

## ROBERT WHITE'S MEDIA STATEMENT (February 2007):

1. Par 2 L1-2: Robert White stated: **“When we arrived Brandon went inside to meet the customer. I waited in the truck. Brandon came out of the house with the customer...”**

### **Contradictory Evidence:**

- a. Grand Jury Pg7 L12-19: Mr. White testified **“...we phoned Mr. Washington before we got to his house and let him know that we on our way ...And when we arrived he was outside on his porch.”** This is a direct contradiction to his media statement.
- b. Criminal Trial Pg3-134 L16: Robert White testified: **“When we arrived, the customer was standing outside.”** Mr. White says the complete opposite in his media statement, stating that Brandon went inside the house to meet the customer and came back out with him.
- c. Civil Trial Pg 2-141 L3-10: Mr. White testified **“Well, we called Mr. Washington before we even got to his house** and asked him would he be standing outside or have a light on or something because it was dark. We didn't know where we was. **And he was outside when we arrived.** Brandon gets out of the truck. He goes to talk to Mr. Washington.” Again, this testimony contradicts White's media statement in which he said Brandon went inside to meet the customer. His testimony that they called Mr. Washington is also false, as evidenced by the phone records, which clearly show that no call was made to Mr. Washington from Mr. White or Mr. Clark prior to their arrival.

Mr. White was very explicit in his Media Statement that Mr. Washington was inside when they arrived and that Brandon went inside. However, he completely changed this statement in subsequent testimony, saying that Mr. Washington was standing outside. His assertion that Washington was outside was based on his testimony that he and Mr. Clark called Mr. Washington prior to arriving and asked him to come outside. This was also a lie; the phone records clearly prove that no phone call was ever made to Mr. Washington from either Mr. White or Mr. Clark. (See Phone Records)

- d. Phone records clearly show no call was made to Mr. Washington from either Mr. White or Mr. Clark.
- e. Grand Jury Pg29 L16-23: Mr. White testifies about the alleged phone call to Mr. Washington, adamantly stating that the call was made from his phone: **Q. “You said that you called Mr. Washington before you got there, and then the supervisor was called.” A. “Right.” Q. “Do they have that record on Brandon's phone?” A. “Well, it's on my phone. I got my phone records. It shows where we called, we called him.”** Mr. White directly contradicts this statement in the Civil Trial testifying that the phone call to Mr. Washington was made from Brandon's phone (see below). The truth, as evidenced by the phone records, is that no call was made to Mr. Washington from either White's or Clark's phone.

- f. Criminal Trial Pg3-134 L11-18: White testifies: “Well, before we got to that lane, **we actually called the customer to see if he was home**, because it was getting dark or dark, and we asked him could he either come outside or turn a light on; we wasn’t far away from his house. When we arrived, the customer was standing outside. Brandon gets out of the truck, goes out to talk to the customer, comes back and says...”
- g. Criminal Trail pg 3-136: The State introduced Mr. White’s phone record into evidence, clearly showing they knew White was lying about the phone call to the Washington home; his testimony to that point was that his phone was used to call Mr. Washington. (See Robert White’s Phone Record. Note: Mr. White’s phone was registered in the name of his girlfriend, Debra Simmons.)
- h. Deposition Pg 65 L12 – Pg 67 L22: Mr. White again testified that Mr. Washington was called prior to their arrival. Q. “Did you speak with anybody in the Washington house before you got there?” A. “Yes. We actually called him and asked him, you know, to turn the light on or if he’ll be standing outside and we will arrive. He was outside.” Q. “My question was: Did you – did you personally speak with anybody in the Washington house before you arrived?” A. “No.” Q. “When you say, ‘we called’, you mean Brandon called?” A. “Yes.” Q. **“Brandon, did he use your phone?” A. “Yes.” Q. “And that’s the phone that was actually Ms. Simmons’ phone? A. “Right.” ....** Q. “Where were you when the call was made to the Washington house?” A. “In the truck. **I actually dialed the number and he talked to him.**” In this testimony there is no denying that Mr. White is knowingly lying. He testified that it was actually he who made the call (dialed the number) to the Washington home from his phone. The phone records irrefutably prove that Mr. White did not call the Washington home that evening.
- i. Civil Trial 2-187 L20-25 thru 2-188 L1-6: Mr. White changed his testimony in the civil trial, testifying that the phone call allegedly made to Mr. Washington prior to their arrival was not made from his phone, but rather that it was made from Brandon Clark’s phone. Q. **“Okay. Let’s talk about some of these phone calls. You indicated that before arriving at Mr. Washington’s house, there was a call made to him to ask him to step outside and/or turn on the light.”** A. “Correct.” Q. **“The phone that was being used is Ms. Simmons’ phone and that was your girlfriend, correct?”** A. “No.” Q. **“Didn’t call from that phone? A. “No.” Q. “Which phone was that call made from?” A. “Brandon’s.”** This version of the story is completely different from the Deposition and previous testimony in which Mr. White claimed that the phone used to call was his own, not Brandon’s. Even within the same proceeding (the civil trial) Mr. White contradicted himself. He testified earlier in the civil trial that Brandon’s phone was dead (Pg2-148 L14-17). Also Michael Robinson, Clark’s supervisor testified that when he spoke to Mr. Clark, Clark was using Mr. White’s phone because Clark’s phone had died earlier in the day. Furthermore, Mr. Clark’s phone records clearly show that the last call made from Mr. Clark’s phone was at 4:58 p.m. (See Brandon Clark’s Phone Record)

Mr. White lied and changed his story repeatedly about what occurred when they first arrived at the Washington home, and knowingly committed perjury about the phone call he claims they made to Mr. Washington that evening. His testimony was so full of lies, that he was unable to keep them straight from one testimony to the next, and even within the same testimony. The phone records provide irrefutable physical evidence that no phone call was made to the Mr. Washington from either Mr. White's or Mr. Clark's phone. The phone records were in the possession of the State prior to Mr. White's testimony, but he was still allowed to testify to this lie repeatedly.

2. Par 2 L5-7: Mr. White describes Mr. Washington as being “visibly angry”.

Contradictory Evidence:

- a. Deposition Pg79 L13-Pg 81L3: Mr. White is questioned about what caused him to say that Washington was “visibly angry”, and is unable to provide any rationale for his statement. This statement, made in his original Media statement, implied that Mr. Washington showed obvious signs of anger when the deliverymen first arrived at the Washington home; it simply was not true. Mr. White when questioned about it, clearly did not observe any indication that Mr. Washington was angry. In fact, Mr. White could not even provide an estimated distance between himself and Mr. Washington, which seems unlikely if Mr. White were actually visually observing some type of behavior by Mr. Washington.

3. Par 3 L1-3: Mr. White describes the position of the three men upon entering the house with the bed rails, stating “We went inside the house with Brandon and I carrying the box with the bed rails. **The customer was behind us directing us to a bedroom upstairs.**” However, he testifies to a completely different scenario in the Civil Trial.

Contradictory Evidence:

- a. Criminal Trial 3-137 L14-17: Robert White testifies to the order in which he, Mr. Clark and Mr. Washington entered the house and went upstairs. Q. “What happened when you went inside?” A. “When we went inside, he direct us to a bedroom upstairs. **I was walking first, in front of Brandon. Brandon was walking behind me. He was behind Brandon,..**” In this testimony White leads, followed by Clark, then Washington.
- b. Civil Deposition Pg 82 L12-18; Pg 83 L3-8: Mr. White is questioned as to who entered the Washington home first; he testified that Mr. Clark was first, followed by him (White), and Mr. Washington entered last: Q. “**Who entered the house first, you, Brandon, or Officer Washington?**” A. **Brandon did. And then me and Mr. Washington.**” In this version, Clark leads, followed by White, then Washington.
- c. Civil Trial 2-142 L15-25 thru 2-143 L1-2: Mr. White again describes the order in which he, Mr. Clark, and Mr. Washington entered the Washington home. Q. “**When you went inside the house, where was Mr. Washington?**” A. “**He was leading us inside.**” Q. And then what did you do?” A. “He directed us to a bedroom that was upstairs.” Q. “And did you walk up the stairs?” A. “Correct.” Q. “And were you and Brandon – were you holding the bed rails?” A. “**I was in the front and Brandon was in the back.**” Q. “And where was Mr.

**Washington in relation to you two?” A. “He was in the front.”** In this version, Mr. Washington is in the lead, followed by White, then Clark.

- d. Civil Trial 2-199 L15-25: Mr. White is questioned further about his ever changing testimony: **Q. “Just tell me who was the first one of the three of you up the stairs?” A. Keith Washington.”** Mr. White is then asked about his previous deposition testimony in which he gave a different response: Q. “So it was your testimony when I took your deposition in October 2008 that the order was almost exactly the opposite of what you’re testifying to today?” A. “Correct.” Q. “Dare I ask sir which is correct?” A. “Say again.” Q. “Which is correct?” A. “Yes.” Q. “Yes what? **Were you telling the truth then or are you telling the truth now?” A. “I don’t know.”**

Mr. White provides a different version in each testimony, and the Civil Trial testimony is the complete opposite of his Media Statement, Criminal Trial, and Grand Jury testimony. This testimony is particularly significant because Mr. Washington testified that he (Washington) went upstairs first, followed by Mr. Clark and lastly Mr. White. He testified further that once he got into the master bedroom he realized Mr. White was not there and then saw him coming out of his daughter’s bedroom at the top of the stairs. The fact that Mr. Washington was in the lead, not Mr. White, provides ample opportunity for Mr. White to enter the Washington daughter’s bedroom as Mr. Washington testified. That was the action that caused Mr. Washington to ask the men to leave the house (see Mr. Washington’s testimony Criminal Trial Pg 6-47 – 6-49).

During cross examination in the Civil Trial, Mr. White was also asked about the baby gate at the top of the stairs (Pg69 L11-14). He responded “I didn’t see no baby gate. The gate you’re talking about, I didn’t see that.” Q. “You didn’t see it when you went up the stairs?” A. “No.” If Mr. White had indeed been the first one up the stairs as he testified in the Grand Jury and Criminal Trial, he would have had to open the baby gate at the top of the stairs to walk through to the second floor landing. This is further indication that Mr. White lied, and that he was not in the lead when they went upstairs. (Note: The baby gate was removed by paramedics in order to facilitate moving the men from the second floor after the shooting.)

4. Par 3 L4-6: White testified “**We set the box down and both Brandon and I were on our knees and we were going to open the box with the bed rails.** The customer then pushed Brandon...” Mr. White’s subsequent testimony contradicts two of these statements; one, that both he and Brandon were kneeling. In subsequent testimony he states that Brandon is kneeling by the bed when he is pushed and that he (White) is standing by the box with the rails. He also contradicts the statement that they were going to open the box with the rails (inferring that it wasn’t already open) by later testifying that they took the rails out of the box. The fact that Mr. White changes his story several times is indicative of his propensity to lie and fabricate scenarios at will.

