

recognizable eye patch, and (b) the suppression of the statement concealed information that Wendy Lockett, contrary to her trial testimony, did not recognize the shooters at all and instead the day after the shooting was only able to describe the shooters as black males, with no indication that either of them was wearing an eye patch.

V.

EVIDENCE ADDUCED AT EVIDENTIARY HEARING,

EXHIBITS, AND FINDINGS OF FACT

The evidentiary hearing in this cause occurred on September 23-24, 2021 at the Jackson County Courthouse. During the hearing, the Master had the opportunity to view and assess the demeanor and credibility of the

witnesses. In this section, the Master makes findings concerning the testimony and credibility of the evidence introduced at the hearing.

LORIANNE MORROW

Lorianne Morrow, along with Wendy Lockett, were the only two witnesses who testified at the bench trial claiming to recognize Petitioner as one of the shooters. Ms. Morrow testified at the bench trial that she was standing on the corner of 29th and Olive talking with Larry White, the victim. Petitioner appeared on the balcony of 2404 E. 29th apartment building with KiKi, (the street name of Gary Kitchen). (Bench Tr. 163). She stated that she knew it was Tre because of the patch over his eye. (Bench Tr. 112). She testified that Tre and KiKi came off the balcony and started chasing victim. Tre had an AK-47 and KiKi had a handgun. (Bench Tr. 132,122). While chasing victim, Petitioner shot at him three times. Larry continued running east on 29th Street where he collapsed in the parking lot of Fish Town. (Bench Tr. 134, 173). Ms. Morrow testified that Petitioner followed victim to the Fish Town parking lot, rolled him over, and shot him five to six more times from right up over him. (Bench Tr. 144-147). She stated that she knew

it was Petitioner in the parking lot because of the patch over his eye. (Bench Tr. 119). She also gave a statement to police on October 12, 2003. In that statement, she identified Petitioner as the shooter but did not state that he was wearing an eye patch. (Pet. Ex. 5).

In 2014, after being contacted by Latahra Smith, Ms. Morrow recanted her trial testimony that Mr. Carnes was the shooter in an affidavit. (Pet. Ex. 2). In this affidavit, Ms. Morrow stated that she falsely implicated Mr. Carnes at his trial because she was told to do so by former prosecutor Amy McGowan, and because she was scared of Reggie Thomas – whom she identified as the true killer. (*Id.*).

During the September, 2021 evidentiary hearing, Ms. Morrow testified in accordance with her affidavit, repeatedly asserting that Mr. Carnes was not the shooter and that Reggie Thomas killed Larry White. (Hrg. Tr. 42, 47-48, 56-57, 63). During her testimony, Ms. Morrow also expressed sincere remorse for her role in securing Mr. Carnes' conviction and explained why she falsely identified him as the shooter. In asserting that Keith Carnes is innocent, she testified as follows:

Q. And in [your affidavit] you also said that you wanted to tell the truth at trial but you were scared?

A. Yes. I wanted to tell the truth then.

Because for 19 years it's been on my heart. And I'm a mother. And I can feel like -- I can feel what his mother feel. Because I do have a son that gets in trouble as well. And when you locked up -- you locked up with your son in your heart.

And this man did not do this. And I'm tired of this. I've been waiting so long for somebody to come and talk to me. I never had anybody else to come talk to me about this, not even his lawyer that he had at the time. Because I was thinking that he was gonna -- he said, well, I'm going to come back and ask you this question, how did you know that the shell casing was on the porch.⁴ I couldn't see the shell casing on the porch because of where I was going.

I was told to tell these lies. And I feel bad. You know, it's hurting me inside. And I just want to get it out the way. And that's the honest God truth. I live with this for 19 years of lying on this man for no reason. He did not kill this man.

Q. Do you need a moment?

A. Yes.

I'm sorry to his family for the lies I told. It's not fair. But I was told to tell these lies on this man. And God knows that it's not right. It's not right. I just wanted this to be right. I wanted

⁴ This statement is a reference made to Ms. Morrow's trial testimony. At the bench trial in which Petitioner was convicted, Ms. Morrow testified about shell casings that were found on the front porch of 2846 Wabash. (Bench Tr. 148-149, 155). Ms. Morrow was questioned by defense counsel about how she could have possibly known there were shell casings located on the porch and Ms. Morrow could not provide an explanation. (*Id.*).

this to be -- I want to have my day to tell what really happened. He did not kill Larry White.

