

BREAKING THE SILENCE:  
An Exclusive Update from Kerry Max Cook on his 47-Year Pursuit of Justice  
By Tate Trust

“I’ll go back to death row and be executed innocent before I’ll plead guilty to a crime I didn’t commit.”

Those were the words of Kerry Max Cook to Smith County, Texas prosecutors after his conviction in 1978 and in 1999 before his fourth capital murder trial in the brutal 1977 rape and murder of Linda Edwards, a 21-year-old Texas Eastern University employee. Kerry stands by these words to this day.

“... Mr. Cook's case is one of the most notorious capital prosecutions in United States history - both for the brutality he endured while spending more than twenty years on death row as a result of his wrongful convictions, and for the judicially-substantiated pattern of state misconduct that repeatedly prevented him from establishing his factual innocence at trial.”

Those were the words of Kerry’s 2016 Innocence Project of Texas (IPOT) attorney, Gary Udashen, in summarizing the facts and circumstances of Kerry’s (then) 40-year struggle for truth, justice, and accountability.

Despite years of pervasive Smith County police and prosecutorial misconduct used to deny Kerry’s “Actual Innocence”, including the state’s suppression in 1999 of the identity of the man whose semen was found on the victim’s underwear: James Mayfield, the victim’s 45-year-old estranged, married ex-boyfriend, Kerry continues to fight for his Actual Innocence while Smith County continues to battle him every step of the way with a win-at-all-costs mentality based on a homosexual “witch hunt” rooted in 1970’s Texas homophobia.

Prior to receiving test results on the semen, Smith County Chief Felony Prosecutor David Dobbs told a Dallas Morning News reporter that he had no doubt that the semen on the victim's underwear would belong to the killer. Once those results matched James Mayfield, the prosecutor changed his tune and declared the semen irrelevant since Kerry had already been convicted (via an Alford Plea, earlier in 1999).

Today, Kerry’s case sits before the highest criminal court in Texas, the Texas Court of Criminal Appeals (TCCA), for a second record-breaking time. His case has been in front

of the TCCA waiting for a decision since July of 2016 — nearly eight years! As Kerry enters his eighth year awaiting a decision on Actual Innocence, the stakes could not be higher. If he is denied Actual Innocence by the TCCA, Smith County prosecutors will be free to decide whether to try Kerry for a FIFTH time.

I asked Kerry a few questions about his inconceivable 47-year journey to clear his name.

1). Kerry, what does it mean to be you?

Kerry Max Cook: “On July 18, 1978 - - the day Smith County Sheriff’s Deputies chained me up to transport me to Texas death row - - as I hugged my mom, dad and brother Doyle Wayne for the last time, I promised I wouldn’t give up until I’d cleared my name and their name, too. 47 years later, I’ve lost my hearing, I’ve had life-threatening open-heart surgery, and I suffer from the symptoms of unimaginable Complex PTSD associated with the lies and fabrications and the humiliations they’ve brought me publicly from courtroom to death row and beyond, but I’m still standing to my last breath to hold Smith County accountable and keep that promise. I was raised in a Christian household. The last thing my dad said to me was, ‘Don’t give up, son - - no matter what. God won’t let this happen.’ I believed that with all my heart.”

2). What are some of your biggest fears?

Kerry Max Cook: “My biggest fear is that I won’t be able to fulfill my promise to my family because the misconduct that originally convicted me has only grown worse due to Smith County cronyism and nepotism. My mom, dad and Doyle Wayne are all gone now, but my commitment to the promise remains.”

3). When you think about your past, what are some of your regrets?

Kerry Max Cook: “Running away from home and getting in trouble as a teenager. I was kicked out of school in the 10<sup>th</sup> grade. I arrived on death row as a high school dropout. I could read, but barely write. One of my biggest regrets is squandering the free education offered to me as a kid. I learned the hard way truth hunger is just as real as food hunger, and on death row wrongly convicted of a rape and murder I didn’t commit, at 22 years old, I was starved to understand how I ended up in prison facing the executioner. From my death row cell, I got my GED, got myself certified as a paralegal so I could fight for myself, and had a 4.0 in college correspondence courses. An education gave me the chance I never otherwise would have had.”

