

NO. _____

IN THE SUPREME COURT OF THE UNITED STATES

KENNETH TRAYLOR,
Petitioner,

v.

STATE OF MISSISSIPPI,
Respondent-Appellee

ON PETITION FOR WRIT OF CERTIORARI
TO THE MISSISSIPPI SUPREME COURT

APPENDIX

Order Denying Appellant's Amended application for leave to file a Motion for Post-Conviction Relief	A
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Serial: 225237

IN THE SUPREME COURT OF MISSISSIPPI

No. 2017-M-00361

KENNETH TRAYLOR

FILED

Petitioner

v.

APR 16 2019

STATE OF MISSISSIPPI

OFFICE OF THE CLERK
SUPREME COURT
COURT OF APPEALS

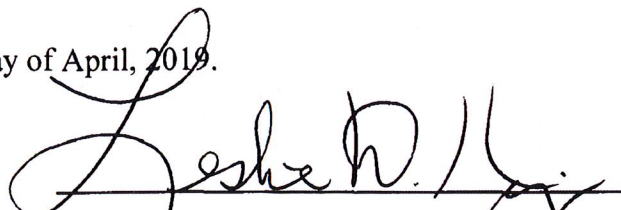
Respondent

ORDER

This matter is before the panel of King, P.J., Beam and Chamberlin, JJ., on the Application for Leave to File a Motion for Post-Conviction Relief and Supporting Authorities, along with the subsequently filed Amended Application for Leave to File a Motion for Post-Conviction Relief and Supporting Authorities, filed by counsel for Kenneth Traylor. Traylor's direct appeal from his conviction and sentence was dismissed on January 5, 2006, and the mandate issued on January 26, 2006. This is Traylor's third application for leave since that time. Having duly considered the instant filings, the panel finds the application is barred by time and as a successive application. Miss. Code Ann. §§ 99-39-5(2) and 99-39-27(9). Notwithstanding these bars, the panel finds Traylor's claims of newly discovered evidence to be unpersuasive. Accordingly, the application for leave should be dismissed.

IT IS THEREFORE ORDERED that the application for leave to file a motion for post-conviction relief should be dismissed.

SO ORDERED, this the 16th day of April, 2019.


LESLIE D. KING, PRESIDING JUSTICE

A

INDICTMENT

THE STATE OF MISSISSIPPI

CIRCUIT COURT

LEE COUNTY

MAY TERM, 2004

CAUSE NO. CR04-384

The Grand Jurors for the State of Mississippi, taken from the body of good and lawful men and women of LEE COUNTY, in the State of Mississippi, elected, impaneled, sworn and charged to inquire in and for said County and State aforesaid, in the name and by the authority of the State of Mississippi, upon their oaths present: That

KENNETH LEE TRAYLOR AND GENARRO D. SHUMPERT

COUNT I

in said County and State on the 12th day of February, A.D., 2004, did wilfully, unlawfully and feloniously without lawful authority kidnap or forcibly seize and confine Tommy Malone with intent to cause him to be secretly confined or imprisoned against his will;

COUNT II

in said County and State on the 12th day of February, A.D., 2004, did wilfully, unlawfully and feloniously without lawful authority kidnap or forcibly seize and confine Debbie Malone with intent to cause her to be secretly confined or imprisoned against her will;

COUNT III

in said County and State on the 12th day of February, A.D., 2004, did wilfully, unlawfully and feloniously without lawful authority kidnap or forcibly seize and confine Jamie Malone with intent to cause her to be secretly confined or imprisoned against her will;

COUNT IV

in said County and State on the 12th day of February, A.D., 2004, did wilfully, unlawfully and feloniously commit an aggravated assault upon Tommy Malone by attempting to cause and by causing, knowingly and purposely, bodily injury to Tommy Malone, a human being, with a deadly weapon, to-wit: a pellet pistol, by striking Tommy Malone with the pellet pistol causing numerous lacerations about the face and head, a skull fracture and a fractured nose;

