

September 16, 2011

Hon. Timothy K. Lewis  
Direct Dial 202-419-4216  
Direct Fax 202-419-3454  
E-mail: tlewis@schnader.com

**VIA FACSIMILE AND EMAIL**

Chairman James E. Donald  
Georgia State Board of Pardons & Paroles  
2 Martin Luther King Drive, SE  
Suite 458, Balcony Level, East Tower  
Atlanta, GA 30334

**Re: Troy Anthony Davis**

Dear Chairman Donald and Members of the Board:

I am a former federal judge, having served on the United States Court of Appeals for the Third Circuit and the United States District Court for the Western District of Pennsylvania. I am also a former federal and state prosecutor.

Through all my years in law enforcement and as a judge, including those occasions when I authored opinions upholding the imposition of the death penalty, I have never seen a more appropriate case for clemency than this one.

I need not recite the history and procedural path that has lead to this moment, for you know both well. Instead, what compels me to write is one very simple yet fundamental tenet of law and society: where evidence of guilt remains in doubt at best, and in equipoise at most, death is neither an appropriate nor civilized outcome.

In this case, the prosecutor himself has stated that he would not try this matter as a capital case today, and for good reason: due to witness recantations and a lack of scientific evidence, no one except Mr. Davis himself – or the real perpetrator – can know with certainty who committed this heinous crime. As my former federal judicial colleague and former Director of the FBI, Judge Sessions, recently wrote about this case, “[W]hen it comes to death, there should be no room for doubt.” Clemency as a tool of justice, and as an alternative to putting a person to death, exists precisely for cases like this, where real and significant doubt continues to plague the conviction.

Some 90 years ago, a Justice of the United States Supreme Court wrote, “we walk a narrow bridge between the Scylla of tyranny on one side, and the Charybdis of anarchy on the other, and the law is the inadequate handrail that keeps us from falling.” We have come too far

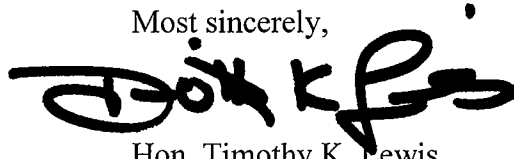
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as a society to ignore how imperfect our system of justice can be, and indeed, the law is very often an inadequate handrail. But it is all that we have, and it must be interpreted and applied by those with the depth, wisdom and experience to view all sides, all extremes— to walk, in other words, between the Scylla and the Charybdis of our society.

When there is doubt, and when the choice is between life and death, we only add to the law's imperfection and ultimate failure if we do not grasp the very tool it has given us to, in the words of the Prophet, "do justice".

I respectfully urge you to grant clemency in this matter.

Most sincerely,

A handwritten signature in black ink, appearing to read "Timothy K. Lewis". The signature is stylized and cursive, with a prominent initial "T" and "K".

Hon. Timothy K. Lewis

TKL:mps