**Contradictory Evidence:**

- a. Grand Jury Pg8 L9-13: Mr. White testified that the rails were taken out of the box: “When we got in the house, we went upstairs. **Brandon kneeled down. I**

**kneeled down.** Brandon was closest to the door. Mr. Washington was on the side of him. I was to the far right. **We took the rails out,** and he was upset already. I don't know why he was upset, but he was upset already and he pushed Brandon." Mr. White's very explicit and detailed description is contradicted again in his Criminal Trial testimony (see below). In addition, he responded to a juror question later in the Grand Jury stating that the rails were left in the box.

- b. Criminal Trial Testimony 3-138 L1-3: Mr. White testified that Brandon was kneeling by the bed and he (White) was standing: "**So Brandon kneeled down – I'm standing on the other side,** close to the railing, Brandon at the bed..." L7: "So it was a few seconds later that he pushed Brandon..." Pg 3-178 L19-20: When questioned later about his contradictory Grand Jury testimony, he agrees that the rails were not removed from the box: **Q. "But you agree that the rails were never taken out, correct? A. "Not out of the box."**
- c. The evidence photograph clearly shows the rails still in the original unopened box. (See Evidence Photo)

Mr. White, in his first statement (the Media Statement) stated the rails were not taken out of the box. Subsequently, in the Grand Jury he first testified they were taken out of the box, then later changed his testimony saying they were not. Mr. White's story also changed with regard to where he and Mr. Clark were in relation to the box. At some points they are both kneeling, other times he states that Mr. Clark is kneeling by the bed while he (Mr. White) is standing away from him near the box. What is clear is that Mr. White's story changes repeatedly, and that he can't remember what he said from one testimony to the next. This is another example that Mr. White lied and changed his story throughout his testimony, creating considerable doubt that any of his testimony is accurate or truthful. The evidence photo of the bed rails shows they are still in the original box (and remain so).

5. Par 4 L5-6: Mr. White states "**Brandon was walking backwards out of the room and I was facing him.** The customer was behind me." This statement is contradicted in his Grand Jury testimony.

**Contradictory Evidence:**

- a. Grand Jury Pg 9 L4-5: White testifies: "**He (Brandon) got his hands up, walking backwards, and I'm in front of him...**" He changes his story later when asked to elaborate by a Grand Jury juror:
- b. Grand Jury Pg 21 L14-17: Mr. White testifies "What I'm saying was **when – Brandon went out of the room backwards, I'm behind him. I don't know if he was all the way out of the room or in the room because I didn't really look back at him.**" There is no mistaking that Mr. White is saying he is the first one out of the room; he states clearly that he doesn't know Mr. Clark's position because he didn't look back at him.
- c. Criminal Trial Testimony Pg 3-169 L24 – Pg3-170 L1: Questioning of Mr. White: **Q. "But you had walked out in front of Mr. Clark, correct?" A. "I was in**

between both of them.” Q. “Your testimony is that you were in between Mr. Clark and Mr. Washington?” A. “Correct.”

- d. Civil Trial Pg 2-200 L10-14: In the Civil Trial, Mr. White testified again that he was between Brandon Clark and Mr. Washington. However, it’s pointed out that the scenario that Mr. White describes is incredulous: Q. “And, therefore, in order to have hit Brandon Clark first, which is what he did according to your testimony, he either had to shoot over you or around you; is that right?” A. “Right.”... Pg 2-200 L20-25 thru 2-201 L2-4: Q. “As I was looking at what you did, as I was looking into my mind’s eye of what you were describing, it sounded or looked to me as though when you grabbed Brandon, you were below him. You were down on the second or third step.” A. “Correct.” Q. “So in order to catch him you would have to run around him, to get behind him and keep him from going down the stairs; is that right?” A. “Correct.”
- e. Criminal Trial Pg 7-53 L14 – Pg7-54 L2: Dr. Jonathan Arden, qualified expert in the field of forensic pathology, reviewed the State’s forensic and medical records and provided expert testimony regarding his analysis. He was presented with the various scenarios testified to by Mr. White, and asked to assess if those scenarios were consistent with the evidence. In the first scenario Dr. Arden is presented with Mr. White’s testimony that he (Mr. White) was between Mr. Clark and Mr. Washington when Clark was shot: Q. “Now the first scenario or hypothetical, Dr. Arden, that I’d ask you to consider is if Mr. Clark has his hands up in a surrender position, facing Mr. Washington, and Mr. White is facing Mr. Clark, in-between Mr. Clark and Mr. Washington, and Mr. Washington fires his gun, do you have an expert opinion as to whether or not the evidence that you reviewed in this case, with that hypothetical scenario, is consistent?” A. “I have such an opinion.” Q. “And what is that opinion?” A. “My opinion, and all the opinions are with reasonable medical certainty, is that the scenario that you’ve just set out for me, laid out for me, **is not consistent with the gunshot wounds on either Mr. White or Mr. Clark.**”

Dr. Arden testified that for this scenario to be true, Mr. Clark would have to be shot through Mr. White, and “Mr. White would have had to have been shot in the back, with entrance in the back and exit in the front, which was not the case.” He went on to say that this scenario is also inconsistent with the forensic testing, ballistic testing, gunshot residue, trajectory, fiber transfer from Mr. Clark’s pants to Mr. Washington’s upper body clothing, and the presence of Mr. White’s DNA on the gun.

Criminal Trial 7-59 L18 – 7-60 L4: In the next scenario Dr. Arden is asked to provide his expert opinion based on Mr. White’s testimony that Mr. Clark was at the top of the stairs when he was shot: Q. “I’ll read the scenario again because it’s very long. If Mr. Washington is standing at the master bedroom, which is about eight feet, five inches from the second step, and Mr. Washington shoots Mr. Clark, when Mr. Clark is at the top of the stairs on the second floor, with his hands up in the surrender position, do you have an expert opinion as to whether or not the evidence that you reviewed in this case is consistent with that hypothetical scenario?” A. “I do.” Q. “**What is your expert opinion?**” A. “My opinion is that the hypothetical scenario is not consistent with the gunshot to Mr. Clark.”

Dr. Arden continues, explaining that the scenario as presented is inconsistent with forensic evidence, positioning and trajectory, and does not account for the fiber transfer from Mr. Clark's pants to Mr. Washington's upper body.

Criminal Trial 7-60 L21 - 7-61 L9: Dr. Arden is questioned about another of Mr. White's scenarios: Q. "Another scenario, Dr. Arden, and, again, assuming the distances that I asked you to for the soot and smoke. If Mr. Washington is standing at the master bedroom door, which is about eight feet, five inches from the second step, and Mr. Washington shoots Mr. Clark, and then Mr. White catches Mr. Clark, lays him down, and Mr. Washington then shoots Mr. White, do you have an expert opinion as to whether or not the evidence that you reviewed in this case is consistent with that hypothetical?" A. Yes, sir, I do." Q. "**What is your opinion?**" A. "My opinion is that the scenario you have just offered me is not consistent with the medical and forensic evidences I've reviewed."

Dr. Arden continues, explaining that Mr. White's version of the shooting is completely inconsistent with the forensic, scientific, and physical evidence presented in this case. the ballistics evidence, the gunshot residue evidence, the distance and trajectory, the soot and smoke deposits, and does not account for the transfer of Mr. White's DNA to the gun.

Mr. White's story is refuted by every bit of physical, forensic, and scientific evidence presented in this case; evidence the State had available to them prior to Mr. Washington's indictment. Among other things:

The presence of White's DNA on the gun was a clear indication that there was contact between Mr. White and the weapon; consistent with an altercation as described by Mr. Washington and inconsistent with Mr. White's testimony that he was never close enough to touch Mr. Washington.

The ballistics and residue analysis supported that the shooting was close range; consistent with both Mr. and Mrs. Washington's account of the incident, and completely inconsistent with Mr. White's allegation that he was shot from the length of the hallway or even from the doorway to the top of the stairs.

The trajectory was completely inconsistent with Mr. White's claims of how he was shot, but consistent with a shooting that occurred during a struggle.

The identification of Mr. Clark's pants fibers on Mr. Washington's upper body clothing was consistent with Mr. Washington's testimony that he was being kicked while in a crouched position during the assault; it is inconsistent with anything Mr. White has testified to.

And although common sense and reasonableness may not be scientific evidence, Mr. White's version of the shooting (he was between Clark and Washington and somehow managed to run around him and down two stairs to catch Clark) and his alleged actions after he was shot (instead of continuing downstairs to flee the danger, he walked back upstairs, stepped over Mr. Clark, past Mr. Washington standing in the doorway holding the gun, to the far end of the upstairs hallway), should certainly call into question the veracity of Mr. White's statements given the volume of contradictory evidence.

6. Par 5 L3-4: Robert White states “I grabbed Brandon to stop him from falling. **I set Brandon down and laid on top of him**”. Although Mr. White testified that he grabbed and then laid on Mr. White, fiber analysis did not reveal any transfer between Mr. White and Mr. Clark.

**Contradictory Evidence:**

- a. Grand Jury Pg 9 L6-7 Mr. White testified “**So I caught him (Clark) and I laid on top of him. I laid on top of him.**”
- b. Grand Jury Pg 39 L12-14: White testified “**I’m not laying on top of him. I’m leaning over him, whispering in his ear, ‘Brandon, where is the phone?’ It’s not like I’m laying on top of him.**”
- c. Criminal Trial Pg 6-126 – 6-127: Mr. White’s testimony that he grabbed Brandon and laid on him is refuted by Leanora Brun-Conti, a forensic chemist for the ATF and qualified expert in the field of forensic chemistry and trace evidence analysis. She analyzed and testified to the fiber transfer between Mr. White, Mr. Clark and Mr. Washington. Ms. Brun-Conti testified that fibers from Mr. Clark’s pants were found on Mr. Washington’s shirt and vest. **Pg 6-126 L14-15:** Ms. Brun-Conti stated “I recovered a few polyester fibers from Mr. Washington’s shirt that were consistent with the fibers from Mr. Clark’s pants.” **Pg 127 L8-16:** “Again, I found a few fibers - a few polyester fibers on JW3, Mr. Washington’s vest, that were consistent with the polyester fibers from Mr. Clark’s pants.”

Ms. Brun-Conti’s analysis was performed at the request of the State (Pg 6-114 L2-4): “Your Honor, for the record, this is – the state requested that this analysis be done, and the State requested and took the actual clothing...”

In the process of cross examination, the State attempted to discredit its own expert witnesses’ findings by inferring that because Mr. Washington’s clothes were not recovered immediately from the scene, the results were not reliable. Ms. Brun-Conti however, testified it would be more likely that trace evidence would be lost, not found, as a result of the delayed testing of Mr. Washington’s clothing. She also testified that the shape of the pants fibers were unique, and that the dye lot was not of a usual color. Ms. Brun-Conti’s findings of Mr. Clark’s pants fiber on Mr. Washington’s upper body clothing is consistent with Mr. Washington’s testimony that during the assault he was crouched, attempting to cover up, and that Clark and White were “hitting and kicking me” (Criminal Trial 6-52 L8; L16). Ms. Brun-Conti’s findings are in NO WAY consistent with Mr. White’s testimony that Washington kicked Mr. Clark.

