August 17, 2010

Re: William Edward Piers, Pardon Petition

To Whom It May Concern:

We write in support of the Pardon Petition pending on behalf of William Edward Piers. We represented Mr. Piers in his federal post-conviction proceedings, both in the U.S. District Court for the District of Alaska as well as before the Ninth Circuit Court of Appeals. We also filed a Petition for Writ of Certiorari with the United States Supreme Court on his behalf, which was later denied.

Mr. Piers, a young man with no prior criminal history whatsoever, is currently serving a prison sentence of nearly 40 years for his alleged involvement in the robbery of a credit union in Anchorage, Alaska. 30 years of his sentence is due to his conviction for using a machine gun during the robbery. As his post-conviction attorneys, it is likely that we know and understand the record in the case better than anyone else, aside from Mr. Piers himself. Mr. Piers was, without doubt, wrongfully convicted.

Mr. Piers retained attorney Rex Butler prior to his 2001 trial. However, at nearly every stage in the proceedings, Butler's performance was woefully deficient.

Despite being paid $2,500.00 for investigation over and above his fee retainer, Mr. Butler conducted no pretrial investigation. He did not pursue any of several investigatory leads Mr. Piers suggested to him. He did not attempt to interview any government witnesses, nor did he attempt to contact any of several character witnesses provided to him. Mr. Butler failed to investigate the involvement of Adam, an uncharged member of the conspiracy named by Mr. Piers and his co-defendant, [redacted], despite having more than enough information to locate Adam. Mr. Butler admitted in a post-conviction hearing that, rather than conduct his own investigation, he simply relied on the investigation of the government—the very party seeking to convict his client.

Because of Mr. Butler's failure to pursue any investigation, by the time of the trial Mr. Piers and Mr. Butler were not speaking to each other. Mr. Butler admitted that despite being fired by Mr. Piers and his family several times in the months preceding trial, he did not move to withdraw

from the case until a week prior to the trial start date; the motion was denied in part due to its late filing. The untimeliness of his motion, as well as Mr. Butler's failure to advocate for withdrawal—instead calling his client a liar—forced Mr. Piers to trial with an attorney in whom he had no confidence or trust. There was little, if any, consultation between Mr. Butler and Mr. Piers throughout the case.

Mr. Butler did not file two indisputably meritorious suppression motions based on unmirandized custodial interrogations, causing the jury to hear two extremely damaging statements by Mr. Piers. Mr. Butler's failure in this regard was based on his misunderstanding of basic tenets of criminal law.

Mr. Butler did not give an opening statement, leaving the jury with only the government's condemning opening statement against which to consider the evidence. During trial, through incompetent cross-examination, Mr. Butler negated a police officer's positive identification of co-defendant [redacted] as the person who fired the machine gun. Mr. Butler did not call a single witness for the defense.

Mr. Butler likewise failed to present any sort of defense theory. Though he claimed that his focus was on the machine gun count, Mr. Butler never developed this issue. In fact, by foregoing his opening statement and not putting on a case in chief, the only chance for Mr. Butler to develop his theory was during closing argument, where he never focused the jury's attention on the machine gun count.

Instead, Mr. Butler addressed the jury for the first time by twice conceding guilt to the conspiracy charges—a plan he never discussed with Mr. Piers, who has consistently maintained his innocence to this day. Moreover, Mr. Butler did not distinguish which of the two conspiracy charges he was conceding guilt to, nor did he discuss any of the overt acts alleged in the indictment. With no qualifying statement, the jury had to presume that Mr. Butler was conceding guilt to both conspiracy counts and all of the overt acts alleged as part of them—including the firing of the machine gun.

Most of Mr. Butler's closing argument focused on [redacted] involvement. Though he told the jury that it should not convict Mr. Piers of any count that would require believing [redacted] Mr. Butler conceded guilt on two conspiracy counts—counts that themselves required believing [redacted] In short, Mr. Butler rebutted his own argument, destroying whatever minimal credibility he had with the jury.

Finally, rather than marshaling the facts available to support his purported theory that Mr. Piers did not fire the machine gun, Mr. Butler admitted that he relied on the jury's own recollection of these facts, buried as they were amongst five days of testimony from multiple government witnesses.

In summary, Mr. Piers's convictions were a direct result of his trial counsel's inadequacies. Had the trial been conducted properly, there would have been more than ample evidence to acquit Mr. Piers of machine gun count, at the very least, if not all charges.

In the 26 years prior to his 2001 trial, Mr. Piers demonstrated a commitment to his community and public service. He had no prior convictions of any kind. Quite the contrary—as shown by the numerous letters of support given to his trial counsel before his trial, Mr. Piers was honest, hard-working, law-abiding, and an upstanding citizen. He is now unjustly serving a 39 year sentence stemming from an incident where, by all accounts, no one was even injured.

We strongly urge you to grant a pardon or to otherwise commute Mr. Piers's sentence. If we can provide further information, please contact us as 503.546.3927.

Very Truly Yours,

Michael R. Levine

Matthew G. McHenry

Attorneys at Law

Please I need your help, my name is William Edward Piers.

I write this letter to you in the hope that you are a good, just individual who stands and will act against corruption, injustice and evil.

I am a political prisoner and mine is a case of judicial and prosecutorial misconduct, involving a false "trial" and forced council.

I am not guilty. The U.S. Courts will not follow the law and free me due to corruption, indifference and ignorance of the facts.

I have been wrongly imprisoned since the 27th of June 2000 with a 40 year sentence. I have no criminal history. The Supreme Court has never heard my case.

Please, in the very least forward my letter to anyone you think can help me, such as the President, Vice President, Senators, Judges, Attorneys, News Reporters, Papers and any others you think may care about justice.

Below is a list of contacts if you wish to know more or do more to help.

Thank you & Good health

[redacted]

William Edward Piers

[redacted]