

TO: ATTORNEY AT LAW

SUBJECT: APPOINTMENT OF HABEAS COUNSEL

INTRODUCTION:

Dear Counselor,

My name is Crandell Mckinnon. I am a condemn prisoner on San Quentin's Death Row. I have been stranded on the row since March 11, 1999.

Since that date my initial State Appeal has been finalized (August 19, 2012), and still I am without State Habeas Corpus Counsel. More accurately I am being denied habeas counsel. I have persued relief through the California Supreme Court and the U.S. District Court with a Petition for Appointment of Counsel to no avail. Which brings me to the reason why I'm addressing this letter to you. I am eager to reach the constitutional merits of my appeal and correct the INjustice done to me. I'm, confident the court will find there is numerous reversible and constitutional errors in my case. But i need counsel who is fully competent to address the gross INjustice I have been dealt. I am asking for your help and seeking your efforts in representing me. If you are willing to represent me we can work out the formalities with the California Supreme Court.

Due to the serious nature of my situation I am anxious to move forward with my appeal because I am confident I will attain my freedom. I do not wish to live out my life on deathrow while C.A.P. (California Appellate Project) engage in procedural wrangling with the State. During these lengthy delays problems can arise regarding loss of evidence, demise of witnesses and destruction of crucial files. I want to avoid this at all cost.

To assure you I'm not wasting your valuable time I ask that you bare with me as I outline a brief synopsis of my case. First let me emphatically state "I'M INNOCENT", "I AM NOT GUILTY!" I did not commit these crimes for which I have been "wrongly" found guilty of. The court transcripts; police reports and other related documents will clearly show there has been a grave miscarriage of justice in my case.

A BRIEF SUMMARY:

In March 1995 I was charged with one (1) count of first degree murder. Then in June of 1996 I was charged with a second count of first degree murder. Both of these charges were subsequently consolidated, allowing for the prosecution to seek a charge of "Special Circumstances" (or the Death Penalty).

The evidence for count one is as follow:

A. No physical or forensic evidence linking me to the homicide.
B. Two(2) "allege" eyewitnesses (which I will refer to as W1 and W2) to the circumstances surrounding the crime, and one(1) other witness whose testimony was faulty and coerced.

The facts supporting my Innocence in count one include but are not limited to the following:

1. Prosecutorial Misconduct

2. The threatening, intimidation; and influencing statements/testimony of alleged eyewitnesses (on audio tape) by DA investigator, detectives and the D.A.
3. Offering witnesses favors in exchange for damaging testimony against me.
4. Paid testimony by known informant.
5. The D.A. knowingly put on perjured testimony.
6. Wayward detective.

In count one I was alleged to have murdered a man for no apparent reason. W1 who is alleged to be my co-defendant but an unknowing participant in the homicide gave numerous statements to the detectives and the D.A.'s office. He denied being involved or having knowledge of the participants. He was later threatened by the D.A. and forced to implicate me (and himself) in the murder (this false confession is on audio tape). Before being told that he would be charged with murder if he didn't cooperate, W1 gave two different statements: The first; that he knew nothing of the homicide. The second, (after some pressure) that he was there but didn't see the actual killing take place. These two stories were not to the D.A.'s liking and the D.A. told him, Quote: You are either a defendant or a eyewitness: Unquote. Thus this so-called eyewitness revise his story and the D.A. accepts this new version knowing it was an outright lie.

W2 in this case was a paid informant and had previously testified in numerous other homicide cases for Riverside D.A.'s office. He also had a previous murder charge that was dropped. He was also paid for his testimony against me.

Both of these witnesses profoundly contradict each other in their statements. Their testimony does not coincide with either the facts, evidence, or witnesses in this case (witnesses who managed to mysteriously disappear at the beginning on my trial). For instance, both of these alleged eyewitnesses claimed to be standing under a tree in a field, yet both denied the other was there (there is only one tree in this field). Also neither of them placed themselves within thirty yards of the tree. W1 claimed me and him ran through the field northbound leaving my vehicle behind, which was not found or seen at the crime scene nor in the area. W2 said I acted alone and left the crime scene walking westbound up the street to buy myself and him some beer, yet he also made it clear I was not aware of his presence in the field.

There was also testimony by a witness in my behalf at the preliminary hearing, but at trial this witness changed her testimony and testified against me due to the D.A.'s tampering and intimidation tactics. The witness never made any statement claiming to have witness me killing anyone. What's of key interest here is that the D.A. is heard on audio tape telling W1 to talk to this witness and get her to alter her testimony. I quote. "I need her to say she lied at preliminary hearing to protect you and because she's scared of Popeye (me)." Unquote. This is just one of many excerpts. Every key witness that testified for the prosecution admitted to lying, and that they

were under the influence of alcohol and cocaine and had not slept for days at the time the murder occurred.

