

DECLARATION OF DAVID PAGE JR.

I, David Page, declare as follows:

1. In 2001, I was arrested in Midland County, Texas for murder and aggravated kidnaping in connection with the shooting of Samuel Petrey. In 2003 I testified at Clinton Young's trial, which related to the same shooting. I knew Clinton as "Clint."

2. As I awaited trial on the charges against me, I was trying to reach a plea agreement with the Midland County District Attorney's Office.

3. I met numerous times, after my arrest, with Midland Count District Attorney Al Schorre, and Midland District Attorney Investigator J.D. Luckie. My attorney, Woody Leverett, was not always present at these meetings. Schorre and Luckie wanted me to testify against Clint. Both of them told me, "You help us, and we'll help you." They both used that phrase when talking to me. I understood them to mean that the more damaging my testimony was to Clint at his trial, the better plea offer I would receive on my own charges.

4. At first, the only actual plea offer I got from Schorre was sixty years if I pleaded guilty and testified against Clint. I rejected the sixty-year offer.

5. Soon thereafter, Schorre offered me a thirty-year sentence. I first heard about this offer before I was taken to San Angelo, Texas to take a polygraph exam. I was driven to the polygraph exam by J.D. Luckie.

6. I was never told that the thirty-year offer was contingent on how I did on the polygraph exam.

7. After I took the polygraph exam, the thirty-year offer remained on the table. Nobody ever told me the offer was no longer valid or available. Schorre and Luckie kept telling me it was important for me to testify against Young.

8. During our discussions about my upcoming testimony against Young, I told Schorre and Luckie, "Give me what I want and I'll give you what you want." The thirty-year offer was a verbal thing, and I thought that if they liked my testimony I would get a lot less than thirty years.

9. I figured that thirty years was the worst I would get as a sentence, and that if the District Attorney's Office liked what I said as a government witness they might offer me a shorter sentence.

10. During Clint's trial, during a recess in my testimony, Schorre came into the room where I was and said something like "You're doing good, keep it up."

11. At another recess during my testimony at Clint's trial, an investigator from the Harrison County District Attorney's Office told me something like, "You're doing good. This could possibly help you with your sentence."

12. Months after I testified at Young's trial, Luckie picked me up at the Midland County Jail. It was not unusual for Luckie to do this. He had done so multiple times so that we could talk about the case.

13. This time, Luckie told me that Schorre wanted me to agree to a plea. I said, "How much time am I going to get?" Luckie told me it was the same 30 years that had been on the table since before Young's trial.

14. I was shocked and upset. I told Luckie, "I did what you asked me to do. So why aren't you helping me?" I was hoping that my testimony would get me no more than 15 years in prison. I asked Luckie what happened and he didn't say anything. He just gave me a blank stare.

15. In December 2003, I finally accepted a plea deal for thirty years, for aggravated kidnaping.

16. I want to clarify a couple of things. First, Clint never mentioned going to see his girlfriend, Amber Lynch, before the shooting of Doyle Douglas. The first time he mentioned going to Midland to see Amber was after Douglas had already been shot.

17. Clint also never said that he wanted to slit the throat of Samuel Petrey, or that we should do that.

18. While Clint and I were in Doyle Douglas's car, driving from Harrison County towards Eastland after Douglas was shot, there were no shell casings on the front passenger seat or on the floor of the car. I was sitting in the front passenger seat, and did not see any casings there or feel them on the seat, nor did I see them on the car floor.

19. I understand that two shell casings were found in the front passenger seat area of Douglas's car. Those shell casings may have been put into the car when Clint shot at the inside of the car in Eastland, when we abandoned it.

20. At trial, I testified about a pair of gloves that belonged to me, and that I had with me when Douglas and Petrey were killed. I bought those gloves from a convenience store, the night Douglas was shot.

21. I testified at Clint's trial that at one point Clint, Petrey, and I went to a Wal-Mart store and Clint asked Petrey to buy him some clothes. Clint did not actually ask Petrey to buy him the clothes. What actually happened was that Clint was planning to put on the new clothes at the Wal-Mart and walk out the door wearing them, and Petrey offered to pay for them to avoid us being stopped or arrested by law enforcement. Clint told Petrey there was no need for him to pay, but he finally accepted Petrey's offer.