Reggie⁵ killed Larry White. He knew I knew. I was scared for my life, period. I moved out of town. I moved to Olathe. I just moved around. And when the -- like the sheriff came when I was living in Olathe and I told them I was scared. And I was. I actually moved there. Then later I just moved to St. Louis.

He didn't kill this man. And I'm sitting up here thinking 19 years of a heartache that this man spent in prison for no reason. And it's not fair. And I just -- I just want to get this off my chest to tell the real truth. It really happened. He was not the shooter. He was standing on the balcony porch with two ladies. Then he walked back towards the door in the house with the balcony porch. Keith did not kill this man.

(Hrg. Tr. 58-60).

Ms. Morrow testified that the reason she identified Mr. Carnes as the shooter was because of threats from Amy McGowan, fear of retaliation by Reggie Thomas, and pressure from Larry White's family.⁶ (Hrg. Tr. 63). Ms. Morrow testified she was scared of Mr. Thomas because he was the "drug king pin" in the area. (Hrg. Tr. 61).

⁵ Ms. Morrow testified that the "Reggie" who committed the crime was Reggie Thomas. (Hrg. Tr. 42).

⁶ Ms. Morrow also testified that Mr. White's family offered to pay her money to testify that Mr. Carnes did the shooting and she declined to accept payment. (Hrg. Tr. 48-49).

Ms. Morrow also testified that when the shots rang out both she and Larry White were in the area of 29th and Wabash, not 29th and Olive. (Hrg. Tr. 40). She also testified she saw Mr. Thomas chase victim east on 29th St. toward Prospect. (Hrg. Tr. 42-43). Ms. Morrow also identified Gary Kitchen as another person she saw chasing the victim down 29th Street. (Hrg. Tr. 43). Ms. Morrow's account of this shooting is credible because it is consistent with the locations where the shell casings from the murder weapon were found.

During the hearing, Ms. Morrow expressed deep regret for her involvement in falsely implicating Mr. Carnes. She wept on the stand and showed sincere remorse for her failure to tell the truth at the trials. The Master finds credible her testimony that she did not see Petitioner shoot victim, and that instead she saw another person whom she identified shoot him.

Mr. Morrow testified that Amy McGowan coerced her to testify falsely against Petitioner. (Hrg. Tr. 48). This part of her testimony lacks credibility. Though Mr. Morrow may have genuinely felt pressure by Ms. McGowan or members of law enforcement to implicate Petitioner, the Master finds no

credible evidence to conclude that either Ms. McGowan or any other member of law enforcement coerced or encouraged her to testify falsely.

Further, Ms. Morrow at the evidentiary hearing recanted her previous testimony that Petitioner approached Larry White in the Fish Town parking lot, turned him over, then shot him point blank five to six times while right up over him. (Hrg. Tr. 50-01). The Master finds the recanting of this testimony credible as well, though Ms. Morrow's claim that she lied about the close range shots because she was told to do so by Ms. McGowan is not credible.

Ms. Morrow's testimony at the bench trial, which mirrors her statement made October 12, 2003, to the effect that Petitioner rolled Mr. White over as he lay in the Fish Town parking lot, then shot him five to six times at close range from right up over him (Bench Tr. 144-147), is directly contradicted by the physical evidence and lacks credibility. No shell casings were found in the parking lot, even though shell casings are expelled from an AK-47 in a range of six to ten feet. (Hrg. Tr. 694). No damage to the asphalt parking lot was found even though a downward pointing shot through the skull would be expected to cause significant asphalt damage. (Hr. Tr. 699-700). Moreover, Michael Matthews as discussed *infra* credibly testified that he was present at

the porch of his nearby residence on Prospect, had a clear view of the collapse by Larry White on the Fish Town parking lot and the ensuing events, and that no one approached or shot Mr. White after he fell. (Hrg. Tr. 130-138). Mr. Matthews' testimony further corroborates the bench trial testimony of Marva Gray, the cashier at Fish Town, stating that no gunshots were fired in the Fish Town parking lot (Bench Tr. 380), and lends strong credence to the recantation by Lorianne Morrow of her testimony on this subject.