7. Par5 L3, L8-9: Mr. White stated that after Clark was shot he “grabbed Brandon to stop him from falling” and then moved away from him stating “I moved a short distance away from Brandon and laid down in the hall.”

**Contradictory Evidence:**

- a. In Mr. White’s scenario, he was shot on the second or third step, and then went up the stairs, stepped over Brandon at the top of the stairs, walked past Mr. Washington who was allegedly standing in the master bedroom doorway holding the gun, turned right, and continued to the opposite end of the hallway where he

lay down. The scene was processed by Prince George's County Police Evidence Unit and there was no blood trail from where Mr. White claims he was shot on the steps to where he was laying at the far end of the hallway when paramedics arrived. No physical or scientific evidence corroborates Mr. White's story that he was shot on the steps and then walked to the end of the hallway. If his story were true, there would have been a blood trail from the steps to the opposite end of the hallway; there was not. There is also a reasonableness question to Mr. White's claim; is it reasonable to believe that after being shot, he walked toward the shooter who was still holding the gun to an upstairs hallway as he testified in the Civil Trial (Pg 74 L6-25) Q. "And as I understand your testimony, after you were shot, because you didn't want to be shot in the back, you walked up the stairs." A. "Correct." Q. You walked up the stairs towards the direction of the person who had shot you?" A. "Correct. I walked past him." Q. "You walked past him. Was he standing in the doorway as you walked past?" A. "Correct." Q. "What was he doing as you walked past him?" A. "He was still holding his gun." Q. "Was he holding it out s though he was pointing it at you?" A. "Yes." Q. "So he's just watching you walk past him down the hallway tracking you with his gun?" Pg 75 L4-10: Q. "So let me just make sure I understand this, sir. The man who you allege just shot your friend for literally no reason twice in the chest and then shot you for literally no reason, according to you, twice in the chest and abdomen, let's your walk up the stairs towards him, make a right hand turn, and walk down the hallway in his house; is that right?" A. "Yes."

By any reasonable standard, this is preposterous.

- b. The police investigation of the scene identified that all of the shell casings (except one that was lodged in the clothing of either Mr. White or Mr. Clark and later fell out when they were being transported by paramedics – further evidence of a close range shooting) were found in close proximity to each other near the end of the upstairs hallway, consistent with Mr. Washington's testimony and completely inconsistent with White's testimony that Mr. Washington was in the doorway of his bedroom when the alleged second set of shots were fired (the casings would have been in the bedroom in that scenario.) The casings were also "clustered" together, indicating that all of the shots were fired in rapid sequence, as both Mr. and Mrs. Washington testified, and again, inconsistent with Mr. White's testimony.
8. Par7 L3-6: Mr. White states that he heard a phone conversation Mr. Washington had in which he said "These two dudes just broke up in my house... "Yeah, they hit me with a pipe." Also, in subsequent testimony Mr. White testified that he heard Mr. Washington make two phone calls.

**Contradictory Evidence:**

- a. Phone records verify that only one phone call was made after the shooting; that call was to 911. The call was made by Mrs. Washington; Mr. Washington picked up the upstairs extension and dialed 911 not aware that Mrs. Washington was

already connected and speaking with the 911 operator. The 911 tape recording clearly proves that the statements Mr. White testified to were never made. The 911 recording verifies that Mr. Washington never said anything about being hit by a pipe, that he told the operator the men were there to deliver furniture, and that he let them in. (See Washington Phone and 911 Transcript)

- b. Grand Jury Pg10 L23- Pg11 L2: White testified: “So he called somebody on the phone. I heard part of the conversation. He called somebody on the phone. He said ‘Two guys just busted up in my house, beat me up with a pipe. I shot both of them. One of them is dead,...’”
- c. Deposition Pg 137 L3-4: “**He was on the phone with two different people. He made two phone calls.**” – Phone records clearly show there was only one phone call made after the shooting. That call was to 911. The phone records are in evidence (Washington’s Phone Records)
- d. Civil Trial Pg 2-149 L7-17: Mr. White testified “I heard him make – **he made two phone calls.**” Q. “He being Mr. Washington.” A. “Mr. Washington.” ... Q. “And what is your recollection about those phone calls?” A. “The first phone call, he called someone and said, Mr. Washington said, ‘these guys just busted in my house and beat me up with a pipe and they beat me real good.’ He said, ‘they didn’t know I was a cop.’” The phone records and 911 call transcript are evidence that Mr. White was lying.

The truth is **there was only one phone call made after the shooting, and that call was to 911.** The conversation Mr. White claims he heard and quoted never happened, and the 911 call transcript is proof of that. Mr. White attempted to portray Mr. Washington as cavalierly discussing the shooting with someone and lying about how Clark and White came to be in the house. None of that is true. The 911 recording and Washington’s phone records were in evidence, and clearly showed that Mr. White was lying both about the two phone calls, and about what Mr. Washington allegedly said. Again, this evidence coupled with the other physical and forensic evidence was a clear indication that Mr. White’s version of the shooting was not truthful.

9. Par8: Following his description of the phone call Mr. Washington allegedly made after the shooting, Mr. White stated that Mrs. Washington called upstairs and that Mr. Washington responded by telling her to stay downstairs. He further stated that Brandon asked Mr. Washington to get his phone and he replied “hell no...”.

**Contradictory Evidence:**

- a. Criminal Trial 3-191 L12-21: Mr. White testified that after the shooting, he heard Mrs. Washington, but did not see her. Q. “Could you hear Brandon or did you – other than Mr. Washington, did you hear any other voices when you were laying there?”... Q. “Did you hear any other voices?” A. “Yes.” Q. “What other voice did you hear?” A. “His wife.”  
3-192 L3-4: Q. “Did you see her?” A. “No.”
- b. Grand Jury Pg 22 L20 – Pg 23 L10: Mr. White testified that he saw Mrs. Washington when they first went inside the house. “After I got out, I really didn’t see that he had a problem, really, until we got inside. And then I kind of

feel it was kind of weird for him to tell his wife to don't come up here. I didn't really think about it until months after I got shot that **he told his wife to don't come upstairs. I only caught the side of her face when I got up the steps....Q. "So he was telling her as you were going up the stairs?" A. "Right. I was already on the top, and I just caught the side of her face."**

- c. Grand Jury Pg 26 L1-9: White was questioned about Mrs. Washington: Q. "Did you hear the wife come up, scream, anything?" A. "No. After we got shot, after we got shot she came. She came close by. You could hear her voice, and he told her, 'Don't come up here.' She never went upstairs. She ain't seen nothing because where I was laying, I could look right downstairs, and I couldn't see her, but I could hear her."
- d. Civil Deposition Pg87 L4-10; Pg88 L4-14: Mr. White is asked: Q. "Who else was in the house and how did you know it?" A. "When we first entered the door, I got like to the top stairs. She came out and he told her to go back downstairs. He said 'Don't come up here.'" ...Q. "Did she say anything?" A. "No." Q. She just came out of wherever she was and the customer said, 'Don't come up here.'" A. "Right." ... Q. "What did she say in response?" A. "She didn't say anything."

In some testimony Mr. White describes the verbal exchanges between Mr. Washington and his wife as having taken place when they first entered the house and went upstairs; a direct contradiction to other testimony when he describes the exchange as having occurred after the shooting. In addition to the alleged exchange between Mr. Washington and his wife, Mr. White describes (in the media statement) an exchange between Mr. Washington and Mr. Clark when Mr. Clark asks for his phone; both exchanges allegedly having occurred following the shooting and the phone call Mr. Washington made. The evidence proves the only call made after the shooting was to 911. The 911 recording was sent to the DEA in Houston, TX for the purpose of enhancing the background noises to make them clearer and more discernible. If the conversations between Mr. Washington and his wife, or Mr. Washington and Mr. Clark had actually occurred as testified to by Mr. White, those conversations would have been perceptible on the enhanced version of the 911 recording. Again, Mr. White lied, attempting to infer that Mr. Washington shot him and Mr. Clark and then refused to get them help or give any assistance.

In some testimony Mr. White describes having seen Mrs. Washington when he and Mr. Clark first entered the house and went upstairs; a direct contradiction to other testimony when he describes seeing or hearing her after the shooting. In his Grand Jury testimony, Mr. White attempts to discredit Mrs. Washington by saying she couldn't see anything because she never went upstairs, that he could look downstairs from where he lay after the shooting and couldn't see her. Mrs. Washington testified that she ran out of the house, dialing 911, immediately after the shooting; she wouldn't have been downstairs as Mr. White was lying there after the shooting. She further testified that when the men entered the house, she was in the kitchen with her daughter. The configuration of the house would make it impossible for Mr. White to have seen her unless he is able to see through walls.

The most telling indication that Mr. White is lying, however, is his ever changing story; even he can't keep track of what he said when.

It is of interest to note that Mr. White's media statement was his account of the incident; he has never been questioned by or provided a statement to the police. Mr. White, author of this statement and the State's only eyewitness, later testified in the Civil Trial that portions of his media statement were not true. The media statement formed the basis for the case against Mr. Washington, and was published in the Washington Post, significantly prejudicing the public (the potential jury pool) against Mr. Washington.

### **ROBERT WHITE'S GRAND JURY TESTIMONY (June 26, 2007):**

Grand Jury Pg3 L7-24: RW swears under oath to testify truthfully to GJ and clearly understands that should he knowingly make false statements he could be prosecuted for perjury.

Criminal Trial Pg 2-135 L10-11 ASA William Moomau stated "I have no problem with his (Robert White's) grand jury testimony." As reflected in the details below, Robert White commits perjury and makes false statement in the grand jury more than twenty times. ASA Moomau and Wright never once corrected his testimony, and in fact suborned his perjury.

10. Grand Jury Pg6 L6-7: Robert White testified that he worked for Marlo Furniture, giving the impression that he is a legitimate employee of Marlo. Q. "What job did you take after that?" A. "**Working for Marlo's.**" To the duration of his employment he testified: Pg7 L4: "**I only been on the job three weeks.**" (This answer was false and known to be false by Robert White and the State.)

#### **Evidence of Perjury, False Statements, and Obstruction of Justice:**

- a. A signed Witness Statement from Ms. Aquilla Ross, Human Resources Director for Marlo Furniture, proves that Mr. White has never worked for Marlo Furniture in any capacity. (Witness Statement – Exhibit 1)
- b. Grand Jury Pg18 L23-24: White testified "**Marlo's cut my insurance off, so I don't have any insurance.**" (This answer was false and known to be false by Robert White and the State.) This statement led the jury to believe that Mr. White was a legitimate employee of Marlo Furniture which he knew was not true (he later admitted in the Civil Trial that he knew this was not true-Civil Trial Pg 41). It legitimized him as a hard working, bona-fide employee, when in fact he was not.
- c. Criminal Trial 3-126 L10-13: Robert White is questioned by Mr. Moomau: Q. "**Mr. White did you used to work as a furniture delivery person working for or delivering furniture for Marlo Furniture?**" A. "Yes, sir." (This answer was false and known to be false by Robert White and the State.)