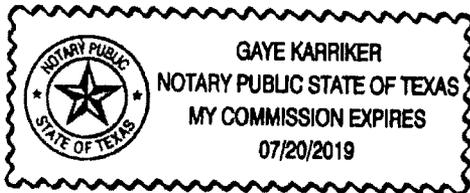
22. Before Clint's trial, J.D. Luckie told me several times that he thought I was the one who shot Samuel Petrey.

23. When I testified at Clint's trial, I believed that if my testimony made Clint look worse, I would get a better deal from the state on my own case. To increase my chances of getting a good plea deal, I tried to make Clint look as bad as possible.

I declare under penalty of perjury under the laws of the United States of America and of the State of Texas that the foregoing is true and correct.

DATED: 8-20-2015


DAVID PAGE JR.





JK.
DECLARATION OF JAMES DANE KEMP

I, James Dame Kemp, declare as follows:

1. In September 2009, I was arrested for burglary in Midland, TX. I later pleaded guilty and was sentenced to one year.

2. I served the first part of my sentence in the Midland County Jail that was then on top of the country courthouse.

3. While I was in custody, I and two other inmates were accused of attempting to escape because we had been outside our cells. We were not trying to escape. We were only trying to get parts to build a tattoo gun that we used to make tattoos in jail.

4. We were charged with engaging in an organized crime with intent to escape the jail. I understood that charge to be a First Degree Felony that could result in a prison sentence of 5 years to 99 years on top of the sentence I already received for the burglary.

5. While I was awaiting trial on the new charge, I overheard one of my co-defendants, Michael Kessler, talking with another inmate named David Page. I knew Kessler. I did not know David Page personally, but I knew that Kessler and Page had been friends. From their conversation at the jail, I learned that Page had previously been convicted in the murder of a man whose car had been stolen.

6. Kessler and Page spoke for a long time, maybe two hours, by shouting into the ventilation system at the jail. I could hear the entire conversation. I remember that Kessler asked Page what he was doing back in Midland, and that Page said that he had been subpoenaed to testify at a court hearing for Clint Young.

7. I heard Page describe the events surrounding the shooting of a man whose car was stolen. Page said that the police never found fingerprints on the gun used in the shooting because Page had worn gloves the night it occurred.

8. I also remember Kessler telling Page that he must be upset because he helped the DA's case and was still given a long prison sentence. Page told Kessler he wasn't angry at all and that he had been lucky because if only the police knew what really had happened, he might have been facing capital murder.

9. Shortly after that conversation, Page was suddenly moved out of his cell and to another jail in Midland. And right after that, the deputies put Young in that same cell.

10. I later spoke to Young, also through the ventilation system. Young heard about the conversations that Kessler and I had with Page and I told Young that I would testify about what I heard David Page say. Clint said his lawyers would come speak with me the next day. I also heard Young talking to his family on a pay phone many times and crying that he did not kill the man whose car had been stolen.

11. The next day, two men called me out to speak with me and I assumed these men were Young's lawyers. They took me to an interview room where inmates talk to their attorneys.

They began asking me questions about my own case and told me I was looking at a lot of new prison time.

12. I realized these two men were not with the defense and I asked them who they were. They told me that they were with the District Attorney's Office. I also noticed that one of them had a small tape recorder in his shirt pocket and I asked him if I was already being recorded. He said he had been recording. I told him I did not think he had permission to record me without my approval and he said he did not need my consent.

13. At that point, I became concerned because I felt that the DA's office was trying to trick me. I already had told Clint I would go to court and tell them what Page had said. But then I started thinking about how the DA's people had come in and started questioning me. I thought to myself, if they can go in and start questioning you and recording you without your permission, what else can they do? I was intimidated.

14. I also knew that they had this other "escape" charge pending against me that could send me to prison for years when I was scheduled to get out on the burglary charge in months.

15. When I got to court, I was under pressure. The same two men who interviewed me at the jail were at Young's hearing the next day. I had to watch my words. I thought 'Hell no, I'm not going to risk my freedom by looking bad in front of the DA.' If I had been interviewed someplace other than in a courtroom, or not in front of these two men who had interviewed me previously, I would have been more clear-headed and would have remembered more; I was shaking the whole time I was up there, it was scary.

16. I have no reason to lie for Clint Young. I don't know him or David Page. I've never seen David and only saw Clint Young face-to-face when I came into the courtroom for the hearing, we spoke only through ventilators while we were in the jail and I've never met him before and haven't spoken to him after.