ALTON SHAW

Alton Shaw was another eyewitness to the crime. Though Mr. Shaw's name appeared in one of the police reports (Pet. Ex. 82), he was never interviewed by police. (Hrg. Tr. 111-112). Mr. Shaw's 2016 affidavit (Pet. Ex. 11) and 2018 declaration (Pet. Ex. 25) were the first statements he ever provided regarding the murder of Larry White.

At the hearing, Mr. Shaw testified that he grew up in the neighborhood around 29th Street and Prospect. (Hrg. Tr. 104). He knew both Keith Carnes and Reggie Thomas from growing up and living in that neighborhood. (Hrg. Tr. 106). Mr. Shaw testified that at the time of the shooting, he was on the

front porch of his mother's house at 2915 Wabash. (Hrg. Tr. 107). From this location, Mr. Shaw had a clear view of the apartments located at 2404 E. 29th Street through the open space where the volleyball courts were located at the southwest corner of 29th and Wabash. (Hrg. Tr. 108-109).

Mr. Shaw testified that after he heard the sound of shots, he saw people shooting from the alley.⁷ (Hrg. Tr. 106). At the hearing, Mr. Shaw was apprehensive to identify the shooter by name. However, when asked about the identity of the shooters and whether Keith Carnes was one of them, Mr. Shaw stated, "No. Keith Carnes was not even in the area." (Hrg. Tr. 108-109). Mr. Shaw then testified that he saw Larry White near the corner by 2846 Wabash, then Mr. White ran east down 29th Street towards Fish Town. (Hrg. Tr. 109). Mr. Shaw testified that he didn't see anyone shooting down 29th Street and the shooting he witnessed occurred in the alley. (Hrg. Tr. 109).

Mr. Shaw testified that after the shooting, he talked to Mr. White's family. (Hrg. Tr. 110). Mr. Shaw stated that Mr. White's family believed the

⁷ This "alley" area referred to by Mr. Shaw is the alley that runs to the east of the apartment building at 2408/2410 E. 29th Street and just west of the residence at 2846 Wabash. (*See* Pet. Ex. 77).

shooter was Mr. Carnes (“Tre”). (Hrg. Tr. 110). However, Mr. Shaw told them that Mr. Carnes was not the man he witnessed do the shooting. (Hrg. Tr. 110, 120). Mr. Shaw stated that he did not tell Mr. White’s family specifically who the shooter was at that time because of a “code of the street not to get involved in things.” (Hrg. Tr. 110).

Mr. Shaw did not get involved in the case until he was contacted by Latahra Smith when he was incarcerated at USP Pollock in Louisiana on a federal gun charge.⁸ (Hrg. Tr. 111). It was after that initial contact that he signed the first affidavit in 2016 stating that Keith Carnes was not the shooter. (Hrg. Tr. 110). Mr. Shaw stated that he did not identify the shooter at that time because he had family living in the Kansas City area and he didn’t want to put himself into a situation where he would have to do something to protect his family and end up back in jail. (Hrg. Tr. 113).

Mr. Shaw completed another declaration in 2018 after returning to federal prison for violating his supervised release. (Hrg. Tr. 113). This declaration was handwritten by Mr. Shaw and he identified “Reginald E.

⁸ Ms. Smith contacted Mr. Shaw after she reviewed a police report that identified Mr. Shaw as an eyewitness to the shooting. (Hrg. Tr. 308; Pet. Ex. 82).

Thomas” as one of the shooters. (Hrg. Tr. 114; Pet. Ex. 25). At the hearing, Mr. Shaw was unwilling to vocalize that Reggie Thomas was the shooter. (Hrg. Tr. 114). However, when asked if the paragraph he included in his declaration about Mr. Thomas being one of the shooters was true, Mr. Shaw testified that it was the truth. (Hrg. Tr. 115). Though Mr. Shaw only specifically identified Reggie Thomas as the shooter in his declaration and not in his sworn affidavit, he nevertheless testified under oath that the contents of his declaration were true and the shooter was indeed Reggie Thomas.⁹ (Hrg. Tr. 118-9, 129).