COUNT V

in said County and State on the 12th day of February, A.D., 2004, did wilfully, feloniously and burglariously break and enter a certain dwelling owned and occupied by Tommy Malone with the felonious and burglarious intent to take, steal and carry away the goods, chattels and personal property of the said Tommy Malone, in said dwelling being kept for use, sale or storage, and did then and there wilfully, feloniously and burglariously take, steal and carry away one Smith & Wesson .38 special model 10 (Serial #51516), one .22 caliber IJA&C pistol and various jewelry, of a value of \$250.00

and more, good and lawful money of the United States, the personal property of Tommy Malone, in said dwelling being kept for use, sale or storage;

COUNT VI

in said County and State on the 12th day of February, A.D., 2004, did wilfully, unlawfully, feloniously, knowingly or recklessly, by force or violence to Jamie Malone, by putting in fear or attempting to do so, take a motor vehicle, to-wit: a 1998 Ford Explorer, VIN # 1FMZU32E5WUC18650, from her immediate actual possession while armed with or having readily available a firearm, to-wit: a Smith & Wesson .38 special model 10 and/or a .22 caliber IJA&C pistol

COUNT VII

in said County and State on the 12th day of February, A.D., 2004, did wilfully, unlawfully and feloniously in and upon Jamie Malone then and there did unlawfully and feloniously make an assault on the said Jamie Malone, and did then and there feloniously put her in fear of immediate injury to her person, by the exhibition of a deadly weapon, to-wit: a Smith & Wesson .38 special model 10 and/or a .22 caliber IJA&C pistol, and from her presence and against her will did feloniously and unlawfully rob, take, steal and carry away Jamie Malone's clothing, the personal property of Jamie Malone;

COUNT VIII

in said County and State on the 12th day of February, A.D., 2004, did wilfully, unlawfully and feloniously in and upon Debbie Malone then and there did unlawfully and feloniously make an assault on the said Debbie Malone, and did then and there feloniously put her in fear of immediate injury to her person, by the exhibition of a deadly weapon, to-wit: a Smith & Wesson .38 special model 10 and/or a .22 caliber IJA&C pistol, and from her presence and against her will did feloniously and unlawfully rob, take, steal and carry away Debbie Malone's clothing, the personal property of Debbie Malone;

COUNT IX

in said County and State on the 12th day of February, A.D., 2004, did wilfully, unlawfully and feloniously in and upon Tommy Malone then and there did unlawfully and feloniously make an assault on the said Tommy Malone, and did then and there feloniously put him in fear of immediate injury to his person, by the exhibition of a deadly weapon, to-wit: a Smith & Wesson .38 special model 10 and/or a .22 caliber IJA&C pistol, and from his presence and against heris will did feloniously and unlawfully rob, take, steal and carry away Tommy Malone's clothing, the personal property of Tommy Malone;

A

and upon conviction the said KENNETH LEE TRAYLOR is hereby charged under Section 99-19-81, Mississippi Code, 1972, as amended, to be sentenced to the maximum term of imprisonment as prescribed for such felony and such sentence shall not be reduced or suspended nor shall such person be eligible for parole or probation in that:

(1) KENNETH LEE TRAYLOR, having pled guilty in the Circuit Court of LEE COUNTY, Mississippi in Cause Number CR98-239, to Grand Larceny, was sentenced on the 2nd day of December, 1998, to serve a term of five (5) years in a facility to be designated by the Department of Corrections of the State of Mississippi, said sentence to be suspended upon his compliance with the sentence imposed in Lee County Circuit Cause Number CR98-472, and his good behavior, said sentence to run consecutive with the sentence imposed in Lee County Circuit Court Cause Number CR98-472, and;

(2) KENNETH LEE TRAYLOR, having pled guilty in the Circuit Court of LEE COUNTY, Mississippi in Cause Number CR98-472, to Grand Larceny, was sentenced on the 2nd day of December, 1998, to serve a term of five (5) years in a facility to be designated by the Department of Corrections of the State of Mississippi under the provisions of Section 47-7-47 (Regimented Inmate Discipline Program), further, upon completion of the RID Program, the Defendant was ordered to be transferred to the Hinds County Restitution Center until completion of the program and payment of

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all monies was made, and;

(3) Each of the above sentences arose out of separate incidents at different times; contrary to the form of the statute in such cases made and provided, and against the peace and dignity of the state of Mississippi.

