Statement of Mary Ann Hughes

Before the

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Committee on the Judiciary
Subcommittee on Crime, Terrorism, and Homeland Security

Legislative Hearing on
H.R. 3035, the "Streamlined Procedures Act of 2005"
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My husband and I are the parents of Christopher Hughes. Chris was senselessly and brutally murdered at the age of 11 by Kevin Cooper, an escaped convict with a lengthy criminal record. The legal proceedings against Cooper have now taken twice as long as the time our young son was alive. Before I talk about how the Streamline Procedures Act would have affected this case, I want to share with you who our son was and how he died at the hands of Cooper. I want you to be able to understand what the delays in this case have meant to us. It is our hope that our story will serve to bring about changes so that other families will not have to endure what we have been through.

Christopher was a beautiful little boy. He had just completed the fifth grade at a local Catholic school. His classmates later planted a tree in his memory at the school. Chris swam on the swim team and dreamed of swimming for the University of Southern California and being in the Olympics. He loved his younger brother, and in typical brotherly fashion would tease him one minute and be his best friend the next. Chris' younger brother is now 28 years-old. He has missed Chris every day since he was murdered. Our younger son was not yet born when Chris was murdered. I was pregnant during part of Cooper's trial with our third son. When he was born we gave him the middle name Christopher after the brother he never knew. Both boys have only in the last few years been able to face what happened to their brother. As the years have passed, we are reminded that Chris never got to finish grammar school, go to a prom, marry, have children of his own, or pursue his dreams.

On Saturday, June 4, 1983, Chris asked me for permission to spend the night at the home of his friend, Josh Ryen. We lived in what was then a very rural neighborhood. Josh was the only boy nearby who was really close to Chris' age and so they formed a bond. We were good friends with Josh's parents, Doug and Peggy Ryen. The Ryens lived just up the road from our

home with their 10-year-old daughter Jessica and eight-year-old Josh. The last time I saw Chris alive he and Josh were riding off on their bicycles toward Josh's house. They were excitedly waving because they were so happy I had given Chris permission to spend that night with Josh. The only thing Chris had to remember was to be home Sunday in time for church. The next time I saw Chris was in a photograph on an autopsy table during Cooper's preliminary hearing.

Unbeknownst to anyone, Cooper had been hiding in a house in Chino Hills just 126 yards from the Ryen's home. He had escaped two days earlier from a minimum security facility at a nearby prison. When Cooper was arrested for burglary in Los Angeles he used a false identity. His identity and criminal past should have caught up with him before he was wrongly assigned to the minimum security portion of the prison. The prison, however, mishandled the processing of an outstanding warrant for Cooper for escape from custody in Pennsylvania. He was being held pending trial for the kidnap and rape of a teenage girl who interrupted him while he was burglarizing a home. While staying at the hide-out house near the Ryens, Cooper had been calling former girlfriends, trying to get them to help him get out of the area. A manhunt was under way for Cooper, but the rural community surrounding the prison was never notified of the escape.

The failure of the California prison-system to protect the surrounding community from a dangerous felon marked the beginning of our family and community's being let down by our government. Within a few hours of Cooper's escape, prison officials realized who Cooper was and how dangerous he was. Nevertheless, they still failed to alert the community that he was at large. Our frustration and disappointment with our government's failings has only grown since that time as Cooper's case continues to wind its way down a seemingly endless path through our judicial system.

The morning following the murders, I remember being mad at Chris because he had not arrived home on time as promised so we could attend church. Then my anger turned to worry. I sent my husband Bill up to the Ryen home. He saw that the horses had not been fed, and that the Ryen station wagon was gone. Uncharacteristically, the kitchen door was locked, so my husband walked around the house. He looked inside the sliding glass door of the Ryen's master bedroom. He saw blood everywhere. Peggy and Chris were lying on the ground and Josh was lying next to them, showing signs of life but unable to move. My husband could not open the sliding glass door, so he ran and kicked open the kitchen door. As he went into the master bedroom, he found 10-year-old Jessica lying on the floor in fetal position in the doorway, dead. He saw Doug and Peggy nude, bloodied, and lifeless. When he went to our son Chris, he was cold to the touch. Bill then knew that Christopher was dead.

My husband then forced himself to have enough presence of mind to get help for Josh, who miraculously survived despite having his throat slit from ear to ear. Josh, only eight years-old, lay next to his dead, naked mother throughout the night, knowing from the silence and from the smell of blood that everyone else was dead. He placed his fingers into his throat, which kept him from bleeding to death during the 12 hours before my husband rescued him.

