

STATE OF FLORIDA }  
COUNTY OF OKEECHOBEE }

**AFFIDAVIT OF:**

**JOHN L. MCKENZIE**

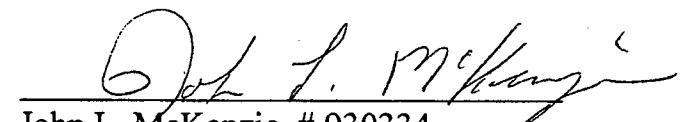
I, John L. McKenzie, do solemnly swear under penalties of perjury, that the foregoing is true and correct.

1. I am actually and factually innocent of Armed Sexual Battery against the victim in this case
2. A Federal evidentiary hearing would establish this because: (a) The district court would appoint counsel who will know how to bring witnesses forth for sworn testimony; (b) The original 1989 examining personnel: Dr. D. Franklin, and Nurse L. Donley, are available and will testify that the rape kit presented to jurors by State prosecutor as the original, unaltered and not tampered with rape kit recovered in 1989, was **not** the same one that Dr. Franklin released to police in 1989; (c) Bethesda Administrators will testify that they never used or supplied police evidence bags as "Rape Kits" in any sexual assault examination.
3. The above facts were confirmed when my wife spoke with Nurse Donley and Bethesda Administrators. They confirmed the type of sexual assault kit and examination procedures used at Bethesda in 1989 are and were used nationwide as standard protocol.
4. These facts establish actual factual innocence and not mere legal insufficiency because the sole evidence is false and the victim refuses to identify me because I am not the man in her mind that she saw. As well as fingerprints that exonerate me.
5. I firmly believe that I cannot and will not get a fair hearing in State court. I asked the State court for leave to submit written question depositions to Dr. Franklin, Nurse Donley and a Bethesda Administrator. Rather than seek the truth of the matter, the State court denied my request, then denied my petition. The State judge knew the answers to my questions would open a can of worms that he did not want to be responsible for opening. I was then threatened with sanction if I

ever brought the claim forward again. Thus, I have no other court or remedy available to me.

Further Affiant sayeth naught.

Under penalty of perjury, I swear the aforesaid to be true and correct.



John L. McKenzie  
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**Additional material  
from this filing is  
available in the  
Clerk's Office.**