As to count two the evidence is as follows:

- A. No physical or forensic evidence linking me to the murder.
- B. One eye witness.
- C. A gun that is questionable as the murder weapon and the individual who possessed the gun.
- D. Jailhouse informant (who claimed I confessed to him, and who received a deal of two years instead of, 3--strikes, 25 to life).

The facts supporting my innocence in count two include but are not limited to the following:

- 1. Destroyed evidence, investigative notes, witness reports and physical evidence.
- 2. Prosecutorial Misconduct.
- 3. D.A. knowingly put on perjured testimony.
- 4. Threatening of witness by D.A.'s investigator.
- 5. Wayward and perjured detectives.

In count two with the exception of one eyewitness report all of the evidence was destroyed. According to this eyewitness report; the witness, witnessed the unfolding actions that led to the homicide. He observed two males began to push each other; one of the males pulled out a gun and shot the other. This witness stated that the suspect was unknown to him. At my preliminary hearing the detective who investigated this homicide and took the witness's statement only minutes after the homicide occurred testified that the witness gave a description and street name of the suspect. He further testified that the name and the description the witness gave him fit me; Crandell McKinnon. But under cross examination he admitted that according to his own initial report that the description of the suspect did not only fit me, but wasn't even a black male. Stubbornly he stuck to his testimony about the witness giving him my street name even though it had been over 2½ years and had not been included in his initial report. At the hearing to have this case dismissed the detective again testified that I fit the description of the suspect even when his report clearly shows I don't fit the height, or race. He also admitted to never giving the witness in this case a photo line up or fully investigating the homicide, and leaving key pieces of physical evidence at the crime scene. The many errors in this case are monumental and just a honest look at my case would warrant your outrage.

For instance, the jailhouse informant gave a statement to the D.A.'s investigator about me after discussing my case and his confinement situation off tape. The information the informant gave was information the D.A. already had on tape for two years prior to his interview with the informant. The information had come from W2 in count one who said that it was only street rumors (referring to me killing the victim). The information further claimed he knew about the victim's death before I allegedly told him, which was three to four months before the victim was actually killed. Astounding, yet the D.A. knowingly allowed this informant to testify to this blatant lie. None of what the informant testified to was consistent with the facts, evidence or other witness accounts in this case. He also lied about receiving


a deal from the D.A.'s office, both in preliminary hearing and at trial.

Now regarding the gun (the alleged murder weapon). It was found in another person's possession. She pled guilty to a weapon's charge, and according to the ballistic reports there was uncertainty as to whether the gun was the actual murder weapon. The D.A.'s own investigator wrote him a letter stating that he (the investigator) was going to "make" the woman a witness against me, or arrest her for 32 P.C., Accessory To Murder. Both the D.A. and his investigator knew full well that this gun belonged to the woman. The D.A. chose to condone and engage in these ruthless bully tactics because without them obtaining a guilty verdict against me would have been impossible.

Another issue is the ineffectiveness of my attorney, who failed to call witnesses and investigate "Third Party" culpability in count Two, which the D.A. had evidence of.

Let me also add concerning the street name "Popeye" (The detective claimed the eyewitness in count Two gave him). There were three other males with that moniker in the area where the homicide occurred, which is a very small community. One is African-American, and the other two are Hispanic. Witnesses testified during trial I was not the only Black male in town using "Popeye" as a nickname.

As you can see there are many malicious acts of misconduct that marred justice in my case. There is a clear and undeniable question of credibility of all the witnesses who testified against me. The D.A.'s main source of incriminating evidence. I have only scratched the surface to pique your legal interest and stir your sense of justice. If you can arrange a visit with me, and hear me out, you can judge for yourself the weight of my argument. I promise the trip will not be a waste of your time. I am aware you may be unable to take my case or arrange a visit. Therefore, I ask that you turn my concerns over to your colleagues, associates, or anyone truly competent and interested in seeing justice prevail. I would profoundly appreciate any help you can provide. I apologize for rambling and consuming too much of your attention if I have done so. I know you're extremely busy, but as you can see my need is exigent. Thank You, for barring with me, and again, any advice you can give me is highly welcomed. I look forward to hearing from you.

Respectfully,

Crandell Ojore Mckinnon #P-32800
CSP-S.Q.
P-32800
San Quentin Ca. 94974 USA

Date _____, 20