Everyone inside the home had been repeatedly struck by a hatchet and attacked with a knife. Christopher had 25 identifiable wounds made by a hatchet and a knife. Many of them were on his hands, which he must have put against his head to protect himself from Kevin Cooper's blows. Some were made after he was already dead. No one should know this kind of horror. That it happened to a child makes it even worse.

The killer had lifted Jessica's nightgown and carved on her chest after she died. The killer also helped himself to a beer from the Ryen's refrigerator. We wondered what kind of

monster would attack a father, mother, and three children with a hatchet, and then go have a beer. That question has long since been answered, but 22 years later we are still waiting for justice.

One way that things could have been different in our case under the Streamlined Procedures Act is that victims would have the same rights in federal habeas proceedings as victims have in criminal cases in the federal courts. In other words, victims or their surviving family members would be heard from by the federal courts. There was no indication that the en banc Ninth Circuit majority ever gave even a moment's consideration to the impact upon the victims and their families when they granted yet another stay in the case in 2004. In this way, the bill would have made a difference. It would have prevented federal courts from making decisions in federal habeas litigation that affect people without ever knowing or thinking about them. Judge Huff recently afforded us an opportunity to address her at the end of 14 months of proceedings in her courtroom. My husband and I spoke to the court, as did Josh, who is now 30 years old.

While I know that Cooper is the one who murdered my son, I will always bear the guilt of having given Chris permission to spend the night at the Ryen's house. I will always feel responsible for sending my husband to find the bodies of our son and the Ryen family. It is a guilt similar to the guilt that Josh feels to this day because he had begged me to let Chris spend the night. He thinks that Chris would still be alive if he had not spent the night. Of course, Cooper is responsible for all the pain and suffering that he inflicted that night and the continued pain that has followed, but it does not help stop the pain and guilt. Kevin Cooper is still here over 22 years later – still proclaiming his innocence and complaining about our judicial system.

As Josh explained when he finally got a chance to speak to the Judge about how he has been affected by Cooper's crimes: Cooper never shuts up. We continually get to hear more bogus claims and more comments from Cooper and his attorneys. Over the years I have learned to know when something has happened in Cooper's never-ending legal case: the calls from the media start up again, or, at times, the media trucks just park in front of our house. We have no opportunity to put this behind us – to heal or to try to find peace – because everything is about Cooper. Our system is so grotesquely skewed to Cooper's benefit and seemingly incapable of letting California carry out its judgment against him.

It is important to understand how obvious it has been for over two decades that Cooper committed these horrible, senseless, and brutal crimes. This has never been a "who done it" case by any stretch of the imagination, despite all the publicity and antics by Cooper and his attorneys. The California Supreme Court understandably characterized the volume and consistency of evidence proving Cooper guilty as "overwhelming."

The Ryen family and Chris returned to the Ryen home from a neighbor's barbecue about 9:30 that Saturday night. None except for Josh were ever seen alive again. Cooper could observe the Ryen home from the hideout house next door. He knew it was a home and a family lived there because he had been watching the Ryen home for the two days since his escape. Cooper also had a motive for the crimes. The phone records from the hideout house, combined with statements Cooper's former girlfriends gave to police, showed Cooper was trying to get help to get out of the area. Cooper found out just before the Ryens and Chris returned to the Ryen home that night that no money and no help was coming his way, despite his numerous phone calls to former girlfriends. Forensic evidence established Cooper's presence in the hideout house (footprints, fingerprints, and semen). The murder weapons came from the hideout

house, and other evidence showed that the killer returned to the hideout house after the murders to wash up.

Cooper told the jury that he simply walked out of the hideout house the same night as the murders. He said he never went inside the Ryen home, a mere 126 yards away. He claimed he was never inside the Ryen station wagon that was stolen the night of the murders. Not surprisingly, the jury did not believe him. Cooper was asking the jury to believe that some hypothetical killer entered Cooper's hideout house within a short period of time of his vacating it, selected a hatchet and other weapons, went and attacked an innocent family 126 yards away, returned to the hideout house to wash up, and then stole the Ryen family car and drove it in the same direction that Cooper admittedly traveled to Mexico.

