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Betsy AuBuchon, Clerk
Supreme Court of Missouri
P.O. Box 150
Jefferson City, MO 65102
Via email to: kathy.fletchall@courts.mo.gov

Re: *State v. Kevin Johnson* SC89168

Dear Ms. AuBuchon:

I am writing in regard to the case of *State v. Kevin Johnson* (SC89168). Our office recently became aware that the Office of the Attorney General has filed a motion seeking to set an execution date for Mr. Johnson.

The purpose of this letter is to inform the Court that the Conviction and Incident Review Unit (CIRU) of the St. Louis County Prosecuting Attorney's Office has been reviewing Mr. Johnson's application that he submitted pursuant to Section 547.031, RSMo, alleging that his conviction and death sentence are unfairly and unconstitutionally tainted by racial bias.

The CIRU has conducted a preliminary investigation into Mr. Johnson's allegations, and believes further investigation may be warranted. But in the course of our review, we have determined our office has a conflict of interest that would preclude further work, due to one of Mr. Johnson's trial attorneys being currently employed as first assistant trial counsel in this office. Since that time, we have been attempting to locate a special prosecutor to complete the review of Mr. Johnson's application, but at this time have been unable to locate a special prosecutor who is willing and able to serve.

As such, this office respectfully requests that the Court refrain from scheduling an execution date for Mr. Johnson until we have a special prosecutor in place to take any further action he or she deems appropriate with respect to Mr. Johnson's case.

Sincerely,

A handwritten signature in black ink that reads "Jessica Hathaway".

Jessica Hathaway
Chief, Conviction and Incident Review Unit

Exhibit 1