

Media Office

12 S. Monroe Street  
Media, PA 19063  
(215) 563-3500

**DUGAN BRINKMANN MAGINNIS & PACE**

Attorneys at Law  
1880 John F. Kennedy Boulevard, Suite 1400  
Philadelphia, Pennsylvania 19103  
Telephone (215) 563-3500  
Facsimile (215) 563-5610

[gjdugan@dbmplaw.com](mailto:gjdugan@dbmplaw.com)

New Jersey Office

33 South Main Street  
Mullica Hill, NJ 08062  
(856) 223-8600  
Facsimile: (856) 223-8601

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[jtalaber@pa.gov](mailto:jtalaber@pa.gov)

Jon Talaber

Re: Commonwealth v. Kevin Brinkley

Dear Mr. Talaber:

By way of introduction, I was the Assistant District Attorney who prosecuted Kevin Brinkley in 1977 for the murder of Charles Haig. As you know, Kevin Brinkley was convicted of second degree murder, robbery and conspiracy related to that same homicide.

His conviction was based, essentially exclusively, on the trial testimony of the now deceased witness, John Schofield and a young woman whose name is Adriane Williams. Kevin Brinkley was represented by a former City Councilman, David Cohen, who is now deceased.

I handled an enormous number of homicides as an Assistant District Attorney assigned to the homicide division of the Philadelphia District Attorney's Office between 1977 and 1981. The only criminal trial transcript I ever saved and still have today is the criminal trial transcript of the Commonwealth vs. Kevin Brinkley. In spite of the fact that I believed then and I believe now that I did absolutely nothing unethical or inappropriate during the prosecution of that case, it has weighed heavily on my mind for the past 40 years, in light of the fact that Kevin Brinkley's brother, Ronald Brinkley, has repeatedly testified that he, rather than his brother, was the actual killer of Charles Haig.

I am also advised that Adrienne Williams, the eyewitness to the killing, has since recanted her trial testimony by claiming that she was pressured into identifying Kevin Brinkley as the actual killer.

I am nearly 70 years old and in the process of winding down my legal career. Before I retire however, I thought it was essential to address the conviction of Kevin Brinkley because of my lingering doubts, both then and now, about his guilt.

Over the past 40 years, I have read and re-read the transcript of that trial. As time has passed, I have come to believe that a very significant doubt exists as to whether Kevin Brinkley killed Charles Haig and that Ronald Brinkley was the actual killer. Parenthetically, David Cohen's defense of Kevin Brinkley bordered on the incompetent.

I have met with the entire Brinkley family and advised them of this same level of doubt that I have about Kevin Brinkley's guilt and that his conviction these many years ago may very well have been in error. During that same meeting, I was advised that Kevin already had his parole hearing but no decision has yet been rendered. Before issuing the decision of the parole board, I would sincerely appreciate your review of these thoughts. A distinct possibility exists that Kevin Brinkley has spent the past 40 years in custody for a crime he may not have committed. In good conscience, I cannot stand by and keep these thoughts to myself, when in fact, they may very well influence the Parole Board's decision here. I would be more than happy to discuss this matter in further detail before you render your decision. I am further advised that the Philadelphia District Attorney's Office has no objection to Kevin being paroled.

Finally, it is my recollection that one of the criterion that the Parole Board considers in whether or not to grant parole is that of contrition on the part of the defendant. Under these circumstances, I fully understand why Kevin Brinkley is not expressing any contrition because, from day one, he has adamantly denied his involvement in the murder of Charles Haig. I sincerely hope that his lack of contrition can be understood under these circumstances by the Parole Board.

My sincerest thanks for taking this letter into your consideration and would appreciate being advised as to the outcome when a decision is reached.

With warmest personal regards, I remain,

Very truly yours,

DUGAN, BRINKMANN, MAGINNIS and PACE



BY: GERALD J. DUGAN

GJD/cn

cc: Chesley Lightsey ([chesley.lightsey@phila.gov](mailto:chesley.lightsey@phila.gov))  
Kathleen Martin ([Kathleen.martin@phila.gov](mailto:Kathleen.martin@phila.gov))  
Susan Ricci([scricci@philadefender.org](mailto:scricci@philadefender.org))  
Paul George ([pgeorge@mckinneyandgeorge.com](mailto:pgeorge@mckinneyandgeorge.com))