- d. Civil Deposition Pg16 L15-17: Mr. White stated that he in fact did not believe he actually worked for Marlo. **Q. “Is it your belief that you were employed by Marlo Furniture?” A. “No.”**
- e. Civil Deposition Pg22 L13 – Pg23 L4: When ask how long he has worked for Marlo, Mr. White is evasive, saying he doesn’t know how long. **Q.”How long did you actually work for Marlo or Mr. Robinson?” A. “I don’t remember.” Q. “Was it a matter of days?” A. “I don’t know.” Q. “Was it a matter of weeks?” A. “I don’t know.” Q. “Was it a matter of months?” A. “I don’t know.” Q. “You don’t have any idea how long you worked for Marlo?” A. “No.” Q. “Just a complete mystery to you?” A. “Yes.” (This answer was false and known to be false by Robert White.)**
- f. Civil Deposition Pg 39 L21- Pg40 L1: Mr. White’s answer to interrogatories is noted. In interrogatories White **stated he worked for Marlo for two weeks.**
- g. Civil Trial Pg 2-170 L19-24: Mr. White is asked about his employment tenure: **Q. “How long had you worked for Marlo’s or Robinson, whatever you want to call it?” A. “I think nine days, to be exact.” (This answer was false and known to be false by Robert White.) Q. “That’s not the testimony you gave when I asked you that same question in deposition, is it?” A. “I don’t know what I said.”**

Although Mr. White clearly knew he did not work for Marlo Furniture, he testified in both the Grand Jury and Criminal Trial that he did, and further attempted to mislead the grand jury by stating that Marlo cancelled his insurance, inferring that he was a legitimate employee of Marlo. In subsequent proceedings however, Mr. White admitted that he knew he didn’t work for Marlo. Mr. White also testified to the length of time he worked for Marlo (or Robinson – the contractor), giving different durations each time he was questioned. The jurors in the grand jury and criminal trial proceedings had an impression that Mr. White was a genuine employee of the furniture company, just doing his job. That was not the case. Mr. White was not vetted through any type of application process and did not undergo the required background check; but the impression to the jury was that he was a bona fide employee doing the right thing.

- 11. Grand Jury Pg7 L12-19: Mr. White testified “...we phoned Mr. Washington before we got to his house and let him know that we on our way... And when we arrived he was outside on his porch.” (This answer was false and known to be false by Robert White and the State.) Mr. White contradicts this testimony in his original Media Statement stating very clearly that Mr. Washington was inside the house. In addition, phone records prove that no call was made to Mr. Washington prior to their arrival. **Evidence of Perjury, False Statements, and Obstruction of Justice:**

- a. Phone records clearly show that no call was made to Mr. Washington from either Mr. White or Mr. Clark. (See Phone Records – Exhibits 2-4)
- b. Media Statement Par2 L1-L2: Robert White stated: “**When we arrived Brandon went inside to meet the customer.** I waited in the truck. Brandon came out of the house with the customer...” A clear contradiction to Mr. White’s trial testimony.
- c. Grand Jury Pg29 L16-23: Mr. White testified about the alleged phone call to Mr. Washington, adamantly stating that the call was made from his phone: **Q. “You**

- said that you called Mr. Washington before you got there, and then the supervisor was called.” A. “Right.” Q. “Do they have that record on Brandon’s phone?” A. “Well, it’s on my phone. I got my phone records. It shows where we called, we called him.” (This answer was false and known to be false by Robert White and the State.) Mr. White directly contradicts this statement in the Civil Trial testifying that the phone call to Mr. Washington was made from Brandon’s phone (see #g. below). The truth, as evidenced by the phone records, is that there was no call to Mr. Washington.
- d. Criminal Trial Pg3-134 L11-18: White testified: “Well, before we got to that lane, **we actually called the customer to see if he was home**, because it was getting dark or dark, and we asked him could he either come outside or turn a light on; we wasn’t far away from his house. When we arrived, the customer was standing outside. Brandon gets out of the truck, goes out to talk to the customer, comes back and says...” (This answer was false and known to be false by Robert White and the State.)
- e. Criminal Trail pg 3-136: The State introduced Mr. White’s phone record into evidence, clearly showing they knew White was lying about the phone call to the Washington home and that it was never made since his testimony to that point was that his phone was used to call Mr. Washington. (Robert White’s Phone Record – Exhibit 2). Note: Mr. White’s phone was registered in the name of his girlfriend, Debra Simmons.)
- f. Deposition Pg 65 L12 – Pg 67 L22: Mr. White testifies that Mr. Washington was called prior to their arrival. Q. “Did you speak with anybody in the Washington house before you got there?” A. “Yes. We actually called him and asked him, you know, to turn the light on or if he’ll be standing outside and we will arrive. He was outside.” Q. “My question was: Did you – did you personally speak with anybody in the Washington house before you arrived?” A. “No.” Q. “When you say, ‘we called’, you mean Brandon called?” A. “Yes.” Q. “Brandon, did he use your phone?” A. “Yes.” Q. “And that’s the phone that was actually Ms. Simmons’ phone? A. “Right.” .... Q. “Where were you when the call was made to the Washington house?” A. “In the truck. **I actually dialed the number and he talked to him.**” (This answer was false and known to be false by Robert White.) In this testimony there is no denying that Mr. White is knowingly lying. He testifies that it was actually he who made the call (dialed the number) to the Washington home from his phone. The phone records irrefutably prove that Mr. White did not call the Washington home that evening. He changes this testimony in the Civil Trial.
- g. Civil Trial Pg 2-187 L20-25 thru 2-188 L1-6: Mr. White testified in the civil trial that the phone call allegedly made to Mr. Washington prior to their arrival was not made from his phone, but rather that it was made from Brandon Clark’s phone. Q. “Okay. Let’s talk about some of these phone calls. You indicated that before arriving at Mr. Washington’s house, there was a call made to him to ask him to step outside and/or turn on the light.” A. “Correct.” Q. “The phone that was being used is Ms. Simmons’ phone and that was your girlfriend, correct?” A. “No.” Q. “Didn’t call from that phone? A. “No.” Q. “Which phone was that call made from?” A. “Brandon’s.” (This answer

**was false and known to be false by Robert White.)** This version of the story is completely different from the Deposition testimony in which Mr. White testified that the phone used to call was his own, not Brandon's. In addition, Mr. White testified in the civil trial that Brandon's phone was dead (civil trial Pg19 L23-24). Also Michael Robinson, Clark's supervisor testified that when he spoke to Mr. Clark, Clark was using Mr. White's phone because Clark's phone had died earlier in the day. Furthermore, Mr. Clark's phone records clearly show that the last call made from Mr. Clark's phone was at 4:58 p.m. (See Brandon Clark's Phone Record – Exhibit 3)

Mr. White lied and changed his story repeatedly about what occurred when they first arrived at the Washington home, and knowingly committed perjury about the phone call he claims they made to Mr. Washington that evening. His testimony was so full of lies, that he was unable to keep them straight from one testimony to the next, and even within the same testimony. The phone records provide irrefutable physical evidence that no phone call was made to the Mr. Washington from either Mr. White's or Mr. Clark's phone. The phone records were in the possession of the State prior to Mr. White's testimony, but he was still allowed to testify to this lie repeatedly.

12. Grand Jury Pg 8 L9-L13: Mr. White testifies that the rails were taken out of the box: "When we got in the house, we went upstairs. **Brandon kneeled down. I kneeled down.** Brandon was closest to the door. Mr. Washington was on the side of him. I was to the far right. **We took the rails out**, and he was upset already. I don't know why he was upset, but he was upset already and he pushed Brandon." **(This answer was false and known to be false by Robert White and the State.)** Mr. White's very explicit and detailed description is contradicted again in his Criminal Trial testimony (see below). In addition, he responded to a juror question later stating that the rails were left in the box.

**Evidence of Perjury, False Statements, and Obstruction of Justice:**

- a. The evidence photograph clearly shows the rails still in the original unopened box. (Evidence Photo –Exhibit 5)
- b. Grand Jury Pg25 L14-17: White later changes his testimony and says the rails were never taken out of box. Q. "...**Did you set up the rails?**" A. "**No, we didn't get a chance to.**" Q. "**So you left them in the box?**" A. "**Yeah.**" This testimony contradicts the testimony he gave shortly before, stating that they had in fact taken the rails out of the box.
- c. Media Statement Par 3 L4-6: White testifies "**We set the box down and both Brandon and I were on our knees and we were going to open the box with the bed rails.** The customer then pushed Brandon..." Mr. White's subsequent testimony contradicts two of these statements; one, that both he and Brandon were kneeling. In subsequent testimony he states that Brandon is kneeling by the bed when he is pushed and that he (White) is standing by the box with the rails. He also contradicts the statement that they were going to open the box with the rails (inferring that it wasn't already open) by later testifying that they took the rails out of the box. The fact that Mr. White changes his story several times is indicative of his propensity to lie and fabricate scenarios at will.

- d. Criminal Trial Testimony 3-138 L1-3: Mr. White testified that Brandon was kneeling by the bed and he (White) was standing: **“So Brandon kneeled down – I’m standing on the other side,** close to the railing, Brandon at the bed...” Pg 3-178 L19-20: Mr. White was questioned later about his contradictory Grand Jury testimony. **Q. “But you agree that the rails were never taken out, correct? A. “Not out of the box.”**

Mr. White, in his first statement (the Media Statement) stated the rails were not taken out of the box. Subsequently, in the Grand Jury he first testified they were out of the box, then later changes his testimony saying they were not. Mr. White’s story also changed with regard to where he and Mr. Clark were in relation to the box. At some points they are both kneeling, other times he states that Mr. Clark is kneeling by the bed while he (Mr. White) is standing away from him near the box. What is clear is that Mr. White’s story changes repeatedly, and that he can’t remember what he said from one testimony to the next. This is another example that Mr. White lied and changed his story throughout his testimony, creating considerable doubt that any of his testimony is accurate or truthful. The evidence photo of the bed rails shows they are still in the original box (and remain so).