Filed and Recorded 16th day
of April, 2004

Joyce R. Loftin, Clerk
Connie Kelley, D.C.

Dennis Farni
Assistant District Attorney
A TRUE BILL

Ray D. Farni
Foreman of the Grand Jury

FILED

JUL 13 2005

OFFICE OF THE CLERK
SUPREME COURT
COURT OF APPEALS

IN THE CIRCUIT COURT OF LEE COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI

VS.

NO. CR04-384(PF)L
COUNT I, II, III, IV, V, VI, VII,
VIII & IX

KENNETH LEE TRAYLOR

2005-TS-1327

JUDGMENT

Came on this cause this day for hearing, the defendant being before the court in person and represented by his/her Attorney(s) JEFFERY ELLIS. Said defendant being before the Court on a charge of COUNT I, II & III - KIDNAPPING, COUNT IV - AGGRAVATED ASSAULT, COUNT V - BURGLARY & LARCENY OF DWELLING, COUNT VI - CARJACKING & COUNT VII, VIII & IX - ARMED ROBBERY (HABITUAL) on indictment against him/her and said defendant having entered a plea of not guilty to said charge on a former day of this Court and said cause being called for hearing on this date. Came the State of Mississippi by its Prosecuting Attorneys and came the Defendant in person and represented by his/her counsel, as stated above, and each side announced ready for trial. Came a jury of twelve good and lawful men and women and 2 alternate juror(s), composed of the regular panel of jurors for the week, who after being duly empanelled and especially sworn to try this cause, were accepted by both sides without objections or exceptions, and after hearing the evidence of the witnesses, the argument of counsel and being instructed by the Court as to the law, all the jurors, except the alternate juror(s), who was excused by the Judge, retired to consider their verdict and afterwards returned into open Court in the presence of the Defendant and the Attorney(s) for the Defendant, the following verdict: "WE, THE JURY, FIND THE DEFENDANT GUILTY OF KIDNAPPING IN COUNT I, KIDNAPPING IN COUNT II, KIDNAPPING IN COUNT III, GUILTY OF AGGRAVATED ASSAULT IN COUNT IV, GUILTY OF BURGLARY & LARCENY OF AN OCCUPIED DWELLING IN COUNT V, GUILTY OF ARMED CARJACKING IN COUNT VI, GUILTY OF ARMED ROBBERY IN COUNT VII, GUILTY OF ARMED ROBBERY IN COUNT VIII & GUILTY OF ARMED ROBBERY IN COUNT IX."

Counsel for the (Defendant)(State of Mississippi) having requested the Court to poll the jury, the Court polled each juror and found that said verdict was the unanimous verdict of each and every juror. Whereupon, on such verdict, it is

ORDERED AND ADJUDGED by the Court, that the Defendant KENNETH LEE TRAYLOR be sentenced on Counts I, II & III & Counts VII, VIII & IX to serve a term of LIFE on each count in a facility to be designated by the Mississippi Department of Corrections. Defendant is sentenced on Count IV to serve a term of

262/243

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twenty (20) years, sentenced on Count V to serve a term of twenty (25) years & sentenced on Count VI to serve a term of thirty (30) years in a facility to be designated by the Mississippi Department of Corrections. Sentences on each count shall run consecutive with each other. Defendant is sentenced on each count as a habitual offender pursuant to SEC 99-19-81, Miss Code, therefore said sentence on each count shall not be reduced or suspended nor shall defendant be eligible for parole or probation. Defendant is remanded to the custody of the Lee County Sheriff to await transportation to said facility.

SO ORDERED IN OPEN COURT, THIS THE 8TH DAY OF JUNE, 2005.

Paul Funderburk
CIRCUIT JUDGE

FILED

TIME _____ AM / PM

JUN - 8 2005

JOYCE R. LOFTIN
LEE CO. CIRCUIT CLERK
Connie Kelley D.C.

