



March 2, 2022

Hon. Tony Evers,
Governor
Wisconsin State Capitol
Madison, Wisconsin

RE: *Clemency, Commutations, and Brendan Dassey*

Dear Governor Evers:

Brendan Dassey has spent half his life in prison for a crime he did not commit. This past Sunday marked sixteen years since the first manipulative interrogation of that 15-year old boy. Today is the sixteenth anniversary of his wrongful arrest. We ask you to exercise the power that only you have: to free him. We ask you to do it now.

Together, we represented Brendan's uncle at trial. We never have represented Brendan Dassey. In that narrow sense, we have nothing at stake. In a broader sense, though, we have everything at stake. So do you and the citizens you serve. We appeal, then, to clarity, conscience, and courage.

Start with clarity. Brendan Dassey's conviction and life sentence rest on two things. One is a false confession. The second is a bleach stain on a teenager's blue jeans.

As to the first, Brendan's statement resulted from trickery by seasoned police officers. The trickery and deceit used against a 15-year old with special needs and no experience with the police is not argument or speculation: every minute of it is on videotape. His fragmentary narrative and adoptions of the interrogators' statements were proven inaccurate almost 15 years ago in many details and incredible in others.

As to the second, that's it: the total corroboration of Brendan's involvement in any crime—before, during, or after—was an unexplained small bleach stain on the leg of a boy's blue jeans. Obviously, many young people have bleach-stained jeans, whether the stains are intentional or not.

The courts have failed Brendan repeatedly and at every level. When a federal judge finally did what the Wisconsin courts were too intellectually dishonest to do,

Hon. Tony Evers
March 2, 2022

acknowledging that Brendan's bogus confession was obtained unlawfully, he was overruled by the slimmest majority hiding disingenuously behind a bad statute. The federal court of appeals ruled by one vote, 4-3, that although the Wisconsin courts may have been wrong, they were not so *clearly* wrong that no reasonable judge could have agreed with them. In other words, be Brendan ever so innocent, defrauded of his federal constitutional rights and wrongly convicted, a federal court did not fix it.

Then the U.S. Supreme Court declined to hear his case (as the Wisconsin Supreme Court had earlier). The failure of the courts was complete. That leaves executive clemency, which exists to correct injustice when courts won't or can't.

This is why we write today about Brendan, not about our own former client, Steven Avery. We think he, too, was wrongly convicted and should be free; others disagree. But either way, Steven still has judicial remedies.

By contrast, Brendan's case now is yours. You can duck and shift responsibility as the courts have in the end. Or instead, you can fulfill your oath and office.

As governor of Wisconsin, you alone have the constitutional power of clemency. No one else can exercise it. You rightly have granted pardons to deserving people who long ago finished their sentences, so you know that. Important as they are to former offenders long since released, though, pardons do nothing to address mass incarceration.

Commutations can. Yet you have refused in your first three years as governor even to consider exercising this mildest power, to commute or cut short a sentence. By refusing to consider commutation, you have neglected thousands of Wisconsin prisoners with unfair convictions (many were), exemplary rehabilitation (some can show that), or sentences simply too harsh (many, maybe most, are).

In all, by abdicating a constitutional power of your office, you fail a duty to the people you serve. Wisconsin deserves a governor who fulfills the entire role the state constitution assigns that office – not just the parts that require less clarity, conscience, and courage.

It's time to act as governor, not as part of one. We ask that you make your first commutation Brendan Dassey. Send him home, where he has belonged since 2006.

Then follow that by using the power of clemency that you alone can use. Use it not just to pardon people freed years earlier. To your credit, you are doing that. But use it also to

Hon. Tony Evers
March 2, 2022

cut the sentences of deserving others. In short, act to reduce our staggeringly overgrown prison population, starting but not ending with Brendan.

By constitutional design, you can be a governor of grace, not of cruelty or cowardice. We urge you now to be exactly that. Brendan Dassey, many others in prison, and the citizens of Wisconsin will benefit from that grace. There is nobody else to whom the people of this state can turn for clemency. A governor who does not exercise the full clemency power of the office, then, is no full governor at all. That occupant of only part of the office is, in a real sense, graceless.

Sincerely,

STRANG BRADLEY, LLC



Dean A. Strang

BUTING, WILLIAMS & STILLING, S.C.



Jerome F. Buting

DAS/JFB:es