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**THE SENATE  
STATE OF MICHIGAN**

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December 19, 2018

Mr. William J. Valliencourt, Jr  
Prosecutor, Livingston County  
210 S. Highlander Way  
Howell, Michigan 48843

Dear Bill,

We are writing to respectfully request that you set aside the conviction of Jerome Kowalski and give him the fair trial that he deserves under the Constitution. It has become abundantly evident through the testimony in the Judicial Tenure Commission Hearing of Complaint No. 99 against Judge Theresa Brennan that Mr. Kowalski was not afforded a fair trial. Mr. Kowalski's constitutional rights were violated. Newly-found evidence has shown that a manifest injustice has occurred. This must be remedied with a new trial.

During the Judicial Tenure Commission proceedings, it was confirmed that Judge Brennan had, in fact, lied about the relationship she had with the lead investigator in Mr. Kowalski's case. Judge Brennan should have recused herself. Mr. Kowalski's defense attorney attempted to secure this disqualification. Judge Brennan mocked him and denied that the relationship required recusal. Mr. Kowalski has now spent the better part of a decade in prison due to this error.

As you are now aware because of depositions in Judge Brennan's divorce case, there were 37 phone calls placed between Judge Brennan and the lead detective during Mr. Kowalski's case. Several employees have testified with first-hand knowledge of the close relationship between Judge Brennan and the lead investigator.

Former court employees have also testified under oath that Judge Brennan had determined that Mr. Kowalski was guilty prior to the trial beginning because the lead detective had told her so. During the JTC hearing, testimony was given by a former court employee that Judge Brennan had discussed and decided on the guilt of Mr. Kowalski long before the trial had been assigned to her court.

The Sixth Amendment affords the accused the right to a trial by an impartial jury. Judge Brennan was clearly biased in this case. This has been a serious miscarriage of justice. Please see that you right this wrong. We respectfully ask that you give Mr. Kowalski the fair and impartial trial that he deserves and which justice demands.

Sincerely,

Senator Joe Hune  
22<sup>nd</sup> District

Representative Lana Theis  
42<sup>nd</sup> District

Representative Hank Vaupel  
47<sup>th</sup> District