Mr. Shaw declined to agree to a telephone deposition prior to the September, 2021 hearing while he was still in prison. (Hrg. Tr. 118-119). He

⁹ **Q.** One last thing, Mr. Shaw. Opposing counsel, said this second declaration was not made under oath. Are you willing to state under oath today, in front of God and everybody, that what you put in this declaration is true?

A. Yes.

Q. And you swear to it so help me God?

A. I swear that so help me God. (Hrg. Tr. 129).

stated that he refused to participate in a deposition because, after his case manager was contacted by the investigator for the Attorney General's office to set up the telephone deposition, his case manager told him in front of several other inmates that people were looking for him "about a body." (Hrg. Tr. 116). Mr. Shaw was apprehensive as he feared he would be labeled a snitch by other prisoners and that his life would be in danger if he cooperated. (Hrg. Tr. 117, 119).

The Master finds Mr. Shaw's testimony to be credible. The statement Mr. Shaw provided that he witnessed the shooting and talked to Larry White's family just after the shooting is supported by the statement given to police on October 13, 2003 by one of the victim's relatives, Ronald White. (Pet. Ex. 82). Mr. Shaw is now living in Dallas, Texas. (Hrg. Tr. 103). Mr. Shaw is far removed from his former life living in the area of 29th and Prospect and has no discernible incentive to falsely identify Reggie Thomas as the shooter. In fact, Mr. Shaw expressed concerns that his family would face retaliation if he identified Reggie Thomas as the shooter, and testified that Mr Shaw's family still resides in the Kansas City area.¹⁰

¹⁰ Mr. Thomas still presently lives in the Kansas City area.

MICHAEL MATTHEWS

Michael Matthews lived in an apartment at 2816 Prospect at the time of the shooting. He provided an affidavit in 2014 (Pet. Ex. 12) and testified at the September, 2021 evidentiary hearing. He also testified by deposition (Resp. Ex. 38). His hearing testimony was consistent with his affidavit and deposition testimony. At the evidentiary hearing, he testified that he was standing in his kitchen when he heard shots. They sounded as though they were directly behind his apartment building. He first went to the back porch facing west, and saw nothing. He then walked through his apartment to the front porch facing Prospect, and that time he saw towards Fish Town a person crossing Prospect and dropping in the parking lot. Mr. Matthews grabbed his binoculars which were on the table on the front porch, and, after the victim fell, never took his eyes off him. (Bench Tr. 134). He called 911 after the victim fell, and hung up when they put him on hold and he heard sirens. (Bench Tr. 144). No one walked up behind the victim after he fell. No one turned the body over or shot the victim while he lay in the parking lot.

(Bench Tr. 135). Though Mr. Matthews' residence was close to the crime scene, he was never contacted by police. (Hrg. Tr. 137).

The Master finds credible the testimony of Mr. Matthews. He is a disinterested witness. He did not know Keith Carnes, Reggie Thomas, or Larry White, and has no incentive to lie. (Hrg. Tr. 136-137). Mr. Matthews became involved in the case only after he overheard Latahra Smith in the area talking about the case with someone else as a random coincidence and he voluntarily cooperated and provided her information.¹¹ (Hrg. Tr. 137-138). Mr. Matthews' recollection of the events is supported by both the physical evidence as well as other trustworthy evidence of the crime.

KERMIT O'NEAL

Kermit O'Neal gave a statement to police (Resp. Ex. 12, pages 84–85; Resp. Ex. 13, page 34), completed an affidavit (Pet. Ex. 10), testified at a deposition (Resp. Ex. 31), and testified at the evidentiary hearing. (Hrg. Tr. 145).

¹¹ Ms. Smith also corroborated this account of the initial encounter between her and Mr. Matthews during her hearing testimony. (Hrg. Tr. 306-307).