A single drop of blood inconsistent with the victims' blood was found inside the Ryen home on the hallway wall immediately adjacent to the entrance to the master bedroom. Cooper's own expert excluded anyone other than an African-American as the source of the drop of blood. (The Ryens were white.) A serology analysis showed that the drop of blood was a rare type and Cooper had that same rare blood type. The distinctive prison-issued tobacco that Cooper admitted having when he escaped from prison was found in the hideout house and in the Ryen station wagon. A butt from a hand-rolled cigarette found in the station wagon with the distinctive prison-issued tobacco had saliva from a non-secretor. Only 20 percent of the population, including Cooper, are non-secretors. Another cigarette butt found in the car was a manufactured cigarette matching the brand of cigarettes taken from the hideout house; it also had saliva from a non-secretor. A pubic hair consistent with Cooper's hair was found in the Ryen station wagon. Plant burrs found in the station wagon were from vegetation that grew between the hideout house and the Ryen home. The burrs were also found in the hideout house and

underneath Jessica's Ryen's nightgown. Jessica's killer had pulled up her nightgown to carve on her chest after she died and then lowered her nightgown. A button similar to those on the prison-issued jacket Cooper was wearing when he escaped was found with blood on it on the floor of the hideout house. A shoe print made by a particular make and model of shoe that was issued by the prison to Cooper, and that he admitted at trial to wearing at the time of his escape, made a partial print in blood on a sheet on the floor of the Ryen master bedroom, and another print on the cover to the spa outside the sliding glass door leading into the Ryen master bedroom, and a third shoe print inside the hideout house.

In other words, Cooper's defense has always asked that we believe the utterly ridiculous scenario that a hypothetical killer coincidently entered the same house where an escaped convict had just been hiding shortly after the convict departed, selected a hatchet and other weapons, committed a brutal murder of a family, returned to clean up before stealing their car, **and** that the hypothetical killer was African-American and had Cooper's rare blood type, wore a prison-issued jacket and the same make and model of prison-issued shoes that Cooper wore, had the same shoe size as Cooper, had hair like Cooper's, and was a smoker and a non-secretor like Cooper, used distinctive prison-issued tobacco, and fled in the Ryen station wagon in the same direction that Cooper traveled.

In 2001, after years of Cooper contending that he was innocent and his highly publicized demand for DNA testing, the State agreed to post-conviction testing. The evidence to be tested was identified by Cooper's own nationally recognized expert as the most significant pieces of evidence in the case in terms of determining guilt or innocence. The results confirmed Cooper's guilt. The single drop of blood that had been identified through serology analysis at the time of trial as belonging to a person of African-American ancestry with the same rare blood type as

Cooper was consistent with Cooper's DNA profile; the probability of a random match with the population was a staggering **one in 310 billion**. The saliva on the cigarette butts in the Ryen station wagon also matched Cooper's DNA; the odds of a random match with the general population was **one in 19 billion** for the hand rolled cigarette and one in 110 million for the manufactured cigarette butt. At trial, Cooper claimed that a t-shirt that had been recovered from along side the road nearby the Canyon Corral Bar belonged to the "real killer." The post-conviction DNA testing confirmed that the T-shirt had smears of blood belonging to the victims as well as Cooper's blood. The probability of a match in the general population to Cooper's DNA profile on the t-shirt is one in 110 million, and the random occurrence within the general population of a match to the victim's blood would be one in 1.3 trillion. The t-shirt, which was never used against Cooper at trial, was new damning evidence of his guilt: his blood was present on the same item of clothing as the victims' blood.

The fact that the overwhelming evidence of Cooper's guilt presented at trial was now bolstered by undeniable scientific evidence evoked a predictably absurd response from Cooper. Cooper now claimed that his blood had been planted on the shirt by police and the drop of blood found at the crime scene had been tampered with. Of course, Cooper could not explain how or why police would plant a minute amount of blood on the t-shirt only to never use it as evidence against him at trial. Moreover, this evidence had been in police custody since 1984. Apparently, these supposed rogue police officers also anticipated the development of the Nobel Prize-winning science that would enable Cooper to have the blood tested for DNA. Cooper also could not explain how the police could have planted his blood at the crime scene within a few hours of discovering the bodies, while he was still at large.

The fact that Cooper's claims were patently absurd, however, did not prevent him from receiving yet another round of appeals from the federal courts. In February 2004, the Ninth Circuit authorized Cooper file another full round of habeas corpus appeals on the ground that he showed "clear and convincing" evidence that he could be "actually innocent." I simply do not see how the judges could have reached such a conclusion.

