

From: C. Logan Mckechnie [REDACTED]
Subject: Re: California Racial Justice Act, Terry Bemore case from 1989, CalMatters
Date: September 23, 2024 at 11:58 AM
To: Protonmail sean_kev sean_kev@protonmail.com

CM

More than 40 years ago, I represented one of the most talented men who has ever been charged with murder. Terry Bemore was a college graduate, an outstanding athlete, a church deacon, a former police officer and a great father and husband.

During the course of nearly four years of representing him, Terry and I became friends. I believed, and still do, that there was a great deal of mutual respect.

I added Elizabeth Barranco as my assistant at the request of the then-presiding San Diego judge. I did not know her.

I either have not seen Ms. Barranco's statements about me be a racist, homophobic and a thief or over the years, I have put them out of my mind.

There is absolutely nothing in what you say she said that is the truth.

Mr. Bemore's "constitutionally deficient representation" had to do only with Ms. Barranco's presentation in the penalty phase—the reason why only the penalty was set aside.

Your questions:

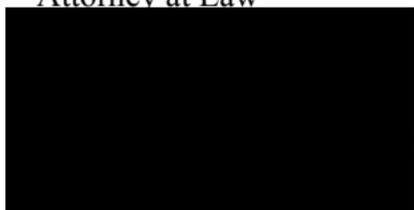
I travelled to several states and interviewed dozens of witnesses; you cannot participate in a months' long trial without being prepared.

Terry and I met dozens of times to discuss the case and his testimony. It was probably inappropriate to tell him to not act like a nigger on the stand. However, at the time, it was a message I wanted to get to him. I wanted the jury to see the man I knew, not some character he had fallen into with his months behind bars.

I believed that Terry's alibi was iron clad; it was not and I should have spent a lot more time on maps and timelines to bolster his alibi.

I do not think I have ever had a similar relationship with a client. Every time the case comes up, it hurts—not because of allegations from a disbarred lawyer or conclusions reached by reporters—but because Terry was and is a better man than the individual who was convicted of murder.

C. Logan McKechnie
Attorney at Law



[Leave a message]

On Monday, September 23, 2024 at 08:00:14 AM PDT, Protonmail sean_kev <sean_kev@protonmail.com> wrote:

Hello Mr. Mckechnie,

I'm following up on my August email. I'm a reporter working with [CalMatters](#) and [The Garrison Project](#), an independent investigative news organization focused on criminal justice on a feature story that deals with racial bias in California's criminal legal system and the interplay with the California Justice Acts. I've been speaking with attorneys from around the state to learn more about how the RJA has been moving through the courts.

Through my reporting, I came across the murder conviction of Terry Bemore in 1989, and your name is mentioned in his RJA motion as his defense counsel. Mr. Bemore's RJA has moved into the evidentiary phase in San Diego County. You are mentioned in the motion and being racially biased against Mr. Bemore and homophobic towards the jury.

In the interest of transparency, the results of my reporting so far are below. I'd like to talk with you about what I have to learn more about your perspective on Mr. Bemore's case. This represents a truthful account of my reporting. If anything here is accurate, please let me know how, along with supporting information so I can correct the record.

I'd like to talk with you directly about this. but I've also included some of my main

questions below. My deadline to hear back on this is Wednesday, 9/25, at 3pm PST.

In 1985, Bemore was arrested for murder and armed robbery in East San Diego, one of a series of robberies at the time where a “tall Black male” was described as the perpetrator. Four years later, he was sentenced to death.

Court documents in Bemore’s death row appeal related details that said your representation was deficient on multiple levels. Elizabeth Barranco, the co-counsel in Bemore’s case, wrote in a June 12, 2000 declaration that you billed the state for hundreds of thousands of dollars for improper trips and reimbursements, while also making comments about not wanting to go into Black neighborhoods with your investigator to pursue leads on Bemore’s case. She wrote that you also made numerous disparaging comments about Black people, including racial slurs. She added that you struck jurors who he suspected were gay because you said you “just couldn’t trust queers,” and that you did little work or preparation for Bemore’s defense.

You’ve since gone on to have an esteemed legal career, arguing hundreds of jury trials, including 60 murder cases, winning over 100 awards for service and writing.