STATE OF MISSISSIPPI
LEE COUNTY

I, Joyce R. Loftin, Clerk of the Circuit Court of said County, do hereby certify that the foregoing instrument contains a true and complete copy of Judgment as same appears of record or on the file Book 62 Page 234 of the records of Lee County, Mississippi. Given under my hand and seal this 8th day of June, 2005

Joyce R. Loftin
Joyce R. Loftin, Circuit Clerk of Lee County, MS

Connie Kelley D.C.

262/244

STATE OF MISSISSIPPI

In the Circuit Court of LEE

County

Cause/Case No.

CR04-384 (PT) L

JUL 13 2005

TO THE MISSISSIPPI DEPARTMENT OF CORRECTIONS

NOTICE OF CRIMINAL DISPOSITION

OFFICE OF THE CLERK
SUPREME COURT

COURT OF APPEALS

You are hereby notified that at the VACATION 2005 term of the Circuit Court, Judge PAUL S. KENDERBURY
 presiding, the following disposition was imposed for the crime(s) hereinafter described:

2005-TS-1327

I. A. Disposition(s) Reported: ☒ Prisoner Commitment ☐ Suspended Sentence/Probation ☐ Revocation ☐ Acquittal ☐ Other
 (Check those which apply to all counts reported) Enter in IV

A-1. Provisional Sentence ☐ Non-Adjudication ☐ Sentenced under RID ☐ Sentenced under Shock Probation
☐ Bad Check Diversionary Program ☐ Restitution In _____ County

B. Conviction as Result of: ☐ Guilty Plea ☐ Guilty Plea after _____ days of Commencement of Trial
☒ Jury Verdict after 3 days in Trial ☐ Revocation Hearing

II. Name: KENNETH LEE TRAYLOR Alias _____
 SSN: 426-41-7328 Race: Black Sex: M Date of Birth: 11-24-80
 Last Known Residence: 347 County Road 553, Slatillo, Ms. 38866
 Place of Birth: TUPELO MS Country of Citizenship: USA
 Alien Registration/Immigration # A- _____ FBI # _____

III. Count I Charge: Kidnapping Indicted Under MS Code § _____ Sentenced Under MS Code § 99-19-81
 Count II Charge: Kidnapping Indicted Under MS Code § _____ Sentenced Under MS Code § 99-19-81
 Count III Charge: Kidnapping Indicted Under MS Code § _____ Sentenced Under MS Code § 99-19-81

IV. Date of Sentence: June 8, 2005 Credit for Time Served (ONLY for this/these charge(s)) YES days
 Sentence(s) Imposed by Order: Count I Life Count II Life Count III Life
 Prior to any suspended portion

	Check if reporting additional counts on reverse side	Portion of Sentence to be Served (Yrs/mos)	Portion of Sentence Suspended (Yrs/mos)	To be Served on Probation (Yrs/mos)	Other/Method of Disposition (Refer to legend on back of form)
Count I	<input checked="" type="checkbox"/>	<u>Life</u>			
Count II	<input type="checkbox"/>	<u>Life</u>			
Count III	<input type="checkbox"/>	<u>Life</u>			

ALL COUNTS to run concurrent with _____
 to run consecutive to EACH OTHER

Conditions/Designation of Sentence: ☒ Habitual ☐ Psychological/Psychiatric ☐ Alcohol/Drug Treatment/Testing ☐ Other _____

V. Dates Confined _____ to _____
 In Jail _____ to _____
 (On this/these charges) only _____ to _____
 Released on Bond Pending Appeal _____
 Defendant Currently Housed In: LEE COUNTY

VI. Fine \$ _____ Indigent Fee \$ _____ Resitution \$ _____
 Court Costs \$ _____ Attorney Fees \$ _____ Other Fees \$ _____
 Conditions of Payment: _____

Send Prisoner Commitments, Provisional Sentence

Orders and Revocation Orders to:

Director of Records

MDOC

P. O. Box 24388

Jackson, MS 39205

JOYCE R. LOFTIN

Circuit Clerk

By: Joyce R. LoftinDate: 12-8-05

Fax to 1-601-973-3879

SCINS Form CR1-3/1/96

MS Code Ann. § _____

Continued from III (Reverse Side)

