



Halscott Megaro

April 5, 2016

President Barack H. Obama
c/o Office of the Pardon Attorney
1425 New York Avenue, NW
Suite 11000
Washington, D.C. 20530

Re: Petition of Corvain T. Cooper for Executive Clemency

Dear Mr. President:

I write this letter to supplement my client, Corvain T. Cooper's, petition for Executive Clemency. I write today to not only advocate on behalf of my client, whom I have come to know very well since I began representing him in January, 2014, but also to offer my own personal observations to aid you in your review. I humbly submit that a recent legal development in his matter necessitates this supplement, as this development makes this all the more urgent for your executive action to prevent a gross injustice.

Corvain T. Cooper was convicted in the United States District Court for the Western District of North Carolina in Charlotte for the crime of conspiracy to distribute and possession with intent to distribute marijuana (21 U.S.C. § 841(b)(1)(A)), conspiracy to commit money laundering (18 U.S.C. § 1956(h)), and structuring transactions (31 U.S.C. § 5313(a)). Because he had 2 prior felony convictions in California state court for possession of drugs, he was sentenced to a mandatory minimum of life without the possibility of parole on June 18, 2014. The District Court recognized the severity of the mandatory life sentence, noting that it "would want to have discretion before imposing a life sentence. The absence of discretion is a troubling thing for the Court." Later, the District Court stated that

[T]he Court is not comfortable with imposing a mandatory life sentence on a 34 year old individual without some discretion to consider the 3553(a) factors that a court normally is entitled to consider...The Court has no discretion. I'm not sure what I would do if I had discretion, but the absence of discretion is a difficult thing for the Court.

Mr. Cooper prosecuted a direct appeal to the Fourth Circuit, arguing that the Eighth Amendment prohibits the cruel and unusual punishment of mandatory life imprisonment without parole for a 34-year old man with two prior convictions for possession of a controlled substance (marijuana



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and codeine) and no history of violence. The Fourth Circuit affirmed his conviction on October 2, 2015. Mr. Cooper then filed a petition for certiorari to the United States Supreme Court, presenting two questions for review:

1. Whether a mandatory life sentence without the possibility of parole for non-violent marijuana trafficking under Federal law violates the Eighth Amendment's prohibition of cruel and unusual punishment?
2. Whether 21 USC § 851, as applied, is an unconstitutional violation of the separation of powers enumerated in Articles I, II, and III of the United States Constitution?

Unfortunately, on March 25, 2016, the Supreme Court denied his petition. This effectively ends his appeals, and his sentence of life imprisonment without parole stands.

Corvain Cooper is only 36 years old.

Before he was sentenced to life imprisonment without the possibility of parole for trafficking marijuana, Corvain Cooper ran a small business selling clothing, footwear, and accessories. He was a father to two minor daughters, a fiancée, a son, a brother, and a member of the community.

I have been practicing criminal defense and appellate litigation for approximately 15 years. I began my career at The Legal Aid Society, Criminal Defense Division, in Manhattan, New York City, and continued in private practice after I left Legal Aid in 2004. I have represented people on several thousand cases at this stage of my career. I have seen people at the highest and lowest points of their lives. In many ways, criminal defense is a study of human behavior and psychology. I find myself not only being an advocate and adviser to clients, but sometimes having to be a friend, confidant, and social worker to help them work through their legal problems, which is frequently a symptom of some other larger problem in their lives.

When I told my client the bad news that the Supreme Court had rejected his petition for certiorari, he thanked me for fighting for him, and said he would not dwell on the negative, and would remain positive and trust that the United States Government would be fair to him and that justice would prevail.

It is not an exaggeration when I say I was thunderstruck when my client told me this. This was contrary to my experience as a criminal defense lawyer. It is very common for a person convicted of a crime to become extremely bitter and hold a jaded view of the Government and law enforcement after a conviction and sentence, whether justified or not. These bitter feelings, like the collateral consequences of a conviction, can permanently alter a person's thinking and their life. The same holds true for the families of the convicted. I have experienced this hundreds, perhaps thousands, of times over the course of my career.

However, this statement to me illustrates the type of person Mr. Cooper is. It would have been very easy for him to become just as jaded and bitter, and harbor feelings that he was treated

unfairly. He would have found many a sympathetic ear with friends, family, and others similarly situated. He could have chosen to dwell on the negative, rather than focus on the positive. Unlike many of my other clients, Corvain Cooper maintained an extremely positive attitude after his sentencing. Unlike many of my other clients, he made the choice to keep the faith that the Government would be fair and just in the end.

My life parallels Corvain Cooper's in many ways. We are almost the same age, we both have children who are almost identical ages, and we are both self-employed. Because I served in the military, I too faced the prospect of extended separation from my family, and knew first-hand the resultant anxiety of time away from home and loved ones. Because we are similar in many ways, I am able to personally relate to him and his family situation. We have spoken on a personal level many times, and we share many of the same family and work values that we want to impart upon our children. Since I started representing him, I have come to know him very well.

Mr. Cooper hired my former firm in January, 2014 to represent him in his sentencing and direct appeal after he lost his jury trial. When I left that firm prior to his sentencing, Mr. Cooper asked me to continue to represent him, as we had developed a bond of mutual trust and understanding. As a father and a husband, I agreed to help in any way I could. I traveled from Orlando to Charlotte to represent him at his sentencing, and prosecuted his appeal to the Fourth Circuit Court of Appeals. After his conviction and sentence was affirmed, my representation was technically over. I could have chosen to withdraw from his case at that point.

However, I made a solemn promise to him: to help him in any way I could. Even though Mr. Cooper and his family were now financially destitute, I promised to continue to represent him through the Supreme Court for free. I drafted his petition and paid several thousand dollars in printing and binding costs pro bono.

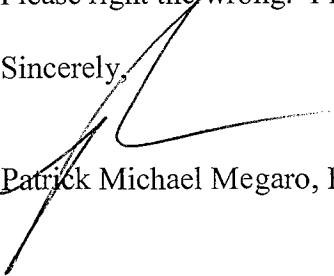
I have never asked him for a fee, nor will I in the future. I chose to continue to represent him because I imagined myself in the same position, and would hope that someone in that same position would do the same for me. I chose to continue to help him because I believed, and still do, that Corvain Cooper is a genuinely good man, father, and an asset to society, someone deserving of my best effort.

I humbly beg you, Mr. President, to commute this man's unjust sentence of life imprisonment without the possibility of parole for selling marijuana. I agree that there are some people that are so dangerous that there is no place in civilized society for them; life imprisonment is appropriate for these individuals for the protection of society.

Corvain Cooper is not one of those people.

Please right the wrong. Please prevent this gross injustice from occurring.

Sincerely,



Patrick Michael Megaro, Esq.