Kermit O'Neal spoke with police on October 7, 2003. While police were executing the search warrant of the apartment at 2404 E. 29th Street, they found O'Neal inside. O'Neal served as a doorman warning O.G., also known as Arnold Carr, if police were in the area and monitoring people coming in and out of the apartment building buying drugs. O'Neal said he was sitting on the inside steps of the apartment and heard three shots, then a short time later about five more shots. O'Neal said the shots were in the distance and did not sound close. (Resp. Ex. 12, pages 84–85). When shown a picture of Larry White, O'Neal said he had seen him the day before the murder, that Mr. White had come to the apartment wanting to speak to O.G. Mr. O'Neal also saw Fuzzy, also known as Mitchell Powell, yell at Larry White over stealing customers and warning him to leave. He saw Trey, Fuzzy, and G-Bone all armed with pistols shortly before the shooting and said that they were always armed. (Resp. Ex. 13, page 34).

In the 2014 affidavit, Mr. O'Neal said that at the time of Mr. White's murder, he was working the door and heard the sound of gunshots. The affidavit said that he and others ran out to the porch. Petitioner was one of the others who ran out on the porch from inside. The affidavit said that Petitioner

told Mr. O'Neal to go back inside, and he did, but he continued to watch Petitioner on the porch through a window. After the shooting, Petitioner returned to the apartment, and then shortly thereafter left the property. Mr. O'Neal states in the affidavit that police attempted to intimidate him and put words in his mouth. Mr. O'Neal entered a drug rehabilitation program then moved to Cass County. The affidavit states that the victim had exchanged words with another person, not Petitioner, about selling drugs in front of that property and was warned by that person not to return. (Pet. Ex. 10).

Mr. O'Neal testified at the September, 2021 evidentiary hearing. He has resided in Belton, Missouri for eighteen years and is employed at an area manufacturer. (Hrg. Tr. 146). Though he did not recall the appearance of the apartment building when shown a recent photograph of the building, he recalled monitoring the activity coming through the front door and having a clear view from inside the door looking out. (Hrg. Tr. 146-148). The night of the shooting, he does not recall hearing the shots. He does recall seeing Petitioner inside the building, and that Petitioner told Mr. O'Neal to step back inside as there was shooting farther up the street. It was not possible that

Petitioner could have been the one that was actually doing the shooting based on the chronology. (Hrg. Tr. 149).

Mr. O'Neal testified that the day after the shooting he was interviewed by police officers. The female officer was threatening, in that she was throwing chairs around and "I guess she was trying to scare me." (Hrg. Tr. 151). Mr. O'Neal has no knowledge of who the shooter was. He testified that it was not possible, however, that Petitioner could have been the shooter. (Hrg. Tr. 152). On cross examination, he admitted that he was using drugs during that time. A day or so after the shooting, Mr. O'Neal's sister enrolled him into a ninety day treatment program at the Imani House in Kansas City, and he has staying clean ever since. (Hrg. Tr. 153-4). He stated that on the night of the shooting, a person ran inside the building and said they were shooting up the street. People came out of the apartment and stood on the porch. When asked whether it is possible that he had passed out at that point (the point the shots were fired) from drug use, he replied, "I might have." However, in further answer to questions it is obvious that he was not passed out at that time because of the other activity he specifically recalls. He remembers Petitioner telling Mr. O'Neal to get back inside. (Hrg. Tr. 156).

He testified that Petitioner was part of a group that was in the apartment and then ran out to the porch at the time Petitioner told Mr. O'Neal that he should stay inside. The group, including Petitioner, was looking up the street, and it looked like they were looking at the shooting that was going on. The testimony concluded with the following:

Q. Now, Mr. O'Neal, are you a hundred percent sure, based on what you saw, that Keith Carnes was not the shooter?

A. He was on the porch.

(Hrg. Tr. 160).

The Master finds Mr. O'Neal to be honest and credible. He admits what he does not remember, but states firmly that which he in fact remembers. He appears to be a disinterested witness who many years ago successfully put his past drug use behind him. Mr. O'Neal did not maintain contact with any of the parties involved in this case and never returned to the area of 29th and Prospect. (Hrg. Tr. 158). The Master finds credible the testimony of Kermit O'Neal that he saw Petitioner on the porch at the time that everyone was looking up the street to see the shooting and that he is sure that Petitioner was not the shooter.

