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November 20, 2009

The Honorable Timothy M. Kaine
Office of the Governor
Patrick Henry Building
1111 East Broad Street
Richmond, VA 23219

Re: Joe Giarrantano

Dear Governor Kaine:

I write in support of the Petition for Conditional Pardon recently submitted to you on behalf of Joe Giarrantano. I am the co-founder and co-director of the Innocence Project. Although I certainly am not in a position to opine on Mr. Giarrantano's guilt or innocence, I am well acquainted with the critical role Mr. Giarrantano played in saving the life of another inmate whom our project represented and who was demonstrably innocent: Earl Washington.

If not for Mr. Giarrantano's extraordinary and heroic efforts to bring Mr. Washington's plight to the attention of the courts, Mr. Washington would have been executed on September 5, 1985. Because of those efforts, Mr. Washington was able to secure counsel, and in time, he was exonerated for a crime he did not commit. It was Joe Giarrantano who realized Mr. Washington's vulnerabilities and who watched over him during their confinement on Virginia's death row in the 1980s and early 1990s.

After Mr. Washington was exonerated and released from prison, I, along with co-counsel filed a civil suit on his behalf to provide some modest measure of compensation for the years Earl suffered on death row and his specially harsh treatment as an innocent man in Virginia's death house. Joe Giarrantano provided significant assistance to counsel by providing insights into Mr. Washington and his time on Virginia's death row. Mr. Giarrantano was also able to provide counsel and counsel's experts with invaluable information about Virginia's death row that proved crucial in Mr. Washington's civil suit.

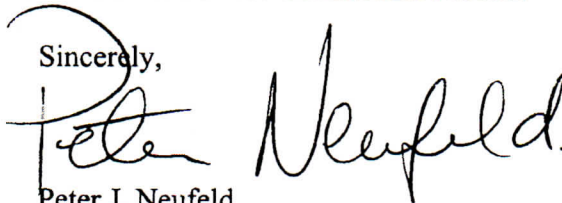
Hon. Timothy M. Kaine

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It was DNA evidence that ultimately led to the exoneration of Earl Washington. I understand that the Commonwealth of Virginia has either destroyed or lost critical biological evidence in Mr. Giarrantano's case, including the vaginal slides of the deceased on which sperm were observed long ago. Obviously, had this evidence not been lost or destroyed by the state, it could have been subjected to DNA testing and had the potential to lead to his exoneration. It is ironic, to say the least, that, through no fault of his own, Mr. Giarrantano has been deprived of the same means of exoneration that led to Mr. Washington's release. It is also ironic that years later, Virginia, by law, flatly prohibited destruction of evidence in cases like this. As the Innocence Project has demonstrated in numerous cases over the past several years, DNA testing is a powerful tool for correcting the injustice of wrongful convictions and freeing the innocent. Obviously, without evidence for testing, it is a tool that can never be employed.

I urge you to grant Mr. Giarrantano's Petition for Conditional Pardon.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter Neufeld". The signature is written in a cursive style with a large initial "P" and "N".

Peter J. Neufeld
Co-Director