

## TABLE OF CONTENTS

	<u>Pages</u>
<b>I. INTRODUCTION</b>	<b>1-25</b>
<b>A. OVERVIEW</b>	<b>1-4</b>
<b>B. RESPONSE TO CLAIMS IN COOPER’S INTRODUCTION</b>	<b>4-25</b>
<b>1. COMMUNITY REACTION AND PRETRIAL PUBLICITY</b>	<b>4-5</b>
<b>2. LAW ENFORCEMENT FOCUS ON             COOPER AS THE SUSPECT</b>	<b>5-6</b>
<b>3. COOPER’S CLAIM OF INNOCENCE</b>	<b>6-8</b>
<b>4. FAILURE TO PRESERVE BLOODY COVERALLS</b>	<b>8-10</b>
<b>5. ALLEGED THIRD PARTY CONFESSIONS</b>	<b>10-12</b>
<b>6. TESTIMONY AND STATEMENTS OF SURVIVING             VICTIM JOSH RYEN</b>	<b>13-15</b>
<b>7. CRIME SCENE PROCESSING</b>	<b>16-17</b>
<b>8. POTENTIAL NUMBER OF MURDER WEAPONS</b>	<b>18</b>
<b>9. REQUEST FOR FURTHER DNA TESTING</b>	<b>19-20</b>
<b>10. JURY’S DETERMINATION OF GUILT &amp;             DEATH SENTENCE</b>	<b>20-24</b>
<b>11. GOVERNOR’S ROLE IN CLEMENCY</b>	<b>24-25</b>
<b>II. RESPONSE TO COOPER’S SECOND CLAIM. THERE IS OVERWHELMING EVIDENCE OF COOPER’S GUILT</b>	<b>25-53</b>
<b>A. JUDGE GARNER RULINGS AND CONCLUSIONS</b>	<b>25-26</b>
<b>B. CALIFORNIA SUPREME COURT OPINION AND FINDINGS</b>	<b>27-36</b>
<b>C. FEDERAL COURT FINDINGS AND CONCLUSIONS OF         OVERWHELMING EVIDENCE OF COOPER’S GUILT</b>	<b>37</b>

	<u>Pages</u>
D. ADDITIONAL INCRIMINATING EVIDENCE POST CONVICTION DNA RESULTS	37-45
E. CLAIM OF ABSENCE OF MOTIVE	45-47
F. HAIR EVIDENCE	47-49
G. CIGARETTE BUTTS FOUND INSIDE RYEN STATION WAGON	49-51
H. TEE SHIRT	51-52
I. THERE IS NO DOUBT COOPER IS THE KILLER	52
III. RESPONSE TO CLAIM III - COOPER DID PRESENT HIS CASE	53-58
A. COOPER TRIAL DEFENSE	53
B. CLAIM OF LACK OF PENALTY PHASE INVESTIGATION	53-56
C. SINGLE DEFENSE TRIAL COUNSEL	57-59
IV. REQUEST FOR FURTHER TESTING	58-59
V. NON-CALIFORNIA CASES AND LINGERING DOUBT	59-60
VI. DEFENSE PENALTY PHASE STRATEGY DOES NOT JUSTIFY CLEMENCY	60-64
A. LIMITS ON MITIGATION EVIDENCE	60
B. COMMISSION OF THESE CRIMES IS <i>CONSISTENT</i> WITH COOPER'S BEHAVIOR BEFORE AND AFTER THE CRIMES	60-62
C. COOPER'S ADJUSTMENT TO PRISON	62-64
VII. THE IMPACT OF COOPER'S CRIMES ON THE VICTIMS AND THEIR FAMILIES	64-73
VIII. CONCLUSION	73-74
EXHIBITS ATTACHED HERETO	