977

Mark W. Buyck Jr., United States Attorney, District of South Carolina, 1975-1977

W.J. Michael Cody, Former Attorney General, State of Tennessee

Robert J. Del Tufo, Attorney General, State of New Jersey, 1990-1993; United States Attorney, District of New Jersey, 1977-1980; First Assistant State Attorney General and Director of New Jersey's Division of Criminal Justice

Micheal H. Dettmer, United States Attorney, Western District of Michigan, 1994-2001

W. Thomas Dillard, United States Attorney, Northern District of Florida, 1983-1987; United States Attorney, Eastern District of Tennessee, 1981; Assistant United States Attorney for the Eastern District of Tennessee, 1967-1976 and 1978 to 1983; United States Magistrate for the Eastern District of Tennessee, 1976-1978

Norman S. Fletcher, Justice, Supreme Court of Georgia, 1989-2005, Chief Justice, 2001-2005

John Gibbons, former Chief Judge of the United States Court of Appeals, Third Circuit

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

Stewart F. Hancock Jr., Associate Judge, New York Court of Appeals, 1986-1994; Justice, New York State Supreme Court, 1971-1986

Shirley M. Hufstedler, Judge, United States Court of Appeals for the Ninth Circuit, 1968-1979; Associate Justice, California Court of Appeal, 1966-1968; Judge, Los Angeles County Superior Court, 1961-1966; United States Secretary of Education, 1979-1981

Bruce Jacob, former Assistant Attorney General for the State of Florida, represented Florida in *Gideon v. Wainwright*

Gerald Kogan, Former Chief Justice, Supreme Court of the State of Florida; former Chief Prosecutor, Homicide and Capital Crimes Division, Dade County, Florida

Miriam Krinsky, Former Assistant United States Attorney, Central District of California

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

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

Timothy Lewis, Judge, 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; former Assistant District Attorney, Allegheny County, Pennsylvania

Kenneth J. Mighell, United States Attorney, Northern District of Texas, 1977-1981; Assistant United States Attorney, Northern District of Texas, 1961-1977

Sam Millsap, Former District Attorney, Bexar County, San Antonio, Texas

Stephen M. Orlofsky, Judge, United States District Court for the District of New Jersey, 1996-2003; Magistrate Judge, United States District Court for the District of New Jersey, 1976-1980

H. James Pickerstein, Chief Assistant United States Attorney for the District of Connecticut, 1974-1996; Court Appointed United States Attorney for the District of Connecticut, 1974-1975

Richard J. Pocker, United States Attorney, District of Nevada, 1989-1990

Richard A. Rossman, Chief of Staff, Criminal Division, United States Department of Justice, 1998-99; United States Attorney, Eastern District of Michigan, 1980-1981; Chief Assistant United States Attorney, Eastern District of Michigan, 1977-1980; Chief Deputy Federal Defender, Eastern District of Michigan, 1972-1975

Stephen H. Sachs, Attorney General, State of Maryland, 1979-1987; United States Attorney, District of Maryland, 1967-1970

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

William S. Sessions, Director, Federal Bureau of Investigation, 1987-1993; Judge, United States District Court for the Western District of Texas, 1974-1987, Chief Judge, 1980-1987; United States Attorney, Western District of Texas, 1971-1974

David Alan Sklansky, Assistant United States Attorney, Criminal Division, for the Central District of California, 1987-1994

Larry Thompson, Deputy Attorney General of the United States, 2001-2003; former United States Attorney, Northern District of Georgia

Paul R. Thomson Jr., 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