IV	Charge	AGGRAVATED ASSAULT	MS Code §
	Sentence Code	99-19-81	Orig. Case#
V	Charge	BURGLARY & LARCENY	MS Code §
	Sentence Code	99-19-81	Orig. Case#
VI	Charge	ARMED CARJACKING	MS Code §
	Sentence Code	99-19-81	Orig. Case#
VII	Charge	ARMED ROBBERY	MS Code §
	Sentence Code	99-19-81	Orig. Case#
VIII	Charge	ARMED ROBBERY	MS Code §
	Sentence Code	99-19-81	Orig. Case#
IX	Charge	ARMED ROBBERY	MS Code §
	Sentence Code	99-19-81	Orig. Case#
X	Charge		MS Code §
	Sentence		Orig. Case#
XI	Charge		MS Code §
	Sentence		Orig. Case#
XII	Charge		MS Code §
	Sentence		Orig. Case#
XIII	Charge		MS Code §
	Sentence		Orig. Case#
XIV	Charge		MS Code §
	Sentence		Orig. Case#
XV	Charge		MS Code §
	Sentence		Orig. Case#

IV. (Continued from IV (Reverse Side))

Count	Portion of Sentence to be Served (Yrs/Mos)	Portion of Sentence Suspended (Yrs/Mos)	To be served on Probation (Yrs/Mos)	Other Disposition (See Legend Below)
IV	20 Years			
V	25 Years			
VI	30 Years			
VII	Life			
VIII	Life			
IX	Life			
X				
XI				
XII				
XIII				
XIV				
XV				

Legend for Other Dispositions:

(Please enter abbreviation under Sect. IV, "Other Disposition," plus number of days in trial in Sect. I-B, if applicable)

ACQ	Acquitted by Trial (Include #days in trial)	NLC	Nolo Contendere
BCD	Bad Check Diversionary Program	NLP	Nolle Prosequi
CSV	Community Service	PBN	Probation Only/Probation Continued
CTD	Continued	PTF	Passed to the File
DEF	Sentencing Deferred	RET	Retired to the File
DIS	Dismissed	REV	Probation/Suspended Sentence Revoked
DRV	Directed Verdict (Include #days in trial)	RHB	Drug/Alcohol Rehabilitation
FIN	Fine Only	RID	Regimented Inmate Discipline
FRM	Felony Reduced to Misdemeanor	RLC	Remanded to Lower Court
GLT	Found Guilty by Trial (Include #days in trial)	RSN	Resentencing after RID/Shock/Restitution, etc.
GPA	Guilty Plea Accepted	RST	Restitution
HAR	House Arrest	RTF	Remanded to the File
ISP	Intensive Supervised Probation	SHK	Shock Probation
MCJ	Misdemeanor Conviction Jury Verdict (Include #days in trial)	TSV	Time Served (On this/these Charge[s] to Date)
MST	Mistrial (Include #days in trial)	270	270-Day Rule Dismissal
NAJ	Non-Adjudication		

IN THE CIRCUIT COURT OF LEE COUNTY, MISSISSIPPI

FILED

JUL 06 2005

OFFICE OF THE CLERK
SUPREME COURT
DEFENDANT OF APPEALS

KENNETH TRAYLOR

VS.

No. CR-04-384

STATE OF MISSISSIPPI

RESPONDENT

NOTICE OF APPEAL

2005-TS-1327

BY THIS NOTICE, Kenneth Traylor appeals to the Supreme Court of Mississippi from the final judgment and sentence rendered by the Lee County Circuit Court on June 8, 2005, and filed by the clerk of the Lee County Circuit Court on the same day.

Respectfully submitted, this the 6 day of July, 2005.

Kenneth Traylor

Kenneth Traylor, #R7322
CMCF, R&C
P.O. Box 88550
Pearl, MS 39208

FILED

TIME _____ AM / PM

JUL 06 2005

Joyce R. Loftin
LEE CO. CIRCUIT CLERK
D.C.

