

EXHIBIT A

IN THE SUPERIOR COURT OF CHEROKEE COUNTY STATE OF GEORGIA

STATE OF GEORGIA
VS
KERRY CRAIG WALKER

CASE NOs.
02CR0053 &
02CR1029

AFFIDAVIT OF JEFF RUSBRIDGE

1. My name is Jeff Rusbridge; I am a citizen of the United States, in good standing.
2. I am over the legal age of majority and practice law in the State of Georgia, Dyer and Rusbridge, PC, Attorneys at Law, Canton, Georgia.
3. I was hired by Kerry Craig Walker to represent him shortly after he contacted me about being arrested falsely on 09/21/01. He also explained to me how he was the victim of a violent crime and had the injuries and a witness to prove it.
4. I give this affidavit based upon my own personal knowledge.
5. This affidavit is submitted to support the facts of Mr. Walker's false arrest and manipulation of evidence by the state in their every attempt to manufacture his guilt.
6. I was Mr. Walker's first attorney and during his first attempt at trial and before a jury had been seated I made a motion explaining to Judge Sumner that Mr. Walker's charges should be dismissed based on tampering with evidence. Unfortunately Mr. Walker's charges were not dismissed at this time and I became a witness for Mr. Walker, upon Mr. Walker's request, to tampering with evidence and other obstructions of justice by the state.

7. Mr. Walker consistently explained to me both at the outset of his case and as his case continued that, on September 16, 2001, he was the victim of a violent beating (aggravated battery) and other acts of threats and violence (obstruction of 911 call, simple battery, and terroristic threats).
8. Mr. Walker filed a report on September 16, 2001, the same day of the incident, and his report appeared to be missing critical information as reported by Mr. Walker and his Incident Report was never investigated.
9. The perpetrator of crimes against Mr. Walker filed a report on September 19, 2001 containing false information about said incident and false information about the location of said incident. The accuser's false accusations became clear in the first interview with Detective Peavy and as subsequent facts were uncovered.
10. The false report filed by the perpetrator of crimes against Mr. Walker was handled by (former) Detective Preston Peavy when he came out to Mr. Walker's home. Detective Ponder accompanied Detective Peavy but was no longer involved in the investigation from that point on.
11. The only witness at the scene (Drew Mayo) was not interviewed by Detective Preston Peavy, even though Mr. Mayo was available while Detective Peavy was at Mr. Walker's home and Detective Preston Peavy ignored evidence of Mr. Walker's severely blackened eye, severely bruised sternum, and a bruise on his left bicep.
12. A wooden towel rack that had fallen off Mr. Walker's bathroom wall several months earlier was wrongly construed as the scene of a crime, even though Mr. Walker pointed out otherwise, when in fact the incident alleged by the accuser had not occurred at this

location. In fact the incident alleged by the accuser in her falsified Incident Report never occurred at all and this fact was later confirmed in an interview with Investigator Massey.

13. In his interview by Detective Peavy with the accuser, who was the actual perpetrator of violent crimes against Mr. Walker (and who was soon to become the “victim” and a witness for the state), the accuser contradicted virtually every statement that was made in the accusers Incident Report and the accuser’s story changed drastically. The former Detective Peavy was leading in this interview and there were holes or skips throughout the tape, and the taped skipped numerous times during this one interview. Shirley J. Smith prepared the transcript. Said transcriber indicated skips with the words “Taped Skipped” at each location in this recording. This interview was full of untruths told by the state’s witness about the facts of this incident, the location of this incident, and about Mr. Walker’s past.

14. Mr. Walker was arrested about a week later and charged with crimes that he did not commit and who consistently maintained he was in fact the victim of a very violent beating, domination and control, and terroristic threats.

15. In a phone conversation that Mr. Walker had with the perpetrator of violent crimes against him, Mr. Walker attempted to obtain exculpatory evidence on a recording device. Although the device had low batteries and the recording did not work properly, Mr. Walker informed me that exculpatory statements were made by the accuser that proved that Mr. Walker did not “hit himself all night long” and that “all night long he had beat himself up” as the accuser claimed. The accuser’s statements would have cleared Mr. Walker and added more proof that the accusers story was a lie.

16. Mr. Walker informed me of the fact that this tape would have exonerated him and it came to light that this two-way conversation between Mr. Walker and the alleged "victim" was recorded on a recording device on the other end by the accuser and that the state had it in their possession.
17. I informed Mr. Walker that the state had a recording of the conversation, and that the state was having it transcribed. Mr. Walker was happy to hear this and confirmed that the transcript and the tape of this conversation would exonerate him.
18. When I showed Mr. Walker a copy of the transcript he was shocked because the transcript displayed Mr. Walker's comments as if made on some answering machine and not the two-way conversation he had with the accuser. The transcript also ended with Mr. Walker saying "bye" just before Mr. Walker asked about the accuser claiming that he had hit himself all night long and that all night long he had beat himself up and just before critical exculpatory statements were made by the accuser. According to Mr. Walker the accuser hung up on him after making these incriminating statements and the word "bye" was never spoken as indicated on this doctored transcript.
19. A transcript of this recording was prepared at the supervision of Detective Preston Peavy by Mary Wilson, and, according to the information provided by Mr. Walker, this transcript was altered to eliminate exculpatory evidence and to eliminate the fact that this was a two-way conversation. Again, I reiterated that the statements eliminated from this transcript would have proved that Mr. Walker had not hit himself all night long and that the accuser was lying.