18. Within a week or so of my testimony in Young's case, my attorney, Rusty Wall, came to me with a plea deal. He told me that the First Degree Felony had been reduced to a Fourth Degree and that I would receive a 10-month sentence that would run concurrent with the burglary sentence that I was already serving. So I accepted the plea and was out in several months. The prosecutor in both of my cases was Theresa Clingman.

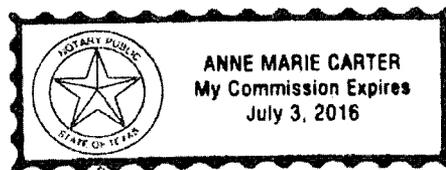
I declare under penalty of perjury under the laws of the State of Texas that the foregoing is true and correct to the best of my knowledge and that this declaration was executed this 23 day of February, 2014 in Midland, Texas.



JAMES DANE KEMP

SIGNED Before me the 23rd of Feb. 2014

James Kemp



Anne M. Carter
Midland, Midland Co. Tx.

JK
JK

DECLARATION OF JOHN HUTCHINSON

I, John Hutchinson, declare as follows:

1. In 2010, I was held in custody at the Midland County Jail after my arrest for violating parole in Colorado.
2. During my time at the jail, above the county courthouse, I heard another inmate talking through the air vents and bragging about how he had shot and killed another man.
3. The other inmate was David Page and he talked about how he shot this man twice in the head with a .22 caliber handgun while his accomplice was asleep because he had been doing drugs.
4. I remember Page originally saying he had done the killing of this man but then he later started to back away from that story and made it sound like he was not responsible for the killing.
5. I also remember Page saying that he got a good deal because the other guy involved in the crime was on Death Row.
6. From my cell, I could see the corridor where they would take people out of the maximum security area and I saw Page being led out of the jail.
7. After Page left the jail, the guards brought in another inmate and he also was talking about why he was in Midland. He said he was convicted of capital murder but was innocent.
8. I remember that this second inmate said he was asleep when the murder occurred and what he said clicked with me because I remember that Page had talked about how his accomplice was asleep when he murdered the man.

9. I later learned that the second inmate was Clint Young but did not ever see him until I was called into court during his hearing on the appeal of his conviction.

10. During that hearing, I was brought into court along with other inmates who had overheard what Page was saying while he was at the Midland County Jail.

11. Before I went to court, I was taken to an interview room above the courthouse and questioned by two investigators with the District Attorney's Office.

12. I remember that they asked me questions that seemed like they wanted to protect Page.

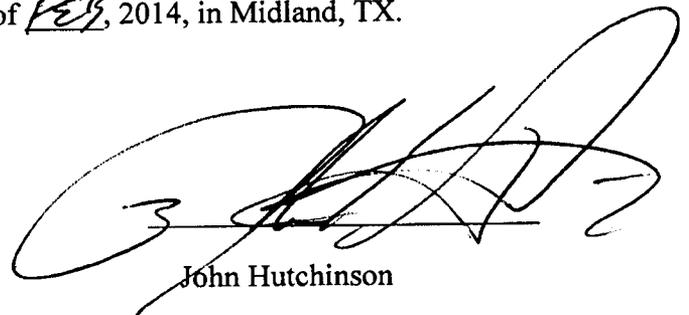
13. The investigators got mad because I wouldn't talk to them and I remember that one of them was a big guy who was rude as hell and tried to secretly tape record me by putting a recorder on a book shelf and trying to hide it behind his arm.

14. When I wouldn't talk to them, the investigators got real angry and left the room and I could hear them outside the room cussing.

15. The whole experience of going to court for the hearing was kind of scary and I was nervous.

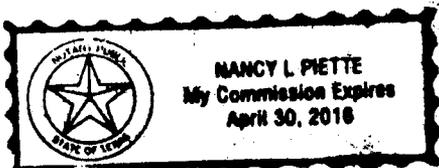
16. Though I saw Page in the jail before I testified in court, I had never seen Young before I came to court and did not know either one of them before this whole period of time in the Midland County Jail.

I declare under penalty of perjury under the laws of Texas that the foregoing is true and correct to the best of my knowledge. Signed this 24 day of FEB, 2014, in Midland, TX.


John Hutchinson

SWORN TO AND SUBSCRIBED
by the said JOHN HUTCHISON
on this the 24th day of February,
2014.