Our story is one of a judicial system so out of balance in favor of the **convicted** that it literally enables them to victimize their victims and their families all over again through the federal judicial system. We understood the rights of an accused and that Cooper's rights took precedence over ours as he stood trial. His trial was moved to another County because of the publicity surrounding the horrendous crimes. I had to drive a long distance to another County to watch the trial as it could not take place in our County. Cooper's defense attorney spent an entire year preparing to defend Cooper at trial. Everything was about Cooper's rights and none of our sensibilities or concerns could be dignified because Cooper had to have a fair trial. We understood and we waited for justice. In California, Cooper's appeal was automatic because he had received the death penalty for his crimes. The appeal took six years to conclude. We understood the need for a thorough appeal and we waited for justice.

By 1991, Cooper had received a fair trial and his appeal had been concluded. The California Supreme Court aptly observed that the evidence against Cooper, both in volume and consistency, was "overwhelming". Since then, we have waited and watched as the United States Supreme Court has denied Cooper's eight petitions for writ of certiorari and two petitions for writ of habeas corpus, and the California Supreme Court has denied Cooper's seven habeas corpus petitions and three motions to reopen Cooper's appeal. The Ninth Circuit affirmed the denial of Cooper's first federal habeas petition, and denied him permission to file a successive

petition in 2001, and again in 2003. But then, on Friday night, February 6, 2004, Cooper's attorneys filed an application with the Ninth Circuit requesting permission to file a successive habeas petition.

A three-judge panel of the Ninth Circuit denied Cooper's application to file a successive petition on Sunday February 8, 2004. Cooper was scheduled to be executed at one minute after midnight on Tuesday February 10, 2004. On Monday February 9, 2004, my husband and I made the trip to Northern California from our home in Southern California. Relatives of the extended Ryen family flew in from all over the Country. Josh Ryen, now 30, left for dead at the age of eight, his entire immediate family murdered, drove hundreds of miles to reach the prison to witness the execution of Cooper. We all expected that finally, this case would be brought to a close.

Since the murder of Chris, holidays and special days are never totally joyful. They serve as a painful reminder that Chris is not with us, and of how he was taken from us. Otherwise happy occasions with our surviving children often are overshadowed by what Chris should have been able to experience in his life but for Cooper's choices and actions. When I learned from the prosecutor that Cooper's execution was going to be set for February 10, 2004, I asked to have it changed because February 10th is my birthday. The prosecutor explained that it was not possible to accommodate my request because the date had been chosen in order to coordinate the staffing of the hundreds of people who must be on duty when an execution is scheduled to be carried out, *i.e.* the personnel at the prison, at the appropriate state and federal courts, and at the California Attorney General's Office. With that explanation, I at least hoped the date would be one that would be remembered for justice being served at long last. Sadly, that date is now identified with yet another example of a judicial system gone wrong.

If the Streamlined Procedures Act had been law in February 2004, Cooper would have been executed as scheduled. My birthday would not forever be a reminder of how it felt to believe that this case would finally end – only to have it begin again, 21 years after it first began. Today, my family and Josh Ryen are left to wonder if there will ever be justice for my son and the Ryens.

The reason that Cooper would have been executed as scheduled under the SPA was because a three-judge panel that was familiar with his crimes and the lengthy procedural history of his case already had rejected Cooper's request to pursue yet another habeas petition in the federal District Court. Unfortunately, since the Streamline Procedures Act was not the law, the Ninth Circuit was left free to decide that Congress' prior habeas reforms, which provided that a three-judge panel has the final word on whether a successive federal habeas petition will be allowed, did not really mean what they said. While Congress specified that there would be no petitioning for rehearing of the three-judge panel's decision, the Ninth Circuit decided that what Congress really meant was that a rehearing would be just fine if it was the appellate court's idea to have a rehearing as opposed to one of the parties.

Of course, the problem with the Ninth Circuit's logic is that it resulted in judges who had absolutely no familiarity with Kevin Cooper's crimes or the history of his case making a last-minute decision about it. Only hours before Cooper's scheduled execution, these judges would decide whether he would get yet another round of federal habeas review. Not surprisingly, having the decision made by the en banc panel that did not include a single judge with any familiarity with Cooper's case did not improve the quality of justice. Cooper's application for a successive petition and supporting exhibits was deliberately presented late in the process and was

over 1,000 pages long. It contained nothing meritorious or worthy of review. The outcome was a gross miscarriage of justice.