In its 2015 decision in Bemore’s case, the Ninth Circuit found Bemore had “constitutionally deficient representation,” but didn’t think the outcome of Bemore’s verdict would have changed with better representation. They upheld Bemore’s conviction, but reversed the death sentence.

In March, Bemore’s lawyers filed a Racial Justice Act motion, citing your bias and deficiency as grounds for remedy. Attorneys working on Bemore’s case from the University of San Francisco School of Law’s Racial Justice Clinic, interviewed you to get his side.

“I told Mr. Bemore, ‘Don’t get up there and act like a fucking nigger,’” you wrote in a declaration for the Racial Justice Act motion. You recalled that Bemore “was hyper and using street slang” just before he took the stand. “I had never seen Mr. Bemore act ghetto like that before and I was afraid of how the jury would perceive him,” you wrote. When McKechnie initially discussed the case with attorneys from the University of San Francisco School of Law’s Racial Justice Clinic who were working on the motion, you stated Bemore was “shucking and jiving” but then you wanted the detail changed: “don’t say shucking and jiving because that’s too racist,” you said.

My main questions are:

- What work specifically did you do on the Bemore case? What is your response to Barranco’s claim that you did little preparation and misused funds?
- How did you prepare Mr. Bemore for his testimony? Why did you think it was

appropriate to call him a nigger before he took the stand? Did you think that using the slur might distract him from giving a thorough testimony? If so, why did you still use the slur? If not, why would you think calling him a slur would not distract him?

- Do you in any way regret how you handled Mr. Bemore's case? If so, in what ways? If not, why not?
- Is there anything you would do different in Mr. Bemore's case if you were representing him today?
- Have you used racial slurs on other clients that you've represented? If so, can you recall which clients those were or about how many times you've used racial slurs to refer to clients?
- What are your thoughts on California's Racial Justice Acts? Do you think they are good additions to the law? Why or why not?
- Is there anything else you would like to add about Mr. Bemore's case?

Are there any other comments that you would like to add?

If there are any questions for me, please let me know. I am open to discussing the details presented here and to clarify any points.

Please direct all communication to my contact information below, and let me know if there is any trouble in responding to my questions, or if I can in any way facilitate a conversation.

Regards,
Sean Campbell

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Sean Campbell

sean_kev@protonmail.com

On Aug 1, 2024, at 2:57 PM, Protonmail sean_kev <sean_kev@protonmail.com> wrote:

Hello Mr. Mckechnie,

I'm a reporter working with [CalMatters](#) and [The Garrison Project](#), an independent investigative news organization focused on criminal justice on a feature story that deals with racial bias in California's criminal legal system and the interplay with the California Justice Acts. I've been speaking with attorneys from around the state to learn more about how the RJA has been moving through the courts. So far I've spoken with over three dozen people working on RJA, including attorneys on some of the most notable and foundational cases.

Through my reporting, I came across the murder conviction of Terry Bemore in 1989, and your name is mentioned in his RJA motion as his defense counsel. Mr. Bemore's RJA has moved into the evidentiary phase in San Diego County. You are mentioned in the motion and being racially

biased against Mr. Bemore and homophobic towards the jury.

I'd like to speak with you about your mention in the motion to understand your perspective on the case. Do you think we might be able to set up a time to talk in the next few days?

As a bit about me, I'm an investigative journalist and [adjunct professor in the Columbia Graduate School of Journalism](#). In 2022, I published a set of stories that has investigated the issues within [the Black Lives Matter Global Network Foundation](#), and since then I've been focusing on investigating social and racial justice in the US.

Below are a few of my recent features:

- [This Cop Unleashed a Reign of Terror Say the Wrongfully Accused](#), Rolling Stone
- [Black Lives Matter Secretly Bought a \\$6 Million House. Allies and critics alike have questioned where the organization's money has gone.](#) New York Magazine
- [Questions remain about county justice system one year after Gerald Thomas died in jail.](#) Pittsburgh CityPaper
- [For-profit nursing homes are cutting corners on safety and draining resources with financial shenanigans – especially at midsize chains that dodge public scrutiny.](#) The Conversation

If you're curious, you can also read more about my work on my website, <https://seankevin.com/>

It'd be great to set something up soon. All of my contact information is below. Please feel free to reach me in whatever way works best for you.

Best,
Sean

Sean Campbell

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