13. Grand Jury Pg 9 L4-L5: White testifies: **“He (Brandon) got his hands up, walking backwards, and I’m in front of him...”** (This answer was false and known to be false by Robert White and the State.) He changes his story later when asked to elaborate by a Grand Jury juror:

**Evidence of Perjury, False Statements, and Obstruction of Justice:**

- a. Grand Jury Pg 21 L14-17: Mr. White testifies “What I’m saying was **when Brandon went out of the room backwards, I’m behind him.** I don’t know if he was all the way out of the room or in the room because I didn’t really look back at him.” (This answer was false and known to be false by Robert White and the State.) There is no mistaking that Mr. White is saying he is the first one out of the room; he states clearly that he doesn’t know Mr. Clark’s position because he didn’t look back at him.
- b. Media Statement Par4 L5-6: Mr. White states **“Brandon was walking backwards out of the room and I was facing him.** The customer was behind me.” (This answer was false and known to be false by Robert White and the State.) This statement is contradicted in his Grand Jury testimony.
- c. Criminal Trial Testimony Pg 3-169 L24 – 3-170 L1: Mr. White testifies: Q. “But you had walked out in front of Mr. Clark, correct?” A. “I was in between both of them.” Q. “Your testimony is that you were in between Mr. Clark and Mr. Washington?” A. “Correct.” (This answer was false and known to be false by Robert White and the State.)
- d. Civil Trial Pg 2-200 L10-14: In the Civil Trial, Mr. White testified again that he was between Brandon Clark and Mr. Washington. However, it’s pointed out that the scenario that Mr. White describes is incredulous: Q. “And, therefore, in order to have hit Brandon Clark first, which is what he did according to your testimony,

he either had to shoot over you or around you; is that right?" A. "Right..." **(This answer was false and known to be false by Robert White and the State.)**

Civil Trial Pg 2-200 L20-25 thru Pg 2-201 L1-4: Q. "As I was looking at what you did, as I was looking into my mind's eye of what you were describing, it sounded or looked to me as though when you grabbed Brandon, you were below him. You were down on the second or third step." A. "Correct." Q. "So in order to catch him you would have to run around him, to get behind him and keep him from going down the stairs; is that right?" A. "Correct." **(This answer was false and known to be false by Robert White and the State.)**

- e. Criminal Trial Pg 7-53 L14 – Pg7-54 L2: Dr. Jonathan Arden, qualified expert in the field of forensic pathology, reviewed the State's forensic and medical records and provided expert testimony regarding his analysis. He was presented with the various scenarios testified to by Mr. White, and asked to assess if those scenarios were consistent with the evidence. In the first scenario Dr. Arden is presented with Mr. White's testimony that he (Mr. White) was between Mr. Clark and Mr. Washington when Clark was shot: Q. "Now the first scenario or hypothetical, Dr. Arden, that I'd ask you to consider is if Mr. Clark has his hands up in a surrender position, facing Mr. Washington, and Mr. White is facing Mr. Clark, in-between Mr. Clark and Mr. Washington, and Mr. Washington fires his gun, do you have an expert opinion as to whether or not the evidence that you reviewed in this case, with that hypothetical scenario, is consistent?" A. "I have such an opinion." Q. "And what is that opinion?" A. "My opinion, and all the opinions are with reasonable medical certainty, is that the scenario that you've just set out for me, laid out for me, is not consistent with the gunshot wounds on either Mr. White or Mr. Clark."

Dr. Arden testified that for this scenario to be true, Mr. Clark would have to be shot through Mr. White, and "Mr. White would have had to have been shot in the back, with entrance in the back and exit in the front, which was not the case." He went on to say that this scenario is also inconsistent with the forensic testing, ballistic testing, gunshot residue, trajectory, fiber transfer from Mr. Clark's pants to Mr. Washington's upper body clothing, and the presence of Mr. White's DNA on the gun.

Criminal Trial 7-59 L18 – 7-60 L4: In the next scenario Dr. Arden is asked to provide his expert opinion based on Mr. White's testimony that Mr. Clark was at the top of the stairs when he was shot: Q. "I'll read the scenario again because it's very long. If Mr. Washington is standing at the master bedroom, which is about eight feet, five inches from the second step, and Mr. Washington shoots Mr. Clark, when Mr. Clark is at the top of the stairs on the second floor, with his hands up in the surrender position, do you have an expert opinion as to whether or not the evidence that you reviewed in this case is consistent with that hypothetical scenario?" A. "I do." Q. "What is your expert opinion?" A. "My opinion is that the hypothetical scenario is not consistent with the gunshot to Mr. Clark." Dr. Arden continues, explaining that the scenario as presented is inconsistent with forensic evidence, positioning and trajectory, and does not account for the fiber transfer from Mr. Clark's pants to Mr. Washington's upper body.

Criminal Trial 7-60 L21 - 7-61 L9: Dr. Arden is questioned about another of Mr. White's scenarios: Q. "Another scenario, Dr. Arden, and, again, assuming the distances that I asked you to for the soot and smoke. If Mr. Washington is standing at the master bedroom door, which is about eight feet, five inches from the second step, and Mr. Washington shoots Mr. Clark, and then Mr. White catches Mr. Clark, lays him down, and Mr. Washington then shoots Mr. White, do you have an expert opinion as to whether or not the evidence that you reviewed in this case is consistent with that hypothetical?" A. Yes, sir, I do." Q. "What is your opinion?" A. "My opinion is that the scenario you have just offered me is not consistent with the medical and forensic evidences I've reviewed." Dr. Arden continues, explaining that Mr. White's version of the shooting is completely inconsistent with the forensic, scientific, and physical evidence presented in this case. Mr. White's story is refuted by the ballistics evidence, the gunshot residue evidence, the distance and trajectory, the soot and smoke deposits, and does not account for the transfer of Mr. White's DNA to the gun.

Mr. White's story is refuted by every bit of physical, forensic, and scientific evidence presented in this case; evidence the State had available to them prior to Mr. Washington's indictment. Among other things:

The presence of White's DNA on the gun was a clear indication that there was contact between Mr. White and the weapon; consistent with an altercation as described by Mr. Washington and inconsistent with Mr. White's testimony that he was never close enough to touch Mr. Washington.

The ballistics and residue analysis supported that the shooting was close range; consistent with both Mr. and Mrs. Washington's account of the incident, and completely inconsistent with Mr. White's allegation that he was shot from the length of the hallway or even from the doorway to the top of the stairs.

The trajectory was completely inconsistent with Mr. White's claims of how he was shot, but consistent with a shooting that occurred during a struggle.

The identification of Mr. Clark's pants fibers on Mr. Washington's upper body clothing was consistent with Mr. Washington's testimony that he was being kicked while in a crouched position during the assault; it is inconsistent with anything Mr. White has testified to.

And although common sense and reasonableness may not be scientific evidence, Mr. White's version of the shooting (he was between Clark and Washington and somehow managed to run around him and down two stairs to catch Clark) and his alleged actions after he was shot (instead of continuing downstairs to flee the danger, he walked back upstairs, stepped over Mr. Clark, past Mr. Washington standing in the doorway holding the gun, to the far end of the upstairs hallway), should certainly call into question the veracity of Mr. White's statements given the volume of contradictory evidence.

14. Grand Jury Pg 9 L6-7: Mr. White testifies as to his actions after Mr. Clark was shot: "**So I caught him and I laid on top of him. I laid on top of him.**" (This answer was false and known to be false by Robert White and the State.)

Grand Jury Pg 39 L12-14: White testifies “**I’m not laying on top of him. I’m leaning over him, whispering in his ear, ‘Brandon, where is the phone?’ It’s not like I’m laying on top of him.**” (This answer was false and known to be false by Robert White and the State.)

**Evidence of Perjury, False Statements, and Obstruction of Justice:**

- a. Media Statement Par 5 L3-4: Robert White states “I grabbed Brandon to stop him from falling. **I set Brandon down and laid on top of him**”. (This answer was false and known to be false by Robert White and the State.)
- b. Criminal Trial Pg 6-126 – 6-127: Mr. White’s testimony that he grabbed Brandon and laid on him is refuted by Leanora Brun-Conti, a forensic chemist for the ATF and qualified expert in the field of forensic chemistry and trace evidence analysis. She analyzed and testified to the fiber transfer between Mr. White, Mr. Clark and Mr. Washington. Ms. Brun-Conti testified that fibers from Mr. Clark’s pants were found on Mr. Washington’s shirt and vest. **Pg 6-126 L14-15:** Ms. Brun-Conti stated “I recovered a few polyester fibers from Mr. Washington’s shirt that were consistent with the fibers from Mr. Clark’s pants.” **Pg 127 L8-16:** “Again, I found a few fibers - a few polyester fibers on JW3, Mr. Washington’s vest, that were consistent with the polyester fibers from Mr. Clark’s pants.” She did not identify any trace evidence between Mr. Clark and Mr. White consistent with Mr. White’s testimony.

Ms. Brun-Conti’s analysis was performed at the request of the State (Pg 6-114 L2-4): “Your Honor, for the record, this is – the state requested that this analysis be done, and the State requested and took the actual clothing...”

In the process of cross examination, the State attempted to discredit its own expert witnesses’ findings by inferring that because Mr. Washington’s clothes were not recovered immediately from the scene, the results were not reliable. Ms. Brun-Conti however, testified it would be more likely that trace evidence would be lost, not found, as a result of the delayed testing of Mr. Washington’s clothing. She also testified that the shape of the pants fibers was unique, and that the dye lot was not of a usual color. Ms. Brun-Conti’s findings of Mr. Clark’s pants fiber on Mr. Washington’s upper body clothing is consistent with Mr. Washington’s testimony that during the assault he was crouched, attempting to cover up, and that Clark and White were “hitting and kicking me” (Criminal Trial 6-52 L8; L16). Ms. Brun-Conti’s findings are in NO WAY consistent with Mr. White’s testimony that Washington kicked Mr. Clark.

- 14. Grand Jury Pg 9 L14-15: White testifies “So when I got up and I turned around, that’s when two shots came to me (*on the stairs*) ...” (This answer was false and known to be false by Robert White and the State.)

**Evidence of Perjury, False Statements, and Obstruction of Justice:**

Mr. White describes himself on the second step leaning over Brandon who is on the floor at the top of the stairs, when he gets shot. In his description he infers that his back is to the shooter (“I got up and I turned around”); he testified that Mr. Washington was in the bedroom doorway when he shot. If White is leaning

over Brandon from his position on the stairs, he would be facing the bedroom door and not have to turn around. Once again, his statement is not supported by credible evidence or even Mr. White's own description of the incident; furthermore, there were no blood stains on the steps and the evidence diagram shows that the shell casings were in the hallway near the bathroom which shows the location of the shooting; in addition to that, the berretta 9mm ejects shell casings "up and to the right" and the shell casings were clumped together. This shows two things -- 1) Where the shooting actually happened, and 2) That the shots were fired in rapid succession, not as White claimed. The State had been briefed on this issue by the lead investigators but allowed Robert White to knowingly testify falsely about this issue.