20. Mr. Walker informed me that he attempted to get in touch with the transcriber but her phone had been disconnected. A short time after this Mr. Walker drove to her Kennesaw Office and he learned that Mary Wilson had closed her Kennesaw office and, although Mr. Walker made other attempts, she could not be located.
21. Mr. Walker explained to me that the statements that were made by the accuser when asked why she was telling everyone that he had hit himself all night long and how no one believed her except the police, the accuser stated some along the lines of, although possibly not verbatim, "Um, I didn't want to get arrested...I didn't know what else to do...You did hit yourself all night long didn't you?"
22. Mr. Walker urged me to get a copy of this tape as it was critical for providing the truth of Mr. Walkers claims.
23. I filed a Motion for Discovery in State Court and then I filed Motions for Discovery in Superior Court. I understand that Mr. Walker had subsequent counsel file Motions for Discovery and that Mr. Walker also filed a Motion for Discovery, specifically addressing this tape. A copy of this tape was never obtained from the state after some half dozen motions for discovery over the course of four years. We were told that this critical exculpatory evidence and evidence that had been altered in its transcription was "misplaced" and later told that this tape had been "lost" by the state.
24. An expert witness (Wade Pittman) observed another key piece of exculpatory evidence a short time after the alleged incident (a thick layer of dust on the shaft of a crossbow that had not been used for years and that was stuck to the wax that was used to lubricate the shaft and protect the ^{string} sting under heavy tension) and from this evidence he determined

that the claims made by the accuser could not be true. (Mr. Walker proved to me that he is also an archery expert and has done archery demonstration all over the Southeast and he has been saluted by the City of Atlanta as OUTSTANDING CHAMPION IN ARCHERY.) I also witnessed this evidence at Mr. Walker's residence along with Mr. Pittman. I re-heard the details of Mr. Walker's story along with Mr. Pitman while sitting in the great room of this awesome home designed and constructed by Mr. Walker's own hands. Mr. Walker never deviated from the facts of his story for the next four years and three months of this nightmare. Mr. Walker should have never been arrested and this battle should have never been fought.

25. Mr. Walker informed me that, when Detective Peavy collected this critical exculpatory evidence for the state from Mr. Walker's home (by coming in through the Mother-in-Law suite in the downstairs of Mr. Walker's home which was being leased by a female occupant at the time), Mr. Walker attempted to point out the fact about this evidence that would exonerate him, and Preston Peavy and others ignored this critical exculpatory evidence. This crossbow, according to Mr. Walker, was violently yanked from his hands by some woman that was with the search party.

26. I was contacted by Mr. Walker early the next morning and he informed me of this incident and of the fact that this critical evidence that I had seen with my own eyes, along with an expert witness, was ignored by the state and violently yanked from Mr. Walker's hands.

27. I contacted the state to notify them of this critical evidence and the importance of it. I informed the state that this evidence was crucial to our defense.

28. Mr. Walker's misdemeanor charges were upgraded to a felony (aggravated assault) by a Grand Jury, solely because this and other exculpatory evidence was ignored and altered and the truth was not presented to the Grand Jury. If the witness in this case had been interviewed and if the facts of this case and the truth of this case had been maintained, the exculpatory evidence would have cleared Mr. Walker and would have clearly demonstrated that Mr. Walker was the victim of crimes and the perpetrator of none.
29. Mr. Walker asked for me to file a Motion for a Speedy Trial. I never filed this motion because, as I explained to Mr. Walker, the chances of the State choosing not to prosecute the case would be greater, and the chances for an agreed-upon resolution would be decreased. It was my understanding that Mr. Walker at this point agreed with this decision.
30. The accuser filed a Stalking Temporary Restraining Order against Mr. Walker that was full of false allegations. In fact the accuser had stalked Mr. Walker and continued to stalk him and to call the police on him in attempts to have him re-arrested. Mr. Walker refused to sign a "Consent Order" and he went before a judge. The Stalking Temporary Restraining Order was dismissed.
31. Mr. Walker went to an "Alford Plea Hearing" to finally get to speak about his ordeal and during this hearing Mr. Walker stated in no uncertain terms that there had been manipulation of evidence by the state. The state withdrew their offer of two years probation, as Mr. Walker had apparently planned. Mr. Walker wanted no part of the state's several plea agreements and he made this clear to me.