VERNETTA BELL

Vernetta Bell testified at the bench trial (Bench Tr. 403-426), provided an affidavit in 2015 (Pet. Ex. 8), and testified at the September, 2021 evidentiary hearing (Hrg. Tr. 161-180). At the evidentiary hearing, her testimony was consistent with and essentially duplicative of her testimony given at the bench trial in 2005. She testified that at the time the shooting started, she was in the street in front of the three apartment buildings between Olive and Wabash on 29th Street. (Hrg. Tr. 162-163). She testified that after she heard shots, she ducked down behind the cars parked out front. (Hrg. Tr. 163-164). After she ducked, she heard Mr. Carnes “call [her] up to safety.” (Hrg. Tr. 163). Ms. Bell testified that she went up to the porch at 2404 E. 29th Street and was in the presence of Mr. Carnes during the time when shots were being fired. (Hrg. Tr. 165). Ms. Bell testified that she willingly executed her affidavit because “it’s an innocent man doing time, to me.” (Hrg. Tr. 166).

Ms. Bell testified that Petitioner “saved [her] life” by calling her onto the porch after the shooting started, where he stayed in her presence during

the remainder of the shooting.¹² Ms. Bell has consistently maintained that Petitioner was not the shooter. However, this evidence was heard and considered by the trial court. In weighing this evidence along with the other evidence presented at trial, Petitioner was convicted. (Bench Tr. 481-82). The testimony provided by Ms. Bell was available at the time of trial and was actually presented at trial. In evaluating Ms. Bell's testimony, the trier of fact did not have available the evidence which has been discovered after the trial as detailed in this report.

The Master finds the demeanor of Ms. Bell to be sincere and candid. Ms. Bell has consistently maintained in her testimony throughout this case, though rejected by the trier of fact at the bench trial, that Petitioner cannot be the shooter because he was with her at 2404 E. 29th Street at the time of the shooting.

¹² When questioned if Petitioner could have possibly been the shooter, Ms. Bell stated "Oh, no. Unless he's a super hero or something, in two places at one time." (Hrg. Tr. 165-166).

JACQUELINE BUYCKS

Pastor Buycks is a pastor at Good Samaritan Christian Center in Kansas City, Missouri. Pastor Buycks provided an affidavit in July, 2020 with details about a meeting she attended between Margo Thomas¹³ and Latahra Smith which occurred in 2015 (Pet. Ex. 22), and thereafter testified at the September, 2021 evidentiary hearing (Hrg. Tr. 181-191).

At the hearing, Pastor Buycks testified that Margo Thomas was one of her church members and she was her pastor at that church. (Hrg. Tr. 182). Pastor Buycks testified that in the meeting between Ms. Smith and Ms. Thomas, she overheard Ms. Thomas tell Ms. Smith that the prosecutor, Amy McGowan, provided her with an eight ball of crack cocaine to falsely testify against Mr. Carnes. (Hrg. Tr. 185). Ms. Thomas further told Ms. Smith that Ms. McGowan was harassing her and her family because she wanted Ms. Thomas to testify at Mr. Carnes' trial. (Hrg. Tr. 185).

The Master finds that Pastor Buycks is credible. However, it is noted that Margo Thomas did not testify at the evidentiary hearing. She testified by deposition on April 21, 2021 that she has memory issues from long term drug

¹³ Ms. Thomas is now known as Margo Renee Colvert. (Resp. Ex. 29, p. 5).

use and recalls neither the night of the shooting nor the signing of her affidavit in 2015. (Resp. Ex. 29, pp. 15-19; Pet. Ex. 14). As Pastor Buycks simply repeats out of court statements made by Ms. Thomas, the Court finds that the testimony of Pastor Buycks has no probative value, and the Master does not find the statements made by Ms. Thomas and repeated by Pastor Buycks credible.

LATAHRA SMITH

Latahra Smith testified at the evidentiary hearing that she became involved in Mr. Carnes' case in 2014 when she was approached by a close friend of Mr. Carnes at a Wal-Mart. (Hrg. Tr. 283). This friend was named RC. (Hrg. Tr. 283). After they began talking, Ms. Smith told RC that she had previously worked as a legal assistant. (Hrg. Tr. 283). RC then told Ms. Smith that he had a friend in prison locked up for something he didn't do. (Hrg. Tr. 283). RC asked Ms. Smith if she could look into Mr. Carnes' case. (Hrg. Tr. 283).