15. Grand Jury Pg9 L24 – Pg10 L1: White testified "I got up, moved away from Brandon so he won't shoot Brandon again or shoot me, and I went and laid by another bedroom, in front of it." **(This answer was false and known to be false by Robert White and the State.)**

**Evidence of Perjury, False Statements, and Obstruction of Justice:**

- a. In Mr. White's scenario, he was shot on the second or third step, and then went up the stairs, stepped over Brandon at the top of the stairs, walked past Mr. Washington who was allegedly standing in the master bedroom doorway holding the gun, turned right, and continued to the opposite end of the hallway where he lay down. The scene was processed by Prince George's County Police Evidence Unit and there was no blood trail from where Mr. White claims he was shot on the steps to where he was laying at the far end of the hallway when paramedics arrived. No physical or scientific evidence corroborates Mr. White's story that he was shot on the steps and then walked to the end of the hallway. If his story were true, there would have been a blood trail from the steps to the opposite end of the hallway; there was not. There is also a reasonableness question to Mr. White's claim; is it reasonable to believe that after being shot, he walked toward the shooter who was still holding the gun to an upstairs hallway as he testified in the Civil Trial (Pg 2-202 L23-25 thru 2- 204 L1-14) Q. "And as I understand your testimony, after you were shot, because you didn't want to be shot in the back, you walked up the stairs." A. "Correct." Q. You walked up the stairs towards the direction of the person who had shot you?" A. "Correct. I walked past him." Q. "You walked past him. Was he standing in the doorway as you walked past?" A. "Correct." Q. "What was he doing as you walked past him?" A. "He was still holding his gun." Q. "Was he holding it out s though he was pointing it at you?" A. "Yes." Q. "So he's just watching you walk past him down the hallway tracking you with his gun?" Pg 2-203 L21-25 thru 2-204 L1-4: Q. "So let me just make sure I understand this, sir. The man who you allege just shot your friend for literally no reason twice in the chest and then shot you for literally no reason, according to you, twice in the chest and abdomen, let's your walk up the stairs towards him, make a right hand turn, and walk down the hallway in his house; is that right?" A. "Yes." **(These answers were false and known to be false by Robert White and the State.)**

By any reasonable standard, this is preposterous.

16. Grand Jury P10 L15-16: White testified: “And he comes out of his room again and he shoots me in my knee.” **(This answer was false and known to be false by Robert White and the State.)**

**Evidence of Perjury, False Statements, and Obstruction of Justice:**

- a. Mrs. Washington testified that she was at the bottom of the stairs looking up at the altercation when the shots were fired. She testified that the shots were in rapid succession, with no pauses, and that the shooting occurred during the assault on Mr. Washington which she witnessed.
  - b. Mrs. Washington was on the phone with the 911 operator immediately after the shooting, within seconds after she heard the shots. The 911 tape was enhanced by the Drug Enforcement Agency in Houston, Texas to enhance all background noises. If there had been a second set of shots as Mr. White claimed, the noise would have been audible on the enhanced version of the 911 tape as reconstructed by the DEA, as Mrs. Washington would have been on the phone at that point. The tape verifies that no additional shot occurred and that Mr. White was lying again. The enhanced version of the 911 recording is in evidence.
  - c. Criminal Trial 5-70 Expert testimony by Ms. Susan Lee, State’s expert witness in the field of firearms and tool mark examination, concluded that the shot to Mr. White’s leg was fired from 3-12 inches away; consistent with Mr. Washington’s testimony that he fired while the men were assaulting him, and completely inconsistent with Mr. White’s testimony that he was shot from the full distance of the hallway (from Mr. Washington’s bedroom doorway to where White was at the end of the hallway). (See Firearm Examination Report – Exhibit 7)
17. Grand Jury Pg10 L23- pg 11 L2: White testified: “So he (Washington) called somebody on the phone. I heard part of the conversation. He called somebody on the phone. He said ‘Two guys just busted up in my house, beat me up with a pipe. I shot both of them. One of them is dead,...’” **(This answer was false and known to be false by Robert White and the State.)**

**Evidence of Perjury, False Statements, and Obstruction of Justice:**

- a. Phone records verify that only one call was made after the shooting, and that call was to 911. The call was made by Mrs. Washington; Mr. Washington picked up the upstairs extension and dialed 911 not aware that Mrs. Washington was already connected and speaking with the 911 operator. The 911 tape recording clearly proves that the statements Mr. White testified to were never made. The 911 recording verifies that Mr. Washington never said anything about being hit by a pipe, that he told the operator the men were there to deliver furniture, and that he let them in. The State had the irrefutable evidence of the 911 recording that proved Mr. Washington said those things and they absolutely knew Mr. White was committing perjury when he made these statements. (See Washington Phone Records – Exhibit 4, and 911 Transcript – Exhibit 6)

- b. Media Statement Par7 L3-6: Mr. White states that he heard a phone conversation Mr. Washington had in which he said **“These two dudes just broke up in my house...“Yeah, they hit me with a pipe.” (This answer was false and known to be false by Robert White and the State.)** The 911 transcript and 911 recording proves Mr. Washington did not say this.
- c. Deposition Pg 137 L3-4: **“He was on the phone with two different people. He made two phone calls.” (This answer was false and known to be false by Robert White.)**– Phone records clearly show there was only one phone call made after the shooting. That call was to 911. The phone records are in evidence (Washington’s Phone Records – Exhibit 4)
- d. Civil Trial Pg 2-149 L7-17: Mr. White testified **“I heard him make – he made two phone calls.”** Q. **“He being Mr. Washington.”** A. **“Mr. Washington.” (This answer was false and known to be false by Robert White.)** Again, the phone records are evidence Mr. White was lying.

The truth is **there was only one phone call made after the shooting, and that call was to 911.** The conversation Mr. White claims he heard and quoted never happened, and the 911 call transcript is proof of that. Mr. White attempted to portray Mr. Washington as cavalierly discussing the shooting with someone and lying about how Clark and White came to be in the house. None of that is true. The 911 recording and Washington’s phone records were in evidence, and clearly showed that Mr. White was both about the two phone calls, and about what Mr. Washington said. Again, this evidence coupled with the other physical and forensic evidence was a clear indication that Mr. White’s version of the shooting was not truthful and the State was in possession of that evidence and knowingly allowed White to testify falsely about it.

- 18. Grand Jury Pg11 L9: White testified: **“Washington kicked him (Clark) a couple of times and I just said I’m next.” (This answer was false and known to be false by Robert White and the State.)**

**Evidence of Perjury, False Statements, and Obstruction of Justice:**

- a. Criminal Trial Pg 6-126 – 6-127: Leanora Brun-Conti, a forensic chemist for the ATF and qualified expert in the field of forensic chemistry and trace evidence analysis, analyzed and testified to the fiber transfer between Mr. White, Mr. Clark and Mr. Washington. Ms. Brun-Conti testified that fibers from Mr. Clark’s pants were found on Mr. Washington’s shirt and vest. **Pg 6-126 L14-15:** Ms. Brun-Conti stated **“I recovered a few polyester fibers from Mr. Washington’s shirt that were consistent with the fibers from Mr. Clark’s pants.” Pg 127 L8-16:** **“Again, I found a few fibers - a few polyester fibers on JW3, Mr. Washington’s vest, that were consistent with the polyester fibers from Mr. Clark’s pants.”** Ms. Brun-Conti further testified that direct contact between the fabrics (Mr. Clark to Mr. Washington) was the most direct way for the transfer to have occurred (Pg 5-136-6-137).  
Ms. Brun-Conti’s findings were in no way consistent with Mr. White’s testimony, but did support Mr. Washington’s testimony that during the assault he was

crouched, attempting to cover up, and that Clark and White were “hitting and kicking me” (Criminal Trial 6-52 L8; L16).

Ms. Brun-Conti’s analysis was performed at the request of the State (Pg 6-114 L2-4): “Your Honor, for the record, this is – the state requested that this analysis be done, and the State requested and took the actual clothing...”

19. Grand Jury Pg12 L20: When asked to describe Brandon Clark, Mr. White does so providing Brandon’s height and weight. Q. “Describe Brandon.” A. “Brandon is 6-4, 270.” In subsequent testimony, he claims to have no idea of Clark’s height and weight and is completely unable to describe him

**Evidence of Perjury, False Statements, and Obstruction of Justice:**

- a. Deposition Pg27 L9 - Pg28 L17: Q. “Okay. Can you tell me Mr. Clark’s approximate height and weight as of January 2007?” A. “I don’t know.”.....  
Q. “How much taller would you estimate Mr. Clark was than you? A. “I don’t know.” Q. “Was he six inches taller than you?” A. “I don’t know.” Q. “Was he one inch taller than you?” A. “I don’t know.” Q. “Had you ever had occasion to stand next to him?” A. “No.” Q. “You never stood next to him?” A. “No.”
- b. Civil Trial Pg 2-177 L16-21: Mr. White is asked: Q. “What about Brandon Clark. What was his height and weight, sir?” A. “I don’t know.” Q. “You had previously given testimony that he was six feet four, 270 pounds; have you not?” A. “I don’t remember.” Mr. White is then shown his Deposition (see Deposition testimony c. below) and referring to his Deposition testimony is questioned about the truthfulness of his response: Pg 2-178 L7-17: (Referring to Mr. White’s deposition) Q. “That was not truthful testimony, was it, sir?” A. “I don’t know. I mean, I answered the best I could.” Mr. White has first testified he doesn’t know Mr. Clark’s height and weight even though he provided it without hesitation in his Grand Jury testimony. He is unable, in his Deposition and Civil Trial testimony, to provide even the most general description, stating that he has never even stood next to Mr. Clark.  
Mr. White’s responses provide further indication of his propensity to lie, even when there is no reason, giving even greater concern and likelihood that he lies without hesitation to cover his own unlawful actions.
- c. Civil Trial Pg 2-168 L7-8: Mr. White testified that he and Brandon worked together and that they were “getting tight”. It is even more unreasonable to believe that not only was he unable to provide even a general description of Brandon, but that he had never even stood next to Brandon as he testified in deposition.

This series of testimonies regarding Mr. Clark’s height and weight is another clear example of Mr. White’s willingness to lie about anything. White provides a description without hesitation in the Grand Jury, then in later testimony says he doesn’t have any idea. In his Deposition and Civil Trial testimony, is unable to provide even the most general description, stating that he has never even stood next to Mr. Clark.

Mr. White's responses are indicative of his propensity to lie, even when there is no reason, making his entire testimony in every proceeding suspect and without credibility.

20. Grand Jury Pg13 L19 – Pg 14 L12: Robert White states that he had not and has never used cocaine. Q. “And on the blood tests I showed you from Prince George’s Hospital, it had a lot of drugs listed, and it said negative for this drug, negative for that drug. By the word cocaine, it said positive, correct?” A.” Yes it did.” Q. “Which means they found cocaine in your system via a blood test?” A. “Yes, sir.” Q. “Were you on cocaine that day?” A. “No, sir. I wasn’t.” Q. “How did cocaine end up in your system?” A. “That a question I can’t answer. I can’t answer that. I mean, I don’t know.” Q. “But you saw the blood test that said cocaine?” A. “Yes I did.” Q. **“Have you ever used cocaine before?”** A. **“No.”** (This answer was false and known to be false by Robert White and the State.)