NOTARY PUBLIC
STATE OF TEXAS



DECLARATION OF RAYNALDO RAY VILLA

I, Raynaldo Ray Villa, declare as follows:

1. In October 2002, I was an inmate at the new Midland County jail in Cell Block B.
2. When I was in custody, I met an inmate named David Page. Page and I were housed in the same cell block.
3. One day, I overheard Page tell another inmate that he had shot a man named Petrey.
4. The next day I asked Page about what I had overheard. While the two of us played cards and dominoes in his cell, Page told me that he had been charged with the kidnaping and murder of a man named Sam Petrey. Page stated that he, and not Clinton Young, had shot Petrey outside of Petrey's truck.
5. I remembering asking Page if he regretted what he had done. He never answered my question.
6. I overheard Page tell other prisoners that he had killed Petrey. While Page may have told others what happened in order to appear tough in prison, he did not tell me that story as a bluff because he knew it would not frighten me. I am a large man, weighing more than 300 pounds, and, have been incarcerated with


RV

inmates much tougher than Page.

7. Sometime after my conversation with Page, I was involved in a jail fight and assigned to lockdown at the old county jail on the third floor of the Midland County courthouse.

8. At that jail, I was assigned to a cell next to one occupied by Clinton Young.

9. Though we could not see each other because of the design of our adjoining cells, Young and I began talking about why were in custody. At some point I realized Young was the young man who had been arrested with Page.

10. I told Young that I knew about his case but I did not want to talk in front of the jailers and other inmates. I told him I would write him a letter and do what I could to help him prove his innocence in the kidnaping and killing of Petrey.

11. In March 2003, while still in custody, I wrote Young a letter about my conversation with Page. In that letter, I told Young that Page confessed to killing Petrey but was blaming it on Young because Page did not want to get sentenced to life in prison.

RD
RV

12. In April 2003, I signed an affidavit for Young's defense about Page's confession.

13. Around May 2003, after I had served my time in custody, I received an unexpected visit at my home from Midland County District Attorney's Investigator J.D. Luckie.

14. I already knew Investigator Luckie because he had questioned me years earlier when I was prosecuted for taking about \$200 in food stamps for my family when I was between jobs.

15. Luckie wanted to question me about my affidavit concerning Page. I told Luckie, as I had told Young in the letter, that Page had confessed to me that he had killed Petrey.

16. Luckie spent about five minutes or so asking me about the affidavit. He told me he did not think what I had to say would help Young in his defense.

17. I remember Luckie asking me, "Why are you trying to help this guy?" I told him, "Because he didn't do it. The other guy told me he did it."

18. Luckie asked me if I wanted to make a statement and I said I did.

19. I later signed a second affidavit prepared by Luckie that included my original comments about Page. The second affidavit also said that Page had


RV

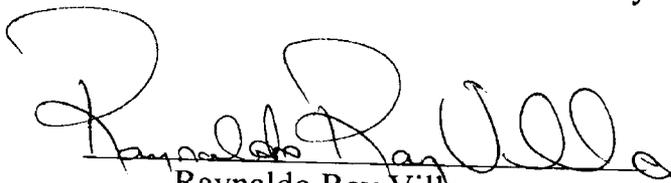
bragged to other prisoners about shooting Petrey and suggested that Page was lying because he wanted to make himself seem tough in jail to other inmates.

20. I signed the second affidavit because it could be true that Page told other prisoners about the shooting to keep them from hassling him. But the original statement I made is also true: Page told me he killed Petrey and he did not tell me that to scare me off.

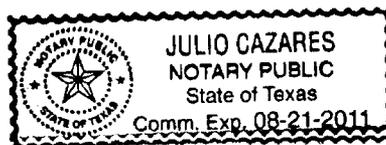
21. I am not trying to get back at anyone by making this statement. I am making it because I have been railroaded a lot in my life and believe that no one should be convicted for another person's crime.

22. On June 12, 2008, I spoke with two investigators from the Office of the Federal Public Defender. The investigators explained to me that their office represents Clinton Young in connection with a federal habeas proceeding. I have read and reviewed this four-page declaration.

I declare under penalty of perjury under the laws of the State of Texas that the foregoing is true and correct to the best of my knowledge and that this declaration was executed this 23rd day of September, 2008 in Midland, Texas.


Raynaldo Ray Villa






RV