COPY

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MANDATE
COURT OF APPEALS OF THE STATE OF MISSISSIPPI

To the Lee County Circuit Court - GREETINGS:

In proceedings held in the courtroom in the City of Jackson, Mississippi, the Court of Appeals of the State of Mississippi entered a judgment as follows:

Court of Appeals Case # 2005-TS-01327-COA
Trial Court Case #CR-04-384

Kenneth Traylor v. State of Mississippi

Thursday, 5th day of January, 2006

Pursuant to M.R.A.P. 2 (a) (2), this appeal is dismissed for failure to pay the costs of appeal.

YOU ARE COMMANDED, that execution and further proceedings as may be appropriate forthwith be had consistent with this judgment and the Constitution and Laws of the State of Mississippi.

I, Betty W. Sephton, Clerk of the Supreme Court of Mississippi and the Court of Appeals of the State of Mississippi, certify that the above judgment is a true and correct copy of the original which is authorized by law to be filed and is actually on file in my office under my custody and control.

Witness my signature and the Court's seal on January 26, 2006, A.D.

Betty W. Sephton
CLERK

E

Supreme Court of Mississippi
Court of Appeals of the State of Mississippi
Office of the Clerk

Betty W. Sephton
Post Office Box 249
Jackson, Mississippi 39205-0249
Telephone: (601) 359-3694
Facsimile: (601) 359-2407

(Street Address)
450 High Street
Jackson, Mississippi 39201-1082
e-mail: sctclerk@mscc.state.ms.us

January 5, 2006

Kenneth Traylor

v.

State of Mississippi

Case # 2005-TS-01327-COA

DISMISSAL NOTICE

Pursuant to M.R.A.P. 2 (a) (2), this appeal is dismissed for failure to pay the costs of appeal.


CLERK

lwp



Affidavit of Latonya Henley

**STATE OF MISSISSIPPI
COUNTY OF LEE**

Upon first being duly sworn the affiant does depose and state the following:

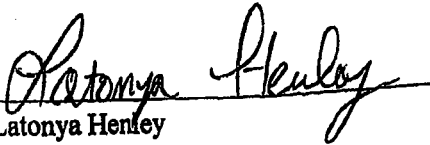
I, Latonya Henley, do solemnly swear that I am a citizen of the State of Mississippi. I am aware that the State of Mississippi tried Kenneth L. Traylor on three (3) counts of kidnapping, three (3) counts of armed robbery, one (1) count of aggravated assault, one (1) count of carjacking, one (1) count of burglary and one (1) count of larceny of a dwelling. I am further ware that he was found guilty of those counts.

I submit this affidavit because I believe that Mr. Traylor could not have been involved in the crimes for which he was accused because at the time he was alleged to have done this he was with me. Mr. Traylor was at a party with me on February 12, 2004. I picked him up at approximately 11:00pm and brought him to the party which was at my house in Okolona. Mr. Taylor and Juana Sykes stayed at the party the entire night. I took Mr. Traylor back to his home between 7:00am and 8:00am the following day. During this time he did not have access to a vehicle. Mr. Traylor could not have done the things for which he was convicted.

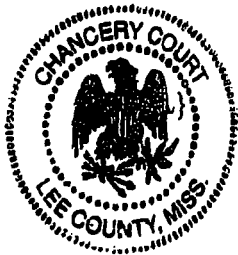
I have not been promised anything, nor have I been threatened by anyone to come forward with affidavit. Rather, I submit this testimony because I believe that my silence has resulted in an injustice that I would like, now, to correct.

AFFIANT FURTHER SAYETH NAUGHT.

This the 19th day of November, 2015.


Latonya Henley

SWORN TO AND SUBSCRIBED before me on this 19th day of Nov, 2015.



BILL BENSON, Chancery Clerk
and Ex-Officio Notary Public
Notary Public
By Gina Deatto D.C.
My Commission Expires First Monday in January 2016
Printed Name

Affidavit of Juana Sykes

**STATE OF MISSISSIPPI
COUNTY OF LEE**

Upon first being duly sworn the affiant does depose and state the following:

I, Juana Sykes, do solemnly swear that I am a citizen of the State of Mississippi. I have information regarding three (3) counts of kidnapping, three (3) counts of armed robbery, one (1) count of aggravated assault, one (1) count of carjacking, one (1) count of burglary and one (1) count of larceny of a dwelling for which Mr. Traylor was convicted.