The Ninth Circuit's authorization for the filing of a successive habeas petition resulted in further proceedings in the federal District Court which served to reveal exactly how wrong it was to give Cooper yet another round of federal review. After 14 months of proceedings in the District Court, we now know that the entire premise of the Ninth Circuit's decision to grant Cooper the opportunity to file yet another federal habeas petition was predicated on false assumptions and mistaken impressions. The en banc majority of the Ninth Circuit decided in a matter of a few hours that two "quick and definitive scientific" tests could be conducted with respect to Cooper's continuing claim of actual innocence. The subsequent proceedings in the District Court showed the tests were anything but quick. After considerable time and expense, both tests were conducted and neither supported Cooper's claim of innocence. So here we are, 17 months after this case should have been put behind us, and law enforcement, prosecution and judicial resources continue to be wasted on a guilty man whose crimes were committed over 22 years ago. The same judge who decided Cooper's first federal habeas petition just issued a 160 page decision explaining in detail why he is not innocent and why he is not entitled to relief on any of the claims that the Ninth Circuit allowed him to file. Cooper is now asking for his numerous baseless federal habeas claims to be certified for appeal to the Ninth Circuit. His attorneys apparently envision many more years of appeals.

The claim that the majority of the en banc panel identified as satisfying the "actual innocence" test enacted by Congress in 1996 that enabled Cooper to return for yet another round of federal habeas review was his claim that the prosecution withheld exculpatory evidence relating to the shoe prints in the Ryen house. Cooper left a partial print in blood on the Ryen's

bedsheet, a print in dust on the spa cover outside the sliding glass door leading into the Ryen masterbedroom, and another shoe print in the hideout house. The shoe that Cooper wore when he left the damning shoe print evidence was a make and model that was issued to him by the prison. He also admitted at trial that he was wearing these shoes at the time of his escape from the prison, just days before he murdered our son and the Ryens. The fact that Cooper admitted to wearing the particular make and model of shoe did not prevent the en banc majority of the Ninth Circuit from deciding that "information" from the former Warden, if believed by the jury, would mean the jury "would have known that Cooper was almost certainly not wearing" the same brand and model of shoe responsible for the distinctive shoe prints inculpating him in the brutal murders. Of course, nothing in Cooper's papers supported that conclusion. Not even Cooper's attorneys argued that the former Warden's "information" would have meant the shoes could not have been issued by the prison, yet this is the conclusion that caused the en banc majority of the Ninth Circuit to let Cooper file yet another habeas petition in the District Court.

Cooper's attorneys' contention was, of course, completely false but, the Ninth Circuit en banc panel, unfamiliar with the details of the case, managed to buy into the version of events conjured up by Cooper's counsel. The Ninth Circuit could not have gotten everything so wrong had they not undertaken to decide such an important matter over a span of just a few hours, rather than leaving matters to the three-judge panel that was actually familiar with Cooper's case.

What Cooper's attorneys actually argued in their eleventh hour filing was that the murder shoes had been purchased by the prison at Sears and were readily available to the public in retail stores. They based this allegation on the former Warden's "personal inquiry," which she supposedly had conducted and conveyed to the San Bernardino County Sheriff's Department before trial. Of course, as the former Warden testified later in front of Judge Huff, she did not

conduct a "personal inquiry." Instead, she just asked someone and they told her information that was inaccurate. The corporate records and prison purchase records introduced at trial clearly showed the prison bought the shoes directly from the manufacturer, and the sales records of the corporation showed sales only to state and federal institutions such as the military, forestry service, and prisons such as that from which Cooper had escaped before the murders.

A greater familiarity with the evidence in the case would have enabled the judges on the en banc panel to understand that Cooper admitted to having been issued the make and model of shoe that left the incriminating foot prints, and he admitted to wearing the shoes when he escaped only days before the murders. Those facts, combined with the fact that the prints were consistent with Cooper's shoe size, along with all the other evidence incriminating him, is what made the shoe prints damning – not whether the prison bought the shoes at Sears or whether anyone else could buy the shoes at Sears. As if missing this point were not infuriating enough, it also turns out that everything the former Warden said to Cooper's attorneys is absolutely wrong, and that the defense as well as the trial jury knew all along where the prison had purchased the shoes and who else had purchased those kinds of shoes. Imagine this scenario: everything is stopped just hours before an execution, after two decades of litigation, because of inaccurate hearsay offered by the same warden who put a violent offender in the minimum security portion of the prison, allowing Cooper to escape and commit the murders in the first place.

