

STATE OF MICHIGAN

AFFIDAVIT OF BRIAN DAY

STATE OF MICHIGAN)
COUNTY OF IONIA)

BRIAN DAY, first being duly sworn, deposes and says:

1. That on or about April 27, 1992, I gave testimony before Judge Wendy Baxton in Recorder's Court, in the case of Vargas Johnson and Marco Johnson.
2. I testified that on or about October 24, 1991 I saw (3) males walking towards my home at 29673 Oakwood in Inkster Michigan and that one of them pulled a gun.
3. I further testified that I was able to identify the shooter as Vargas Johnson and one of the men with him was Marco Johnson.
4. That shots were fired by Vargas Johnson and Corey Smith was killed by those shots.
5. I also gave testimony at Marco Johnson's February 1992 Preliminary Examination of the same accounts.
6. That the testimony that I gave at the Preliminary Examination of Marco Johnson and the trial of Vargas Johnson and Marco Johnson was not true, I never saw Vargas Johnson or Marco Johnson outside my home on Oakwood.

7. That I never saw Vargas Johnson or Marco Johnson with a gun.
8. That I never saw either of them shoot Corey Smith or fire a weapon.
9. The reason why I gave the false testimony was because I was on drugs at the time and the Inkster Police Department was trying to place the blame on me, and I felt that if the police had them under arrest then they must be the men that committed the crime, that was a mistake and the testimony was not the truth.

Further Deponent sayeth not.

Brian Day
Brian Day

Subscribed and sworn to before me this 11/23 day of 2005

Notary Public,
My Commission expires: _____

Shirley L. Blodgett
SHIRLEY L. BLODGETT
NOTARY PUBLIC MICHIGAN
MY COMMISSION EXPIRES 06/15/2008
ACTING IN IONIA COUNTY, MI