**Evidence of Perjury, False Statements, and Obstruction of Justice:**

- a. Dr Muhammad Ali Khan, treating physician at Prince George’s Hospital, examined Mr. White and administered various tests, including a toxicology screening, upon Mr. White’s admittance on the night of the incident. The resultant toxicology report showed that Mr. White tested positive for cocaine. Dr. Khan’s report clearly refutes Mr. White’s contention that he has never used cocaine. (Toxicology Report – Exhibit 8)
- b. Mr. Robert Baker, the delivery customer immediately prior to the Washington delivery, provided a written statement to the State’s Attorney indicating some unease regarding Mr. White: “The smaller of the two gentlemen (Mr. White) acted very suspicious...he seemed to be either high or intoxicated...My impression was that he seemed guilty of having just done something wrong and I was very relieved that my wife was not home alone when they arrived.” (See Baker Statement – Exhibit 9)

Although Mr. White denied having used cocaine, the toxicology test clearly showed cocaine in his system. Further, Mr. Baker visibly observed behavior he found concerning, and noted the appearance of Mr. White being either high or intoxicated.

21. Grand Jury Pg14 L14- Pg16 L6: Mr. White is questioned about his criminal record; only five of his convictions are mentioned. Grand Jury Pg 25 L22-25: Mr. White is questioned further about the criminal convictions he’s testified to: Q. “He read off some of the crimes you had been accused of. Were there any others that weren’t mentioned?” A. “No.” (This answer was false and known to be false by Robert White and the State.) This testimony is absolutely untrue. Only five of Mr. White’s eleven convictions had been mentioned when he falsely testified that there were no additional convictions that had not previously been mentioned. Mr. White later admits in the criminal trial that he lied in his grand jury testimony.

**Evidence of Perjury, False Statements, and Obstruction of Justice:**

- a. Criminal Trial Pg3-177 L15-20: Mr. White admits to lying to the Grand Jury about his criminal convictions. Q. **“And when you were asked later, by one of**

**the grand jurors, whether you had listed all your convictions, you said that you had, correct? A. "Correct." Q. "And that was false, correct?" A. "Correct."** Mr. White admits to giving false testimony in the Grand Jury.

- b. Civil Deposition Pg46 L11-17: When asked about his prior sex offense conviction, Mr. White says the offense was attempted sexual assault. Q. "What was the crime you were actually convicted of that sent you to jail for 10 years?" A. Attempted." Q. "Attempted what?" A. "Sexual assault." The fact is, Mr. White was convicted of Sexual Assault with intent to commit sexual misconduct.

Mr. White disclosed only five of his convictions to the Grand Jury. Even when asked specifically whether he had disclosed all of them, he failed to disclose them and then lied about it. Mr. White had eleven convictions and numerous additional arrests at the time of his testimony. (See Motion in Limine – Exhibit 10)

Admitted in Grand Jury:

- Peeping Tom
- Grand Larceny
- Grand Theft
- Attempt Sexual Assault (actually convicted of Assault with Intent to Commit Sexual Conduct)
- Unlawful Entry

Additional Convictions Mr. White Did Not Disclose When Asked:

- Larceny
- Receiving Stolen Goods (Two Convictions)
- Attempted 3<sup>rd</sup> Degree Burglary
- Pointing a Firearm
- Assault and Battery
- First Degree Burglary
- Domestic Violence

Mr. White was arrested again in July 2008 in South Carolina for another assault.

22. Grand Jury Pg15 L18 – Pg16 L1-6: White lied about his sexual assault conviction saying it was an attempted sexual assault when in fact it was an actual first degree sexual assault. Q. "You also had a sexual assault charge, correct." A. "Yes." ... Q. "First degree, second degree assault – I'm sorry. First degree sexual, if you remember?" A. "I don't remember which one it was." Q. "But you remember it was sexual assault?" A. "It was attempt. It wasn't no first or second. It was attempt." Q. "Attempt sexual assault?" A. "Right." **(This answer was false and known to be false by Robert White and the State.)**

**Evidence of Perjury, False Statements, and Obstruction of Justice:**

- a. A motion in limine filed during the criminal trial to hide Mr. White's numerous convictions from the jury identified his sexual assault charge as First Degree Sexual Assault with Intent to Commit Sexual Misconduct. (Motion in Limine – Exhibit 10, and Sex Offender Registration Printout – Exhibit 11)
- b. Civil Deposition Pg 46 L11-17: Mr. White lied again in his civil deposition when asked about his prior sex offense conviction. Mr. White says the offense was

attempted sexual assault (it was actually first degree sexual assault). Q. “What was the crime you were actually convicted of that sent you to jail for 10 years?” A. Attempted.” Q. “Attempted what?” A. “Sexual assault.” **(This answer was false and known to be false by Robert White and the State.)**

23. Grand Jury Pg16 L25 – Pg17 L15: Robert White is questioned about how his DNA came to be on Mr. Washington’s gun, and any physical contact with Mr. Washington: Q. “Can you explain to the jury how your DNA ended up on Keith Washington’s gun.” A. “I don’t even know. I never touched him. I don’t know if he touched me when I was on the floor when I had my eyes closed. I don’t know. Q. “You don’t know how your DNA got on the gun?” A. “No.” Q. “Did you two have an altercation where you were hitting him in the head?” A. “No.” Q. “Or punching him?” A. “Never did.” Q. “Or Brandon, was Brandon ever punching him?” A. “No.” Q. “Kicking him?” A. “No.” **(This answer was false and known to be false by Robert White and the State.)** This is refuted by considerable forensic and physical evidence of an altercation between Mr. White, Mr. Clark, and Mr. Washington.

**Evidence of Perjury, False Statements, and Obstruction of Justice:**

- a. Criminal Trial Pg6-159 L3-19: In eyewitness testimony Stacey Washington testified that she observed Mr. White and Mr. Clark assaulting Mr. Washington immediately prior to the shooting: “That’s when I saw Keith bent over, and these two men were on either side of him and they were beating him.”
- b. Criminal Trial Pg4-123 L18-24: Monica Ammann, the State’s expert DNA analyst, testified that Robert White’s DNA was found on Mr. Washington’s gun. Ms. Amman testified “DNA from more than one individual was obtained from the swabs of the gun. Keith Washington and Robert White cannot be excluded as contributors to this mixture. Using combined probability of exclusion calculation, more than 99.99 percent of individuals in the Caucasian, African-American and southeast Hispanic populations would be excluded as contributors.
- c. Leanora Brun-Conti, a forensic chemist for the ATF and qualified expert in the field of forensic chemistry and trace evidence analysis, examined and analyzed the outer garments of Mr. White, Mr. Clark and Mr. Washington. Ms. Brun-Conti testified that fibers from Mr. Clark’s pants were found on Mr. Washington’s upper body clothing (shirt and vest), consistent with Mr. Washington’s testimony that he was kicked during the assault, and directly contrary to Mr. White’s testimony above. Criminal Trial Pg 6-126 L14-15 Ms. Brun-Conti testified “I recovered a few polyester fibers from Mr. Washington’s shirt that were consistent with the fibers from Mr. Clark’s pants.” Criminal Trial Pg 6-127 L8-16 “Again, I found a few fibers - a few polyester fibers on JW3, Mr. Washington’s vest, that were consistent with the polyester fibers from Mr. Clark’s pants.” Question from attorney Q. “And, again, what is the most consistent, I believe, is the word you used – consistent way that transfers from Brandon Clark’s pants to Keith Washington’s vest could have happened?” A. “The most direct way would be contact between the two items.” Ms. Brun-Conti performed said analyses at the State’s request (Criminal Trial Pg Criminal Trial 6-114 L2-4: “Your Honor, for the record, this is – the state

requested that this analysis be done), and the State requested and took the actual clothing...”

- d. Several witnesses testified that Mr. Washington displayed physical evidence of an altercation:
  - i. Criminal Trial Pg 3-112 L7-10: Officer George Jones, the first officer on the scene, testified that Mr. Washington’s lip was bleeding when he arrived. Q. “And when you encountered Mr. Washington at his home, as the first officer that arrived, you saw that his lip was bleeding, correct?” A. “Correct.”
  - ii. Criminal Trial Pg 6-33 L21-24: Officer Darren Livingston testified that he observed swelling on Mr. Washington’s face, and that he had an ice pack on it. “He had an ice pack up to the side of his face and it appeared that his face was swollen.”
  - iii. Criminal Trail Pg 5-130 L11-13: Lt Charles Walls testified that he could see redness on Mr. Washington’s face several hours after the incident. Referring to the poor quality of photographs he had taken several hours after the incident he testifies “And then the other one, it doesn’t show, in my recollection, the redness that I saw on the right side of his face.”
  - iv. Criminal Trial Pg5-116 L13-Pg5-118 L12: Dr. Karen Dixon, Emergency Physician, Ft Washington Hospital, attended Mr. Washington in the ER following the incident. She testified to treating Mr. Washington for neck strain and contusion, also identified as trauma, and prescribed prescription medication as a result.
- e. Mr. Washington’s watch was knocked off and found on the floor at the doorway of the master bedroom, further indication of a physical altercation.

Mr. White’s DNA on the gun, the fiber transfer from Mr. Clark’s pants leg to Mr. Washington’s upper body clothing, the physical signs on Mr. Washington (bleeding lip, redness and bruising in face, etc), Mr. Washington’s watch on the floor, eyewitness testimony by Mrs. Washington – all of this physical, scientific, and eyewitness evidence clearly refute Mr. White’s statements that there was no contact between him, Mr. Clark, and Mr. Washington. The fact that Mr. Washington did not sustain more injuries is indicative of the fact that the altercation lasted only a few seconds. Mrs. Washington testified that Mr. Washington was bent over when she saw him being assaulted. Mr. Washington’s injuries were consistent with his testimony that he was crouched and covering himself during the assault.

