

## Four Reasons Why Kevin Burns' Life Should Be Spared

These are four grounds for clemency that stand out to many of Mr. Burns' friends and supporters. You may have other reasons for believing he is uniquely deserving of mercy from Governor Lee. Your voice, your opinion, your reasons for relief all matter.

**#1 - Kevin Burns is an exceptional human being: he is the Minister on Tennessee's death row.** Kevin is a good man. He is an ordained minister who leads the church on death row (The Church of Life) and preaches remotely to Franklin Community Church. He has comforted others in their last days before execution, and he has ministered to people outside the prison who have faced their own trials and challenges. Despite facing impending execution, he remains positive, hopeful, and a beacon of faith. He insists that every day is the best day of his life.

**#2 - Kevin did not kill anyone.** While under our law, he could be found guilty of felony murder for his role –however small – he did not kill anyone. He was one of six men at the scene, but only two of those men fired two guns into the car. One of the men, described by the surviving witness as “the big man in glasses” fired the fatal shots that killed the driver. Both gunmen were described as having curls in their hair. Kevin Burns was 5’7”, has never worn glasses, and had hair cut to the scalp. Yet, he was sentenced to death for killing the driver (and life for the second murder).

**#3 - His execution would be profoundly disproportionate.** Five other men were at the crime scene. Two of those other men, including a 6’4” tall “big man in glasses”, were prosecuted, convicted of murder, and received life sentences– both are free on parole. Indeed, the two men who almost certainly fired the fatal shots are both on parole. One other man received a short prison sentence. While the group's leader, who brought at least two guns to a fist fight, was never prosecuted.

**#4 - His conviction and death sentence are the product of extreme malfunctions in the justice system.** Mr. Burns' lawyers were completely unprepared for trial, and failed to show the jury that Kevin could not be one of the two killers. They also failed to prepare for capital sentencing, thus their entire mitigation case took less than twenty minutes to present – they spent more time on a mid-trial dinner break than they did in arguing for Kevin's life. Supreme Court Justices Sotomayor, Kagan, and Jackson concluded that the legal basis for Mr. Burns' death sentence is “indefensible” and that the final decision imposing his sentence of death is so flawed that the “errors leap off the page”. These legal errors have never been corrected, and his lawyer's failures have never been remedied. Thus, Kevin Burns awaits wrongful execution.