

STATE OF INDIANA
EXECUTIVE DEPARTMENT
INDIANAPOLIS

EXECUTIVE ORDER _____ **17-12**

FOR: PARDON FOR KEITH DONNELL COOPER

TO ALL WHOM THESE PRESENTS MAY COME, GREETINGS.

WHEREAS, in 1997, Keith Donnell Cooper was convicted by a court in Elkhart County of Robbery Resulting in Serious Bodily Injury, a Class A felony (the “Robbery Conviction”), and was given a forty (40) year sentence;

WHEREAS, while in jail awaiting trial in the above-referenced matter, Mr. Cooper committed a battery on a fellow inmate and pleaded guilty to the crime of Battery Resulting in Serious Bodily Injury, a Class C felony (the “Battery Conviction”), and was given an eight (8) year sentence to run concurrently with his sentence for the Robbery Conviction;

WHEREAS, after ten (10) years in prison, and after his co-defendant’s conviction was overturned by the Indiana Court of Appeals based on serious concerns about his trial and effectiveness of counsel for the co-defendant, the judge (in obvious recognition of similar concerns about Mr. Cooper’s case) then offered Mr. Cooper an opportunity to leave prison early for time served, and Mr. Cooper accepted the offer and was released from prison in 2006;

WHEREAS, Mr. Cooper has filed a request for a pardon, which focuses almost entirely on his Robbery Conviction and alleges he is innocent of that crime;

WHEREAS, as to the Battery Conviction, Mr. Cooper pleaded guilty to that crime, does not claim he is innocent of it, and offers no evidence of a defect with that prosecution, yet Mr. Cooper has nonetheless requested that he be given a pardon on the Battery Conviction as well;

WHEREAS, the extensive record of materials submitted in connection with his request for a pardon shows that the evidence against Mr. Cooper has changed dramatically since his Robbery Conviction nearly twenty (20) years ago, including, for example, the following:

- (1) all of the eyewitnesses who identified Mr. Cooper at trial have now recanted their testimony and said they were mistaken;
- (2) the jailhouse informant has recanted his trial testimony;
- (3) the DNA evidence from the hat worn by the robber at the crime scene now clearly identifies and points to another man who is currently in prison for murder and who has subsequently been identified by eyewitnesses as the actual person who shot the victim and committed the crime; and
- (4) the DNA testing confirmed that no DNA from Mr. Cooper was found on the hat.

WHEREAS, the victim who was shot during the robbery and eyewitnesses to the crime have requested that a pardon be granted to Mr. Cooper;

WHEREAS, the deputy prosecutor who convicted Mr. Cooper back in 1997 has signed a letter in support of a pardon, and, in addition, the trial judge who presided over Mr. Cooper's trial has stated that he has "no objection" to a pardon being issued;

WHEREAS, in 2014, the Indiana Parole Board, after engaging in a careful review and examination of Mr. Cooper's case, unanimously recommended, by a vote of 3-0, that the governor issue a pardon to Mr. Cooper;

WHEREAS, Mr. Cooper filed a petition last fall in the Elkhart Circuit Court to have his Robbery Conviction overturned (which is set for a hearing in late March 2017), which process could take years to run its course, especially if there is one or more appeals;

WHEREAS, it is evident from a review of Mr. Cooper's case that it is extraordinarily unique in several respects, and, based on a totality of the circumstances, is deserving of consideration for a pardon; and

WHEREAS, in light of the foregoing, and after careful consideration, a pardon will be issued to Mr. Cooper for his Robbery Conviction.

NOW, THEREFORE, I, **Eric J. Holcomb**, Governor of the State of Indiana, by virtue of the authority vested in me by the Indiana Constitution and the laws of our State, do hereby issue a Pardon to **KEITH DONNELL COOPER** for his Robbery Conviction, and it is so ordered.



IN TESTIMONY WHEREOF, I,
Eric J. Holcomb, have hereunto set
my hand and caused to be affixed the
Great Seal of the State of Indiana on
this 9th day of February, 2017.

Eric Holcomb
Eric J. Holcomb
Governor of Indiana

ATTEST: Connie Lawson
Secretary of State

Connie Lawson