

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

TONY VON CARRUTHERS,)
)
 Petitioner,)
) No. 08-2425-BBD-dkv
vs.)
)
 DAVID MILLS, Warden,)
 Morgan County Regional Prison,)
)
 Respondent.)

DECLARATION OF ALFREDO SHAW

Declarant, Alfredo Shaw, states:

1. Prior to giving a statement on March 27, 1994, Assistant District Attorney Jerry Harris, and Memphis Police Department Officers Wilkinson and Roleson came to me, spread the case documents out before me, and told me the facts of the case. Before this meeting, while I knew Mr. Carruthers, I had little knowledge of the incident other than what I had learned from the media and no knowledge of the facts of the offense until they were provided by law enforcement.

2. Shortly after the meeting, I was taken before the Shelby County Grand Jury, where I repeated what I had said in my earlier statement, which is what I had been told.

3. On or about February 28, 1996, I was interviewed by Channel 13. In that interview, which was reported on the television news, I stated that I had been told the facts of the case by Assistant District Attorney Jerry Harris and law enforcement authorities.

4. Shortly after the news report was released, Assistant District Attorney Jerry Harris, and Officers Wikinson and Roleson again visited me in jail. Mr. Harris was angry, and threatened and intimidated me. He, and they, told me that I needed to stay with the original plan or else they were going to go after me.

5. After this second meeting, Assistant District Attorney Jerry Harris told that he was not calling me as a witness.

6. As I recall, Mr. Billings served me with a subpoena to testify for the defense.

7. When I appeared at trial, and before I testified, Assistant District Attorney Jerry Harris intimidated me again, renewing his threat to prosecute me for perjury if I testified truthfully that

he and Officers Wilkinson and Roleson had told me what to say, and that I knew very little about the crime other than what they first told me.

8. I testified falsely at trial because I was fearful that the District Attorney's Office would retaliate against me.

9. I testified falsely stating that I knew facts and had conversations with Mr. Carruthers that I never had, describing things I knew nothing about, based on false information provided to me by Assistant District Attorney Harris and Officers Wilkinson and Roleson.

10. I testified that Sheriff's Deputy Jailer Keith Brooks escorted me and Mr. Carruthers to the jail's law library where Mr. Carruthers told me about the crime. I did not have the conversation in the jail's law library that I testified about. I did not know Deputy Brooks. I was told by the State to say Deputy Brooks was the person who brought me and Mr. Carruthers together.

11. Assistant District Attorney Jerry Harris came to me and said he was still willing to honor his deal with me.

12. Thus, in 1996, following the conclusion of the Carruthers' trial, I entered a guilty plea to a number of felony charges against me in which the sentence was reduced such that I effectively served no time on them.

13. Further, when the State subpoenaed me to testify in the James Montgomery retrial, I had a number of pending felony charges against me. While James Montgomery was not retried, but entered guilty pleas to reduced charges I was nevertheless given consideration by the District Attorney's Office. At that time there were a number of felony charges that were pending against me. Those charges were transferred to Judge Dailey's court, where I was sentenced. The State reduced the sentences to one-year sentences, to be served consecutively and I was given credit for time served, effectively making me eligible for release.

14. I know my testimony was hurtful to Mr. Carruthers' case, not only because it was untrue, but because it was important evidence against him as well as the basis for the indictment. But, I was afraid of coming forward. Despite this, I am signing this declaration because I am concerned that my false testimony against Mr. Carruthers could form any part of the basis of his convictions and sentences of death.

15. In fact, I continue to be and am now fearful of retaliation by the District Attorney's Office, although I do not know what form it could take. In fact, I was so fearful, despite being concerned about my false testimony being used as part of Mr. Carruthers' death penalty trial that I would not talk to Mr. Leonard about the specifics of what happened when he first visited me at FCI Oregon in 2008. I was still reluctant to talk to him when he came back to talk to me at FCI in Memphis in 2011, and I do not feel safe from relation now, unless Mr. Carruthers' attorneys

approach the Court and inform it of my fear of retaliation.

Dated: _____

I declare under penalty of perjury that the foregoing is true and correct.

Alfredo Shaw