I was approached by a detective regarding this case and the detective told me that if I did not give them the testimony they sought, then they would remove my children from my home. The detective (Donna Franks) told me what to say and gave me a pre-prepared statement to sign.

The truth is that I was at a party with Mr. Traylor in Okolona when these crimes were committed. Mr. Traylor was at the party all night and could not have done the things for which he was convicted. I was picked up and taken to the party on February 12, 2004, at approximately 11:00pm. I left the party between 7:00am and 8:00am the following day. Mr. Traylor was with me the entire time.

I have not been promised anything, nor have I been threatened by anyone to come forward with affidavit. Rather, I submit this testimony because I believe that my erroneous testimony has resulted in an injustice that I would like, now, to correct.

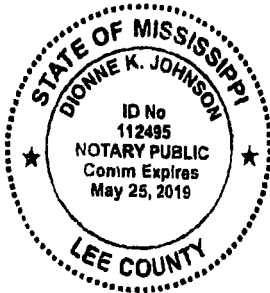
AFFIANT FURTHER SAYETH NAUGHT.

This the 30 day of December, 2015.

Juana Sykes
Juana Sykes

SWORN TO AND SUBSCRIBED before me on this 30th day of December, 2015.

{SEAL}



Dionne K. Johnson
Notary Public

DIONNE K. JOHNSON
Printed Name

State of Mississippi

County of Lee

Affidavit of Christophe Perkins

Upon first being duly sworn the affidavit does depose and stat the following:

I Christopher Perkins do solemnly swear I am a Citizen of the State of Mississippi. I have information regarding there (3) counts of kidnapping, three.(3) counts of armed robbery, one (1) count of aggravated assault, one (1) count of carjacking, one (1) of burglary and larceny of a dwelling for which Mr. Traylor was convicted.

I was approached by Detective (Donna Franks) regarding the case and the detective told me that if I didn't give the testimony they sought, then they would remove my children D.H.S and charge me with accessory before the fact and after he fact. Mrs. Franks had a woman in a suit standing there and said that she was D.H.S just waiting for her to say okay. So I told the detective that I'll say whatever they wanted just leave my kids alone. So Detective Franks gave me a pre-prepared statement to sign and gave me a copy of it and told me to study it and keep up with it, because if the case goes to trial I would have to come to court and say exactly what's on the statement.

The truth is that Mr. Traylor used to come to my house and let my God-daughter do his hair, and Genarro Shumpert lived with us at the time. February 12, 2004 I never saw Mr. Traylor that day or the day after. I never heard Mr. Traylor speak or say anything about doing any crime, and I feel so guilty that an innocent man has been locked up for 14 years for something he didn't do. I ask God for forgiveness I pray that Mr. Traylor and the courts to forgive me.

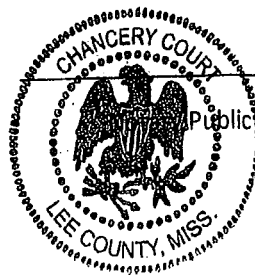
I have not been promised nor threatened by anyone to come forward with this affidavit, rather I submit this affidavit because the testimony that I gave in court June of 2005 has resulted in an injustice that I would like to now correct.

This the 8th day of March, 2018

Christopher Perkins

Christopher Perkins

Sworn to and subscribed before me on this 8th day of March, 2018



BILL BENSON, Chancery Clerk
and Ex-Officio Notary Public

By Candace Duncan D.C.
My Commission Expires First Monday in January 2020

State of Mississippi

County of Lee

Affidavit of Tomika Brown

Upon first being duly sworn the affidavit does depose and stat the following:

I Tomika Brown do solemnly swear that I am a Citizen of the State of Mississippi. I have information regarding thee (3) counts of kidnapping, three (3) counts of armed robbery, one count of aggravated assault, one (1) count of carjacking, one (1) of burglary and larceny of a dwelling for which Mr. Traylor was convicted.

