

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

AFFIDAVIT OF JOHN B. BREWER III

Comes now the affiant, John B. Brewer III, who, having been duly sworn by an officer authorized by law to administer oaths, deposes and states as follows:

1. I was licensed to practice law in Georgia in June 1992 and enjoyed 22 years of practice in Hazlehurst and Brunswick, Georgia. I retired and resigned my memberships with the Georgia Bar and Federal Bar in 2014.
2. On January 4, 1995, I was appointed to represent Walter Smith in Appling County proceedings. Mr. Smith and his cousin Warren King were charged with the September 14, 1994, murder of Karen Crosby in Surrency, Georgia. Attorney Luman Earle was already on the case and in the role of first chair. Two attorneys were appointed as the State sought the death penalty against Mr. Smith. The State also sought the death penalty against Mr. King.
3. Several months before Mr. King's trial, Deputy Assistant District Attorney John Johnson, who was prosecuting both the Smith and King cases, approached me and verbally offered Mr. Smith a sentence of life without the possibility of parole if he agreed to testify against Warren King at Mr. King's death penalty trial.
4. I discussed ADA Johnson's offer with Mr. Smith. Mr. Smith rejected the offer. Mr. Smith agreed to testify against Warren King in exchange for a life with parole sentence. I reported Mr. Smith's counter-offer to Mr. Johnson soon after. Mr. Johnson did not immediately accept the counter-offer. He explained the family of Karen Crosby would not be in agreement with our terms. Mr. Johnson accepted Mr. Smith's counter-offer. Mr. Johnson requested additional time in order to present the offer to the family. These terms were not reduced to writing, but it was a verbal agreement. Mr. Johnson confirmed that he would uphold the deal so long as Mr. Smith truthfully testified on the stand. I explained the terms and conditions to Mr. Smith. I would never have recommended that Mr. Smith testify against Mr.

King unless I knew for certain that he had a deal and would avoid the death penalty.


5. Mr. Smith testified against Mr. King at Mr. King's trial in September 1998. After the trial, we knew that Mr. Smith would not face the death penalty and the case would be settled. I recall that at one point, about a year after Mr. King's trial, John Johnson came to me and asked the status of Walter Smith's plea acceptance. I reminded him that it was a life sentence with the possibility of parole, though now he was pushing for life without the possibility of parole. I recall that John Johnson thought Ms. Crosby's family members would now be more amenable to life with the possibility of parole. Mr. Smith remained clear that he would only plea for life with the possibility of parole.
6. On September 17, 2001, Mr. Smith pled guilty and was sentenced to life with parole in accordance with the deal with Johnson.
7. John Johnson prosecuted many cases against my clients over the years, and in my dealings with him, and when allowed, Mr. Johnson played by his own set of rules. In another death penalty case, I represented a young man named John Marion. Our theory of the case was that Mr. Marion and his co-defendants were under the influence of various drugs at the time of the crime. The defense in the case sought to preserve the evidence and for certain toxicology tests to be run by the GBI. Despite this notice and request for additional testing, the district attorney's office failed to notify the GBI, and the tests we had requested were never done and the evidence was destroyed. When we discovered the failure to preserve the evidence, we notified Judge E.M. Wilkes, who was presiding over the case. He found that Mr. Johnson had not complied with the discovery request, and placed pressure on Mr. Johnson to settle the case. Mr. Marion was sentenced to life with parole.

Further affiant sayeth naught/

Dated this 7th day of June, 2024.


John B. Brewer III

Sworn to and subscribed before me, this 7th day of June, 2024,


Notary Public


JESSICA G. AUSTIN
Notary Public - State of South Carolina
My Commission Expires
July 06, 2027