

STATE OF GEORGIA

COUNTY OF APPLING

AFFIDAVIT OF J [REDACTED] O [REDACTED]

Comes now the affiant, J [REDACTED] O [REDACTED] who, having been duly sworn by an officer authorized by law to administer oaths, deposes and states as follows:

1. I was born in Appling County and have lived here my entire life, except for two years in the service.
2. I served as a juror in the death penalty trial of Warren King in Appling County in September 1998. I took my jury service very seriously and prayed every night during the trial. I remember it was a tough week to be away from my farm. I had to call my wife at night to give her instructions about the farm.
3. In 1994, I, along with other men with whom I attended church, founded the Sand Hill Freewill Baptist Church, which is where I still attend church today. I have been a deacon in the church ever since its founding. One of the missions of our church is to welcome all people, no matter their race.
4. I based my decision to sentence Mr. King to death on the evidence presented to us at the trial. I have never felt guilty about the decision we made. Although I thought at the trial that Mr. King had shot the victim, I also felt that his co-defendant was the number one leader in the crime. He was the main culprit, as he enticed Mr. King to participate in the robbery. Based on the information I've learned since the trial, I believe that Mr. Smith was also likely the shooter.
5. I do not believe that Mr. King's lawyers emphasized his mental illness as much as they should have, knowing what I know now. I would have wanted to hear about Mr. King's schizophrenia diagnosis.
6. I am a Christian man and believe that people must be held accountable for their decisions. I believe that a life sentence or a life without parole sentence would hold Mr. King accountable. I would even be comfortable with Mr. King getting probation after serving this many years in prison. I would not have a problem if someone were to grant Mr. King clemency or stay an execution.

7. I pray for Warren King and hope that he has found God. If he has, I believe that we will see each other in Heaven one day.

8. I spoke with members of Mr. King's legal team in 2008 and again now. I stand by everything I said in my affidavit dated November 21, 2008.

Further affiant sayeth naught.

Dated this 8th day of October, 2023.

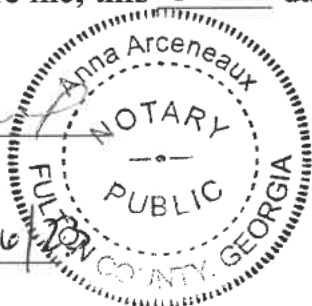
J. [Redacted Signature]

Sworn to and subscribed before me, this 8th day of October, 2023.

Anna Arceneaux

Notary Public

My commission expires 12/16/25



State of Georgia
County of Appling

AFFIDAVIT OF J [REDACTED]

I, J [REDACTED] O [REDACTED], having been duly sworn or affirmed do hereby say:

1. My name is J [REDACTED] O [REDACTED]. I sat as a juror back in 1998 during the murder trial of Warren King. The trial was held right here in Baxley, Georgia. We convicted Mr. King of murder and then voted to impose the death sentence.
2. I took my responsibilities seriously. I listened closely to all the witnesses that testified during the trial and gave careful consideration to all of the evidence that was presented. I can still remember how I did not allow myself to pay attention to whatever else was happening in the courtroom. Instead, I remained focused on the witnesses, evidence and arguments presented by each lawyer. I have served on other juries and I understood how important it was to be an attentive juror. I feel that my fellow jurors also understood the seriousness of the case that was presented before us. Based on the evidence presented, I feel we reached the right decisions as a jury.
3. Since Mr. King's trial, I have often wondered what ever happened to his co-defendant, Walter Smith. I clearly remember watching Walter Smith testify during Mr. King=s trial. At the time of trial, and still today, I feel that Walter Smith was as responsible for Ms. Crosby's death as was Mr. King.
4. In fact, it appeared to me that Mr. Smith was probably more of the instigator of this crime than Mr. King. Mr. Smith appeared to be more together than Mr. King, smarter and, again, his testimony left an impression on me. For example, I remember how it

was Mr. Smith who provided the gun and it was his truck that was used that night. Mr. Smith knew what he was doing on the night of the murder and I believe he was more of a leader than Mr. King.

5. When you have two people working together to accomplish a common goal that is good, one of the two is usually the leader-type, a little more skilled or what have you and takes the lead as the two work together. The same can be said when you have two people doing something that is bad or something they should not be doing. One of the two becomes the leader, gets things moving. In this case, it is my belief that Walter Smith was the leader.