4). How do you feel about the U.S. justice system?

Kerry Max Cook: "I was born and raised on U.S. Army bases overseas. My father was a decorated soldier who was awarded the Purple Heart during the Korean War. I'm part of a unique family of 'Army brats.' My wife is a Navy veteran of the Persian Gulf War. Everything I'm made of has been put through the cauldron of my military upbringing and instilled those values. I still believe in what my dad fought and almost died for. I believe that justice will prevail in my case, and that God is in control."

5). What are some current developments in your case?

Kerry Max Cook: "I am almost in my eighth year of awaiting a final decision from the TCCA on a 2016 Writ of Habeas Corpus based on my 'Actual Innocence.' At stake is whether my ordeal can end with a much-deserved Actual Innocence finding, or with simply another new trial — my 5th — and I am once again forced to run a Smith County, Texas, gauntlet all over."

6). How important is media exposure to your case?

Kerry Max Cook: "Our legal system is broken. Saks Fifth Avenue justice for the well-to-do and Walmart justice for the poor. The only thing that's kept me alive and leveled the playing field so far has been media exposure. I would have been executed a long time ago had it not been for a Dallas Morning News Reporter by the name of David Hanners. His investigative stories saved me from certain execution."

7.) Kerry, do you want to say anything about your controversial 2016 decision to fire your IPOT lawyers?

Kerry Max Cook: "I fired my Innocence Project lawyers in 2016 for making a deal I did everything I could to stop because the finer points of their private arrangement with Smith County prosecutors crippled my ability to pursue a claim of Actual Innocence and it allowed prosecutors and police to avoid accountability for their roles in decades of suborning perjury, fabricating evidence, witness-tampering, evidence tampering, and a host of other misconduct that was responsible for framing me for a crime I didn't commit. In truth, it was an arrangement in IPOT's interest and against mine."

Kerry Max Cook: “In a media story published in April of 2017 called ‘The Trouble with Innocence,’ Texas Monthly reporter Michael Hall asked a revered former TCCA judge named Cathy Cochran about it.”

Judge Cochran replied,

*“Is anyone surprised that an innocent man, left to rot in prison for years, told to plead no contest to get out, who wants to be exonerated and take the prosecutors who put him in prison to task, who then has lawyers who know better and who make a deal with the very people he wants to excoriate— is anyone surprised when he loses it?...”*

8). If you could speak to that TCCA, what would you say?

Kerry Max Cook: “To the Court today I would say, while you’ve not always believed in me (affirming my wrongful conviction in 1987), I still believe in you.”

Kerry is currently represented in his fight for Actual Innocence by lawyers Glenn Garber and Rebecca Freedman of the New York Exoneration Initiative and Texas lawyer Keith Hampton.

John Grisham said of Kerry’s story, “If it were fiction, no one would believe it.” Now John Grisham is writing about Kerry’s story in a new, non-fiction book written with Jim McCloskey, founder of Centurion, the first nonprofit organization in the world dedicated to freeing individuals who are wrongfully incarcerated. The book, ‘Framed: Astonishing True Stories of Wrongful Convictions’ will also feature the true stories of nine others who were wrongfully convicted. The book will be released on October 8, 2024, and is available for pre-order now through various retailers.

<https://www.penguinrandomhouse.com/books/742610/framed-by-john-grisham-andjim-mccloskey/>

Meanwhile, you can read Kerry’s story in his own words. You can purchase a digital copy of Kerry’s book, ‘Chasing Justice: My Story of Freeing Myself After Two Decades on Death Row for a Crime I Didn’t Commit’ by sending \$25.00 to

<http://PayPal.me/kerrymaxcook2016> or via Cash App to \$kerrymaxcook.