Not only was the entire claim misunderstood and false, the Ninth Circuit also was misled as to how long the defense knew about the "facts" supporting the claim. The time frame in which the defense learns something is a critical fact to be considered when something is asserted at the last minute after years of litigation. The importance of when something is discovered in the context of an application to file a successive petition is evident from the decision of the en

banc majority, which expressly states when it believed Cooper's defense learned of the "new" information. The decision expressly noted that a sworn declaration by Cooper's counsel showed that the Cooper defense did not become aware of former Warden Carroll's "information" until the date on her declaration, which was January 30, 2004. If we were not already completely disgusted with our judicial system, we certainly were when we sat in Judge Huff's courtroom while a Cooper defense investigator testified that he had discovered Warden Carroll's "information" years earlier, and that Cooper's attorneys had had that information for years and knew that it was worthless because, as everyone had known since trial, the shoes had not been purchased from Sears and were not readily available in retail stores. In other words, the whole appeal was based on a lie. It was based on worthless evidence that Cooper's lawyers held back until the last minute, so that they trick the en banc Ninth Circuit into grant a second-appeal application that it never should have been considering in the first place.

The decision of the en banc majority also shows a lack of understanding of the evidence against Cooper in other ways as well. The hastily crafted opinion noted: "[t]here was, of course, evidence pointing to Cooper's guilt at trial." The opinion then references a spot of blood on the hallway wall of the Ryen house, **the bloody T-shirt**, and hand-rolled cigarettes from the Ryen car." But the so-called bloody T-shirt was **never** used as evidence against Cooper at trial. Instead, it was Cooper's defense attorney who had waived it around and argued that it belonged to the "real killer" as he tried unsuccessfully to cast suspicion on three unknown patrons who visited a local bar on the night of the murders. Remarkably, the en banc panel that decided to grant Cooper more appeals thought the T-shirt was used as evidence against him at trial. Hours before Cooper's execution, the Ninth Circuit en banc panel majority wanted a "quick and definitive scientific" test conducted to determine whether Cooper's blood was planted on

evidence that was **never used against him at trial**. This error was magnified when the test turned out to be neither quick, definitive, or even scientific – or helpful to the defense.

The other scientific test that the en banc Ninth Circuit panel ordered for Cooper was mitochondrial DNA testing of hair that Jessica supposedly was "clutching" in her hand at the time she died. Cooper argued it could identify the real killer. It came as no surprise, after spending $2,500 per hair, that the victims could not be eliminated as the donors of the hairs selected by Cooper's own expert. Common sense suggests that when a person is attacked with a hatchet and multiple blows are struck to the head, clumps of cut hair will adhere to the victims' bloodied hands. Cooper's expert from trial and post-conviction testing himself explained that the theory that young Jessica clutched her killer's hair in her hands was absurd because a dead person cannot clutch anything. Also, how would a little girl, attacked in the dark by a hatchet-wielding assailant, ever manage to pluck hairs from her assailant's head? The whole argument that Jessica was "clutching" her killer's hair is absurd. The only thing that it accomplishes is to force her family and my family to once again focus on the horrific manner in which the Ryens and my son died.

The Streamlined Procedures Act also would have changed the course of Cooper's case by limiting the amendments that he filed to his first federal habeas petition. Cooper first asked the federal court for a stay of execution in March of 1992. In August of 1994, he finally filed his first habeas petition. He was allowed to amend his petition in April of 1996. Then Cooper was again allowed to amend his petition in June of 1997. The Streamlined Procedures Act would allow one amendment as a matter of right before the answer is filed, and any amendment after that would have to present meaningful evidence that the petitioner did not commit the crime.

Obviously, under these standards, Cooper would not have been allowed to amend his petition twice over a three year period. Years of delay could have been avoided.

The Streamlined Procedures Act also would not have permitted Cooper's appeal from the denial of his first federal habeas petition to take as long as it did. Cooper's appeal of the 1997 denial of his first federal habeas petition was not completed until 2001 – over three and a half years. The SPA would have required that the matter be resolved within 300 days of the completion of briefing by the parties, and would require a rehearing decision to be made within 90 days, a rehearing by a three-judge panel to be completed within 120 days, and a rehearing en banc to be completed within 180 days. Years of delay in Cooper' appeal in the federal court could have been avoided.

Every state and federal court has repeatedly and consistently upheld the judgment against Kevin Cooper, yet 22 years later he still has not answered for his horrific crimes. My husband and I urge you to reform the federal habeas system so the profound abuses and manipulations that have allowed the murderer of our son to evade justice for over 22 years will finally be brought to an end.