I was called by Genarro Shumpert to bring the jewelry that he had gave me to the Lee County jail so that he could get out. Once I was there with the jewelry I was approached by Detective (Donna Franks) regarding this case. She told me that if I didn't help her with this case then I would be charged with accessory before and after the fact. And that it would cause me to lose my children to D.H.S department, so either I help her by signing a pre-prepared statement or lose my children and go to jail. So I did what any mother would do to protect her children. She told me to sign the statement and gave me a copy and said if the case go to trial then I would have to go to court and say exactly what's on the statement.

The truth is that I never saw Mr. Traylor that night which was February 12, 2004, but Genarro Shumpert was a t my house with another guy who he said was his brother-in-law from Chicago. I only met him twice and I don't remember his name. The only time that I would see Mr. Traylor is on Friday's when he would come to my house and get his hair braided by my God-daughter, never once did I ever hear Mr. Traylor say anything about doing a crime . I feel so bad that it took Mr. Traylor attorney 14 years to contact me about the truth, I wish it was something that I could've done 14 years ago to make this right, but I was scared and feared that I would lose my children, however I told Mrs. Donna Franks that I heard Genarro and his brother-in-law talking about a robbery, but Mrs. Franks assisted me and told me she didn't want the brother-in-law, but instead she wanted Mr. Traylor and that's all I needed to concern myself with.

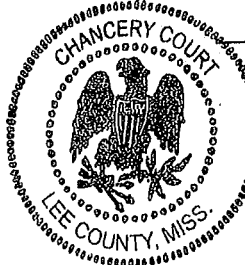
I have not been promised nor threatened by anyone to come forward with this affidavit, rather I submit this affidavit because the testimony that I gave in court June of 2005 has resulted in an injustice that I would like to now correct.

This the March day of 15th, 2018

Tomika Brown

Tomika Brown

Sworn to and subscribed before me on this 15 day of March, 2018



BILL BENSON, Chancery Clerk
and Ex-Officio Notary Public
Notary Public

By [Signature] D.C.
My Commission Expires First Monday in January 2020

State of Mississippi

County of Marshall

Affidavit of Genarro D. Shumpert

Upon first being duly sworn the affidavit does depose and state the following:

I Genarro Shumpert, do solemnly swear that I am a Citizen of the State of Mississippi. I testified for the State of Mississippi at the trial of Mr. Kenneth L. Traylor, regarding the charges of; three (3) counts of kidnapping, three (3) counts of armed robbery, one (1) count of aggravated assault, one (1) count of carjacking, one count (1) burglary and also larceny of a dwelling.

I submit this Affidavit because I gave a false testimony before the circuit Court of Lee County, Mississippi (MS). In which I lied to the trial jury stating that Mr. Traylor was the other person with me that committed the above acts, which the state had charged him with.

February 14, 2004 I was told by a Detective to say that Mr. Traylor was with me the night of the crimes. When in fact the Detective and I knew that the other person who committed the above crimes with me was my Brother-in-law. The Detective told me that if I did not say that Mr. Traylor and I did the crimes above together then the Detective would see that I receive six (6) life sentences.

The Detective also promised me that if I did say that Mr. Traylor did the above crimes that he would then talk to the District Attorney (Prosecutor) to get me a plea deal for twenty (20) years under the eighty-five (85) percent law, but I would have to take the stand and testify against Mr. Traylor.

My thoughts have repeatedly reviewed on what actually happened at trial and without a doubt that it was coercive with the deal of 20 years sentence and hatred that caused me to say and testify that I had actually seen Mr. Traylor at the scene with me and committed the above crimes when in fact, I never saw Mr. Traylor that night of February 12, 2004.

Pursuant to 28 U.S.C 1746 I declare and verify under penalty of perjury under the Laws of the United States of America that the forgoing is true and correct. Benano Shumpert

Signature of Affiant

Benano Shumpert

Signature of Affiant

State of Mississippi:

County of Marshall

On this 19th day of March, 2018 the above signed appeared before me Notary Public and executed the foregoing instrument.

Winifred P. Anderson

Notary Public

My Commission Expires

