

IN RE: CLEMENCY APPLICATION
OF TYRA PATTERSON

)
)
)
)
)
)
)

AFFIDAVIT OF CLARENCE NEW

I, Clarence New, under penalty of perjury and having been sworn to tell the truth, state the following:

1. I'm a seventy-eight year-old man who lives in Montgomery County, Ohio.
2. I am of sound mind and have personal knowledge of the facts stated below.
3. In 1995 I was a juror in *State v. Tyra Patterson*, 94-CR-2753. We convicted Tyra of aggravated robbery and aggravated murder based on the events surrounding the death of Michelle Lai.
4. Because the trial took place many years ago, I do not remember every detail from the trial. However, I do remember what evidence was presented to us during the trial and what evidence was discussed during our jury deliberations.
5. I believed I had no other choice but to vote for conviction based on the evidence that was presented to us.
6. I remember that we were presented with evidence that supported the conclusion that Tyra snatched a necklace from a victim.
7. The defense never introduced evidence that proved this conclusion wrong.

8. The defense also did not provide us with any alternative explanation for why Tyra was at the scene.
9. On June 11, 2013, I spoke with David A. Singleton, one of Tyra's lawyers, over the phone. During our conversation, Mr. Singleton told me about a 911 call Tyra made after the shooting. I was surprised to learn of the call because the defense did not play the tape at Tyra's trial. Before the conversation with Mr. Singleton, I had no idea that Tyra had called 911.
10. On June 13, 2013, I met with Kris Burgess and Donna Harati, two of Mr. Singleton's law clerks. During our meeting, Mr. Burgess and Ms. Harati played the recording of the 911 call for me. Listening to the call only reinforced my belief that the tape should have been played at the trial. The 911 recording definitely would have factored into our jury deliberations.
11. I believe Tyra called 911 because she thought the shooting of Michelle Lai was wrong and because Tyra was scared as a result of what had just happened. I think the 911 call supports this belief because of the time it was made and because the call seems spontaneous and genuine. The call does not sound planned and Tyra definitely sounds stressed or scared, which makes sense because, at that point, she had just heard gunshots behind her and a girl screaming.
12. The fact that Tyra almost immediately called 911 supports my belief that it was a genuine attempt to help because Tyra thought the shooting was wrong. I do not think she strategically planned the call in order to avoid

any guilt. She did not have time to devise such a plan. The fact that Tyra initially mispronounced her name to the dispatcher only furthers my belief that she was motivated to call 911 out of sincere concern, not to create an alibi for herself.

13. Further, while LaShawna Keeney and the other robbers ran off to hide in a motel room, Tyra went home and called 911, a fact that further convinces me that Tyra was not part of their group. This makes sense because during the trial it seemed that Tyra was peripheral to the other people involved.
14. If I had heard the 911 call at trial, it would have factored considerably into my deliberations and might have given me a reason not to convict Tyra.
15. Further, I remember that during the trial, Holly Lai, Michelle Lai's sister, testified that Tyra snatched a necklace from one of the victims.
16. Mr. Singleton presented me with a transcript of Holly Lai's testimony in the trial of Kellie Johnson, which occurred about a year before Tyra's trial. In that testimony, Holly Lai testifies that it was Kellie who snatched the necklace.
17. I am certain this transcript was not shown to us at trial. I am sure of this because if it had been, it would have created serious doubts as to Tyra's guilt in my mind and would have certainly factored heavily into our jury deliberations. The transcript should have been presented to us because it would have changed my outlook on the other evidence presented to us.

18. I am troubled by the fact that we were not presented with this evidence during the trial. Although I believe we had no choice but to convict Tyra based on the evidence that was presented to us at trial, I have no doubt that if we had been presented with Tyra's 911 call or Holly Lai's testimony in Kellie Johnson's trial, our deliberations would have been significantly different, and we might have acquitted her.

19. I am disturbed that Tyra has been incarcerated for 19 years. We convicted her without a full picture of all of the facts. I believe that if someone does something wrong, they should pay, but if not, they shouldn't. It was not Tyra's wrong that killed somebody. I would have liked to know what I do now back when her future was at stake.

Clarence New
Clarence New

Sworn to and subscribed in my presence this 14 day of June, 2013.

[Signature]
Notary Public



ANGELINA N. JACKSON
Attorney at Law
Notary Public, State of Ohio
My Commission Has No Expiration
Date. Section 147.03 O.R.C.