6. Even though, at the time of trial, I believed that Warren King shot and killed the victim, I always felt that both he and Walter Smith should have received the same punishment. They were both there when the woman was shot, they both participated in the crimes and I believe they should have received the same punishment.

7. I have now learned that Mr. Smith did not receive a death sentence like Mr. King did but, instead, he received a life sentence and is eligible for parole. That bothers me because, as I stated, both Mr. Smith and Mr. King are responsible for Ms. Crosby's death and should have received the same punishment. I expected that to happen and it did not.

8. I have recently learned that a crime scene expert, on behalf of Mr. King, has reviewed all the evidence, been to the convenience store in Surrency where Ms. Crosby was shot and watched the video tape that was recorded by the store's security camera.

9. The crime scene expert, Mr. Wayne Hill, has written an affidavit which explains his findings. I reviewed that affidavit. This type of expert analysis would have been important for us jurors to hear and consider during Mr. King's trial back in 1998.

10. As Mr. Hill points out, it is significant that 24 seconds elapsed from the time Mr. Smith exited the convenience store and before the first shot can be heard on the security tape recording. I now realize how much that length of time undermines Mr. Smith's trial testimony. It would have been impossible for Mr. Smith, as he testified, to have been running for that length of time and still be there, in front of the store, when Ms. Crosby was shot by Mr. King. Mr. Smith, after 24 seconds, would have been long gone and no where near where Ms. Crosby was standing when she was shot. Mr. Smith was a young man and he probably could have run far in that time.

11. It is also important to me that, according to Mr. Hill, the evidence supports Mr. King's testimony. That is, the evidence tends to support Mr. King's testimony that he did not want to shoot Ms. Crosby and that he and Mr. Smith struggled with the gun and the gun went off. It seems likely that after the first shot went wild during that struggle, Mr. Smith got control of the gun and fired the shot directly to the back of Ms. Crosby's head, killing her.

12. Hearing the testimony of an expert like Mr. Hill would have assisted me during my deliberations. It has always been my belief that the jury needed as much information as possible to fully understand what happened the night Ms. Crosby was murdered.

13. I have always felt that Mr. King shot Ms. Crosby. Now that I have considered Mr.

Hill's expert analysis, I am not so sure. It is possible that Mr. Smith, and not Mr. King, shot Ms. Crosby.

14. I remember that there was testimony presented at trial about whether or not Mr. King is mentally retarded. While I am not certain one way or another, I personally reached the conclusion that Mr. King knew right from wrong when agreeing to impose the death sentence.

15. I now know that Mr. King was showing signs of schizophrenia before the night Ms. Crosby was killed. At the time of trial, I did not know that Mr. King was acting strangely and talking and chanting to himself as if he was in another world for some time before the night of the shooting. Additionally, I did not know that some of Mr. King's siblings have those same symptoms and have been diagnosed as schizophrenic. I am now aware that mental health experts, after reviewing all relevant information, have concluded that Mr. King is schizophrenic. That type of information would have been very important to consider during our deliberations. I would have wanted to know as much about Mr. King's mental health status as possible before imposing a sentence. I now know that there was important information that we jurors did not hear or know about.

16. It troubles me that we were not presented with all of the evidence regarding Mr. King's mental health. This information is important and it is possible that such evidence about Mr. King's mental health, had it been presented, would have led me to vote for a life sentence instead of death.


17. I would be comfortable with a reduction in sentence for Mr. King. I would not feel

like what we did as a jury was disrespected or undone were Mr. King to serve a life sentence and be taken off of death row.

18. I feel very strongly that Mr. Smith was just as responsible for Ms. Crosby's murder and that Mr. King should not have received a more harsh punishment. This is especially true now that I have considered all the information I discussed in this affidavit.

19. I am very much my own person and would not have been swayed by my fellow jurors once I carefully considered all the information and reached a decision. And, had all this information been presented to us at trial, it is likely that I would have voted for life imprisonment for Mr. King.

FURTHER AFFIANT SAITH NAUGHT.



[Redacted]
[Redacted]

Sworn to and subscribed to before me this 21st day of November 2008.


NOTARY PUBLIC, STATE OF GEORGIA

Robyn A Painter
Notary Public
DeKalb County
State of Georgia
My Commission Expires 11-11-2012

ID verified by GA drivers license.