32. In a hearing on this case the state alleged that Mr. Walker cocked and loaded a crossbow and pointed it at the state's witness, yet at the 2002 trial, the state, after learning about an expert witness that would prove otherwise, claimed they have never stated that Mr. Walker cocked and loaded a crossbow—Only that it was pointed at their witness. In fact, the state's witness claimed that Mr. Walker cocked, loaded and pointed his crossbow at her for absolutely no reason. The accuser claimed that Mr. Walker walked into his own bedroom, where the accuser was laying on Mr. Walker's bed, and with a smile on his face, picked up a crossbow, cocked it, loaded it, and pointed it at her.
33. Mr. Walker informed me that he told the state's witness that she needed to find her own way home, and that she then violently demanded that Mr. Walker take her home by repeatedly jabbing Mr. Walker forcefully in the chest where he was already severely bruised by a violent punch from the accuser!
34. Mr. Walker informed me that he attempted to call 911 but the state's witness interrupted the call by pulling the phone from Mr. Walker's hands.
35. Mr. Walker informed me that he relented and gave the state's witness a ride home, that the state's witness communicated with the witness at Mr. Walker's home and gave no indication of trouble, that she in fact stated with a smile, "Nice to meet you, have a good day," and that the state's witness threatened Mr. Walker all the way to her Kennesaw residence and told Mr. Walker that she was going to "get him and that all of his f...ing money would not get him out of it."
36. In another interview with Investigator Massey, the fact that this story was fabricated and the facts continuously contradicted by the state's witness were again made clear.

37. It also came to light that Investigator Massey inquired into Mr. Walker's ^{religious} beliefs and asked the state's witness if Mr. Walker was "an atheist". It is my understanding that Mr. Walker is not "an atheist" as demonstrated by his studies and in depth work in the areas of religion and science. Mr. Walker asked me what his religious beliefs had to do with this case, and I explained to him that I did not know. I explained to Mr. Walker that this question asked by Investigator Massey, with the District Attorney's office, should not have been asked and that Mr. Walker's religious beliefs should have nothing to do with his case.

38. Mr. Walker went to trial in November 2002 and when this critical evidence, a crossbow, was brought into his trial it had been altered to eliminate exculpatory evidence that was now the crux of Mr. Walker's defense. The government had tampered with the evidence and eliminated it by cleaning off the shaft of this crossbow.

39. It was at this trial that I made a motion to have Mr. Walker's charges dismissed because of manipulation of evidence by the state and felony tampering with evidence.

40. Judge Sumner did not dismiss the case and alluded to some "Chain of Custody" hearings, but Mr. Walker's trial was continued and he heard nothing over the course of some two and one half years. All the while these serious false charges were hanging over him while his life was slowly wasting away. Mr. Walker's rights were denied as the case should have been dismissed.

41. Mr. Walker finally sent a letter to the District Attorney, Garry Moss, demanding that all his charges be formally dismissed.

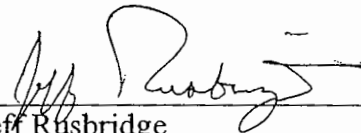
42. Mr. Walker got a letter in the mail three days latter with a new trial date for early the next month.
43. Mr. Walker went to nine more months of trial calendars but never got his day in court.
44. On November 23, 2005, well over four years after this nightmare began all of Mr. Walker's false charges were dismissed by entry of Nolle Prossqui. The 180 days expired with no new indictment and Mr. Walker was formally cleared of all charges.
45. Mr. Walker did an analysis of the state entry of Nolle Prossqui demonstrating the errors and inaccurate information in it.
46. Mr. Walker informed me that he was contacted by "Evidence" to come and collect his property and when he picked up the evidence the deputies refused to give him a copy of the Evidence Control Record and they told him that they could mail him a copy, and that he pointed out that there was a copy there for him and the deputy reluctantly gave him his copy.
47. Mr. Walker noticed that the Evidence Control Record was doctored in listing the chain of custody. The chain of custody flow did not flow properly and the custody record, just before his first attempt at trial and where the government had tampered with the evidence, was left blank. This made it impossible for Mr. Walker to look into who specifically may have altered this piece of evidence and eliminated this key aspect of this piece of exculpatory evidence.
48. Mr. Walker informed me that he lost his home and property and everything else in his constant fight to let the light shine on his innocence, that his brother was severely affected by this tragedy of injustice, that his mother died under the pressure of these

crimes committed against Mr. Walker by the state, and that in fact his entire family was devastated by this case.

49. Mr. Walker's constitutional rights were violated and this was a case of selective prosecution and due process violations. Mr. Walker should have all records cleared of these charges and he should be compensated by the government for the crimes committed against him and his family.

FURTHER AFFIANT SAYETH NOT

Sworn to and subscribed to before me


Jeff Rusbridge

This 22nd day of October 2007



Notary Public

My commission expires on

4/12/2009