After the initial conversation with RC, Ms. Smith contacted Petitioner and began looking into his case as an advocate in 2014.¹⁴ (Hrg. Tr. 284). After requesting and reviewing the files in the case, Ms. Smith came to the conclusion that there was a good chance that Mr. Carnes had been wrongfully convicted. (Hrg. Tr. 287). She then continued the investigation into his case. (Hrg. Tr. 287).

Ms. Smith testified that, in 2014, she made efforts to communicate with witnesses, Lorianne Morrow and Wendy Lockett. (Hrg. Tr. 287-299). Ms. Smith recalled first making contact with Ms. Morrow around October of 2014. (Hrg. Tr. 288). At the time, Ms. Morrow was dealing with some serious health issues. (Hrg. Tr. 289). However, Ms. Smith recalled that Ms. Morrow “seemed to be relieved that somebody had come to talk to her about the case.” (*Id.*). Ms. Morrow expressed to Ms. Smith that she had wanted to tell the truth about her involvement in the case but did not know who to tell. (*Id.*). Ms. Morrow admitted to Ms. Smith that she gave false testimony at Mr. Carnes’ trial. (*Id.*). She then voluntarily agreed to provide an affidavit to Ms.

¹⁴ Ms. Smith began the KC (“King Christ”) Freedom Project in 2014 as a ministry encouraged by Mr. Carnes’ case to help indigent prisoners. (Hrg. Tr. 287).

Smith admitting that she lied when she testified that Keith Carnes killed Larry White. (Hrg. Tr. 290).

Ms. Smith first made contact with Wendy Lockett in 2014 at her home. (Hrg. Tr. 291). At that first meeting, Ms. Lockett also told Ms. Smith that she provided false testimony at Mr. Carnes' trials. (Hrg. Tr. 290). After that first meeting, Ms. Lockett was not willing to sign an affidavit because she told Ms. Smith she wanted to talk things over with her husband first. (Hrg. Tr. 290). The next meeting that Ms. Smith had with Ms. Lockett was at the office of the AdHoc Group Against Crime. (Hrg. Tr. 291-292). Ms. Lockett texted Ms. Smith and told her she wanted to "get this over with" and wanted to meet her to do the affidavit. (Hrg. Tr. 292). They agreed to meet the following day. (Hrg. Tr. 292).

Ms. Lockett then met with Ms. Smith at the AdHoc offices along with Alvin Brooks. (Hrg. Tr. 293-294). Ms. Lockett voluntarily gave a statement that was typed up on a computer in the AdHoc office.¹⁵ (Hrg. Tr. 294-295). This affidavit was notarized on the same day by Mr. Brooks' notary. (Hrg. Tr. 295). Ms. Lockett also voluntarily provided Ms. Smith with a copy of her

¹⁵ Ms. Smith testified that Ms. Lockett told her what to say and Ms. Smith then typed the affidavit right next to her. (Hrg. Tr. 295).

driver's license so Ms. Smith could pull her full criminal history, including her closed criminal records. (Hrg. Tr. 297; Pet. Ex. 76).

Ms. Smith testified that the only other contact she had with Ms. Lockett after she signed the affidavit and provided Ms. Smith with her driver's license was when Ms. Lockett texted her to seek assistance about writing a grant so she could start a transitional home for LGBTQ community. (Hrg. Tr. 298; Pet. Ex. 71). Ms. Smith told Ms. Lockett she was unable to help her because it would be a conflict of interest because of her involvement in Mr. Carnes' case. (Hrg. Tr. 299).

Ms. Smith also contacted and met with Kermit O'Neal in 2014. (Hrg. Tr. 301). Ms. Smith met with Mr. O'Neal for the first time at a McDonald's in Belton, Missouri. (Hrg. Tr. 301). Ms. Smith stated that when she told Mr. O'Neal that Mr. Carnes was incarcerated for Mr. White's murder, he said "how could that happen, he was right there on the porch." (Hrg. Tr. 301). After their initial meeting, Ms. Smith prepared an affidavit for Mr. O'Neal based upon what Mr. O'Neal told her at McDonald's that day. (Hrg. Tr. 301). Ms. Smith then brought the affidavit back to him with a travel notary to review and sign. (Hrg. Tr. 301; Pet. Ex. 10).

