STATE OF TEXAS §
§
COUNTY OF DALLAS §

AFFIDAVIT

BEFORE ME, the undersigned authority, this date personally appeared William E. "Karo" Johnson, who after being sworn by me did state upon his oath the following:

"My name is William E. "Karo" Johnson. My current address is 3300 Oak Lawn, Suite 600, Dallas, Texas 75219.

I was designated as lead counsel in the capital murder case of Gregory Edward Wright.

I did not personally review or examine all of the physical evidence at the DeSoto Police Department pertaining to the case. I did review all exhibits designated by the prosecuting attorney as exhibits. I was not informed that letters belonging to John Wade Adams had been found in the Beckley shack until the third day of trial. I was not anticipating that these letters would be used in evidence nor was I advised, pursuant to the prosecutors *Brady* obligation and my pre-trial discovery motion, that the letters existed. Had I known of the letters, I would have incorporated them into my trial strategy. I would have used the letters to impeach the State's evidence that the Beckley shack and its contents were solely my client's property. I also would have used the letters to establish a link between John Wade Adams and the Umen jeans also found in the Beckley shack.

I examined the Umen jeans and used the jeans for demonstrative purposes in my final argument. My personal observation of Gregory Wright at the time of my appointment, as well as trial, leaves me firmly convinced that the Umen jeans were too small for Gregory Wright to wear and did not fit him. My trial strategy was to use these facts to establish that Gregory Wright was

not the perpetrator because he could not have worn the Umen jeans on the date of the offense. I was not aware that John Wade Adams had any personal property in the shack prior to trial.

I was never informed of the existence of Jerry Causey or any witness to whom John Wade Adams had unequivocally confessed to being the sole perpetrator. Had I been informed of such a witness, I would have used him at trial.

I was not informed prior to trial that John Wade Adams had made a statement to Daniel McGaughey, the video store clerk. Had I known of such an inculpatory statement, I would have used Daniel McGaughey as a witness at trial. I did not contact Daniel McGaughey prior to trial because I was unaware that an inculpatory statement of any nature or degree had been made to Mr. McGaughey by John Wade Adams. By the same token, I would have made an effort to locate and produce the 911 tape which evidenced such a statement had I known of the possibly inculpating nature of the statement. I would also have produced the officer(s) Freeman and Tripple to testify regarding these statements. I viewed this evidence as *Brady* material, and the type of exculpatory information that the State was obligated to provide pursuant to my discovery motions prior to trial. I was informed that the prosecutor had lost the 911 tape.

At the outset of the trial, I viewed the statements made by John Wade Adams to the police concerning his knowledge of and role in the offense to be inadmissible self-serving hearsay. I prepared my cross-examinations in a manner designed to avoid any reference to the statements and thus to avoid opening the door to their use. It was never part of my trial strategy that any portion of the statements come into evidence at any time during trial. When the prosecutor offered the statement at trial, I was taken somewhat by surprise because I clearly believed that I had not opened any door to its admissibility. At the time, I made a record of the

most complete and appropriate objections I could. I was surprised to learn that the record did not reflect that I had made an objection based upon the confrontation clause. I thought the record clearly demonstrated that I intended to make that the basis of my objection. Obviously, had I been aware that an additional objection based upon the Sixth Amendment right to confrontation would have prevented the admission of the statement, I would have made such an objection. It was not my strategy to object on limited grounds. Instead, I attempted to make the broadest range of objections possible.

I was advised shortly before the trial commenced that James Cron, a retired deputy sheriff, would attempt to match Gregory Wright's known prints to a partial bloody fingerprint found on the pillowcase. I requested that a fingerprint expert for the defense team's use be appointed. At my direction, our expert, Tom Ekis, reviewed with James Cron the basis for his opinion. It was my strategy to thoroughly impeach James Cron's testimony concerning the comparability of the fingerprint. During trial when I was informed of the "methodology" used by James Cron to justify his conclusions, it did not occur to me to request a *Daubert* hearing to prevent the admission of such testimony. In retrospect, a *Daubert* hearing may have been appropriate, and I am aware of no strategic value in failing to conduct one. I did not pursue a *Daubert* objection because I was not aware that any court had ever precluded fingerprint evidence on such a basis and therefore, I did not think the objection would be well taken.

Prior to trial, the State provided us a list of extraneous offenses committed by Gregory Wright to be used in the punishment phase of trial. The State also provided certifications and affidavits to make the exhibits self-proving. For that reason, I did not anticipate the State would bring officers to prove up or testify concerning the underlying circumstances of these offenses. I

did not receive any of the police reports or any other documentation concerning the underlying events prior to the commencement of the punishment phase of trial. Since I relied upon the State to give me advance notice of the exhibits and witnesses to be used at trial, I did not attempt to acquire the reports independently. I spoke to Earl Wright, the father of Gregory Wright, as well as Mark Wright, the brother of Gregory Wright. Gregory Wright instructed me not to call any of these witnesses in the punishment phase after I advised him that the witnesses would be required, on cross examination, to disclose other "bad acts" or extraneous offenses which had not yet come into evidence. I deemed this to be damaging to our case. As the record indicates, I spoke with Gregory Wright's mother, but she was unavailable to testify because of family illness. Due to the passage of time, I cannot recall other witnesses to whom I spoke about testifying in the punishment phase of trial.

Further, affiant sayeth not."

WILLIAM E. "KARO" JOHNSON

SUBSCRIBED AND SWORN TO BEFORE ME on this 14th day of January, 2002.

NOTARY PUBLIC, IN AND FOR
STATE OF TEXAS

My commission expires: 2-21-04