Ms. Smith testified that she made contact with Margo Thomas, now Colvert, through Facebook. (Hrg. Tr. 302). Ms. Thomas then contacted Ms. Smith by phone. (Hrg. Tr. 302). During the initial phone conversation, Ms. Thomas told Ms. Smith that the prosecutor had given her crack cocaine to testify at Mr. Carnes' trial. (Hrg. Tr. 302). Ms. Smith testified that on that phone call, Ms. Thomas was upset talking about the case and Ms. Thomas told her that Mr. Carnes was innocent. (Hrg. Tr. 302). At that point, Ms. Smith contacted Ms. Thomas' pastor, Jacqueline Buycks, and asked if she could arrange a meeting between Ms. Smith and Ms. Thomas. (Hrg. Tr. 302). Pastor Buycks then arranged a meeting. (Hrg. Tr. 302).

Ms. Smith testified that Pastor Buycks sat in during the meeting between her and Ms. Thomas. (Hrg. Tr. 303). During that meeting, Ms. Smith testified that Ms. Thomas told her that she was given crack cocaine by the prosecutor. (Hrg. Tr. 303). Ms. Thomas told Ms. Smith that she did not want to go through with testifying for the prosecution and went into hiding. (Hrg. Tr. 303). Ms. Thomas told her that the prosecutor kept coming by her mother's house harassing her and her family. (Hrg. Tr. 303).

Ms. Smith testified that after the meeting with Ms. Thomas, Ms. Thomas told her that she would give an affidavit, but would not sign it unless the part about the prosecutor giving her drugs was left out because Ms. Thomas was afraid of Ms. McGowan. (Hrg. Tr. 303-304). Ms. Smith then prepared an affidavit with everything Ms. Thomas told her, but left out the part about Ms. McGowan giving Ms. Thomas drugs. (Hrg. Tr. 304). Ms. Thomas then signed the affidavit. (Pet. Ex. 14).¹⁶

Ms. Smith testified that she first met Michael Matthews when she was in the area of the crime scene, letting the residents around the neighborhood know that she would be back there the following day to obtain pictures and video of the area. (Hrg. Tr. 306). Ms. Smith testified that she coincidentally came upon Mr. Matthews after he volunteered information upon overhearing her talk about the murder of Larry White to another neighbor from his apartment building. (Hrg. Tr. 307). After Mr. Matthews voluntarily came

¹⁶ As indicated in the review of Jacqueline Buycks' testimony *supra*, Margo Thomas testified at her April, 2021 deposition that she recalls neither the night of the shooting nor the signing of her affidavit in 2015 due to memory issues. (Resp. Ex. 29, pp. 15-19). The Master finds neither her testimony nor her out of court statements credible.

forward with information, she typed up an affidavit for him to sign with the information Mr. Matthews provided her. (Hrg. Tr. 307; Pet. Ex. 12).

Ms. Smith testified that she first made contact with Alton Shaw after she found a police report referencing Mr. Shaw in the KCPD police files. (Hrg. Tr. 308). The report that led her to contact Mr. Shaw was a statement given to police by the victim's cousin, Ronald White. (Hrg. Tr. 308; Pet. Ex. 82). In this statement, Mr. White reported that Mr. Shaw was an eyewitness to the crime and saw two shooters. (Hrg. Tr. 308). Ms. Smith then learned that Mr. Shaw was incarcerated in a federal prison and she made contact with him. (Hrg. Tr. 309). After his release from prison, Mr. Shaw provided an affidavit to Ms. Smith, but told her he would not say who the shooter was because of a "street code that he didn't want to violate at the time." (Hrg. Tr. 309; Pet. Ex. 11).

Ms. Smith testified that she made further contact with Mr. Shaw after he was sent back to prison for violating his supervised release. (Hrg. Tr. 309). Mr. Shaw sent Ms. Smith a letter and she mailed him back a blank declaration form. (Hrg. Tr. 309). Ms. Shaw informed Ms. Smith that he felt that he needed to do "what was right" and decided to name the person he saw shoot