24. Grand Jury Pg18 L24: Mr. White testified: **“Marlo’s cut my insurance off, so I don’t have any insurance.” (This answer was false and known to be false by Robert White and the State.)** This statement led the jury to believe that Mr. White was an actual employee of Marlo Furniture which he knew was not true. It legitimized him as a hard working, bona-fide employee, when in fact he was not. In subsequent testimony Mr. White admitted that he knew he did not work for Marlo and did not have insurance.  
**Evidence of Perjury, False Statements, and Obstruction of Justice:**

- a. Marlo’s Human Resources Director, Aquilla Ross, provided a statement attesting to the fact that Robert White has never worked for Marlo Furniture in any capacity, and thus has never had insurance with a Marlo Health care provider. (Witness Statement - Exhibit 1).
  - b. Civil Deposition Pg16 L15-17: Mr. White stated that he in fact didn’t believe he actually worked for Marlo. **Q. “Is it your belief that you were employed by Marlo Furniture?” A. “No.”** Mr. White clearly knew that he was not a Marlo employee, and as such could not have had Marlo insurance.
  - c. Civil Trial: Pg 2-169 L6-23: Mr. White testified in the Civil Trial that his Grand Jury statement about being employed by and having insurance with Marlo Furniture was not true, and he knew it: Q. “Okay. With regard to Marlo – or Robinson I guess, because you never worked for Marlo, right?” A. “Correct.” Q. “Although you had previously given testimony, right?” A. “I was in a Marlo truck so I figured I worked for Marlo. Q. “You have given testimony that Marlo canceled your insurance, right?” (Objection and Overruled) Q. “You’ve given that testimony in the past, have you not?” A. “Correct.” Q. “**And you know that’s not right because Marlo has never insured you because you never worked for Marlo; isn’t that right?**” A. “Correct.”
25. Grand Jury Pg 22 L20 – Pg 23 L10: Mr. White testified that he saw Mrs. Washington when they first went inside the house. “After I got out, I really didn’t see that he had a problem, really, until we got inside. And then I kind of feel it was kind of weird for him to tell his wife to don’t come up here. I didn’t really think about it until months after I got shot that **he told his wife to don’t come upstairs. I only caught the side of her face when I got up the steps....Q. “So he was telling her as you were going up the stairs?” A. “Right. I was already on the top, and I just caught the side of her face.” (This answer was false and known to be false by Robert White and the State.)**
- Evidence of Perjury, False Statements, and Obstruction of Justice:**
- a. Media Statement Par8: Mr. White states that after the shooting Mrs. Washington called upstairs and that Mr. Washington responded by telling her to stay downstairs. He further states that Brandon asked him to get his phone and he replied “hell no...”. **(This answer was false and known to be false by Robert White and the State.)**
  - b. Grand Jury Pg 26 L1-9: White was questioned again about Mrs. Washington: Q. “Did you hear the wife come up, scream, anything?” A. “No. After we got shot, after we got shot she came. She came close by. You could hear her voice, and he told her, ‘Don’t come up here.’ She never went upstairs. She ain’t seen nothing because where I was laying, I could look right downstairs, and I couldn’t see her, but I could hear her.” **(This answer was false and known to be false by Robert White and the State.)** He says in the first instance that he saw Mrs. Washington when they first entered the home. When questioned further, he states that it was after the shooting when he heard her.
  - c. Civil Deposition Pg87 L4-10; Pg88 L4-14: Mr. White is asked: Q. “Who else was in the house and how did you know it?” A. “When we first entered the door, I got like to the top stairs. She came out and he told her to go back downstairs. He said ‘Don’t come up here.’” ...Q. “Did she say anything?” Excuse me.” A. “No.”

Q. She just came out of wherever she was and the customer said, ‘Don’t come up here.’” A. “Right.” ... Q. “What did she say in response?” A. “She didn’t say anything.” **(This answers is false and know to be false by Robert White.)**

In some testimony Mr. White describes the verbal exchanges between Mr. Washington and his wife as having taken place when they first entered the house and went upstairs; a direct contradiction to other testimony when he describes the exchange as having occurred after the shooting. In addition to the alleged exchange between Mr. Washington and his wife, Mr. White describes (in the media statement) an exchange between Mr. Washington and Mr. Clark when Mr. Clark asks for his phone; both exchanges allegedly having occurred following the shooting and the phone call Mr. Washington made. The evidence proves the only call made after the shooting was to 911. The 911 recording was sent to the DEA in Houston, TX for the purpose of enhancing the background noises to make them clearer and more discernible. If the conversations between Mr. Washington and his wife, or Mr. Washington and Mr. Clark had actually occurred as testified to by Mr. White, those conversations would have been perceptible on the enhanced version of the 911 recording. Again, Mr. White lied, attempting to infer that Mr. Washington shot him and Mr. Clark and then refused to get them help or give any assistance.

In some testimony Mr. White describes having seen Mrs. Washington when he and Mr. Clark first entered the house and went upstairs; a direct contradiction to other testimony when he describes seeing or hearing her after the shooting. In his Grand Jury testimony, Mr. White attempts to discredit Mrs. Washington by saying she couldn’t see anything because she never went upstairs, that he could look downstairs from where he lay after the shooting and couldn’t see her. Mrs. Washington testified that she ran out of the house, dialing 911, immediately after the shooting; she wouldn’t have been downstairs as Mr. White was lying there after the shooting. She further testified that when the men entered the house, she was in the kitchen with her daughter. The configuration of the house would make it impossible for Mr. White to have seen her unless he is able to see through walls. The most telling indication that Mr. White is lying, however, is his ever changing story; even he can’t keep track of what he said when.

**ROBERT WHITE'S CRIMINAL TRIAL TESTIMONY (February 13, 2008):**

26. Criminal Trial 3-126 L10-13: Robert White is questioned by Mr. Moomau: "Mr. White did you used to work as a furniture delivery person working for or delivering furniture for Marlo Furniture? Robert White answers "Yes, sir." **(This answer was false and known to be false by Robert White.**

**Evidence of Perjury, False Statements, and Obstruction of Justice:**

- a. Signed witness statement from Ms. Aquilla Ross, Human Resources Director for Marlo Furniture, proves that Mr. White has never worked for Marlo Furniture in any capacity. (Witness Statement – Exhibit 1)
- b. Grand Jury Pg18 L23-24: White testified "**Marlo's cut my insurance off, so I don't have any insurance.**" This statement led the jury to believe that Mr. White was an actual employee of Marlo Furniture which he knew was not true (he later admitted in the Civil Trial that he knew this was not true). It legitimized him as a hard working, bona-fide employee, when in fact he was not. He was actually picked up on the side of the road that morning.
- c. Civil Deposition Pg16 L15-17: Mr. White stated that he in fact did not believe he actually worked for Marlo. **Q. "Is it your belief that you were employed by Marlo Furniture?" A. "No."**
- d. Civil Trial Pg 2-169 L6-25 thru 2-170 L1: Q. "Okay, with regard to Marlo's I guess you never worked for Marlo's right?" A. "Correct." ... Q. "And you have given testimony that Marlo cancelled your health insurance, right? You have given that testimony in the past have you not?" A. "Correct." Q. "And you know that's not right because Marlo has never insured you because you never worked for Marlo; isn't that right?" A. "Correct." Q. "That testimony you gave us before was under oath was it not sir?" A. "Correct." (It is clear that Robert White knew his previous testimony on this subject under oath was not truthful.)

Although Mr. White clearly knew he did not work for Marlo Furniture, he testified in both the Grand Jury and Criminal Trial that he did, and further attempted to mislead the grand jury by stating that Marlo cancelled his insurance, inferring that he was a legitimate employee of Marlo. His testimony that he worked for Marlo Furniture gave him the aura of a respectful, hard working individual when in fact he was a career criminal and sex offender who was picked up on the side of the road the day of the incident.

27. Criminal Trial 3-126 L14-15: Q. "And did you have that job (*at Marlo's*) on January 24, 2007?" A. "Yes, sir." **This answer was false and known to be false by Robert White.**

**Evidence of Perjury, False Statements, and Obstruction of Justice:**

- a. Signed witness statement from Ms. Aquilla Ross, Human Resources Director for Marlo Furniture, proves that Mr. White has never worked for Marlo Furniture in any capacity. (Witness Statement )
- b. Civil Deposition Pg 14 L16-18: Q. "Did you work at all for wages or salary in 2007?" A. "No." (If Mr. White did not work for salary or wages in 2007, he

certainly could not have worked for Marlo on the day of the incident which was January 24, 2007.)

- c. Civil Deposition Pg 16 L15-17: Mr. White stated that he in fact did not believe he actually worked for Marlo. **Q. “Is it your belief that you were employed by Marlo Furniture?” A. “No.”**
- d. Civil Trial Pg 2-169 L6-25 thru 2-170 L1: Q. “Okay, with regard to Marlo’s I guess you never worked for Marlo’s right?” A. “Correct.” ... Q. “And you have given testimony that Marlo cancelled your health insurance, right? You have given that testimony in the past have you not?” A. “Correct.” Q. “And you know that’s not right because Marlo has never insured you because you never worked for Marlo; isn’t that right?” A. “Correct.” Q. “That testimony you gave us before was under oath was it not sir?” A. “Correct.” (It is clear that Robert White knew his previous testimony on this subject under oath was not truthful.)

28. Criminal Trial 3-128 L16-21: White is questioned by Mr. Moomau: Q. “You know they tested your urine at the hospital?” A. “Yes sir.” Q. “And you know it tested positive for cocaine?” A. “Yes sir.” Q. “Did you use cocaine?” A. “No sir.” Q. “Can you explain how it got in there?” A. “I don’t know.” **(This answer was false and known to be false by Robert White.)**

**Evidence of Perjury, False Statements, and Obstruction of Justice::**

- a. Dr Muhammad Ali Khan, treating physician at Prince George’s Hospital, examined Mr. White and administered various tests, including a toxicology screening, upon Mr. White’s admittance on the night of the incident. The resultant toxicology report showed that Mr. White tested positive for cocaine. Dr. Khan’s report clearly refutes Mr. White’s contention that he has never used cocaine. (Toxicology Report)
- b. Mr. Robert Baker, the delivery customer immediately prior to the Washington delivery, provided a written statement to the State’s Attorney indicating some unease regarding Mr. White: “The smaller of the two gentlemen (Mr. White) acted very suspicious...he seemed to be either high or intoxicated...My impression was that he seemed guilty of having just done something wrong and I was very relieved that my wife was not home alone when they arrived.” (See Baker Statement)

Although Mr. White denied having used cocaine, the toxicology test clearly showed cocaine in his system. Further, Mr. Baker visibly observed behavior he found concerning, and noted the appearance of Mr. White being either high or intoxicated.

29. Criminal Trial 3-134 L11-18: White testified “Well, before we got to that lane, we **actually called the customer** to see if he was home... **When we arrived, the customer was standing outside.**” **(This answer was false and known to be false by Robert White.)**

(Note: Mr. White’s cell phone was registered in the name of his girlfriend, Debra Simmons.)

### **Evidence of Perjury, False Statements, and Obstruction of Justice:**

- a. Phone records (Robert White's, Brandon Clark's and Keith Washington's) prove no call was made to the Washington's that evening from either Mr. White's or Mr. Clark's cell phone.
- b. Media statement Par 2 L1-L2: White states: **"When we arrived Brandon went inside to meet the customer. I waited in the truck. Brandon came out of the house with the customer..."**
- c. Grand Jury Pg7 L12-19: Mr. White testified **"...we phoned Mr. Washington before we got to his house and let him know that we on our way..."** (This answer was false and known to be false by Robert White.) The phone records prove that no call was made to Mr. Washington prior to their arrival.
- d. Grand Jury Pg29 L16-23: Mr. White testified about the alleged phone call to Mr. Washington, adamantly stating that the call was made from his phone: **Q. "You said that you called Mr. Washington before you got there, and then the supervisor was called." A. "Right." Q. "Do they have that record on Brandon's phone?" A. "Well, it's on my phone. I got my phone records. It shows where we called, we called him." (This answer was false and known to be false by Robert White.)** Mr. White directly contradicts this statement in the Civil Trial testifying that the phone call to Mr. Washington was made from Brandon's phone (see below). The truth, as evidenced by the phone records, is that there was no call to Mr. Washington from either White's or Clark's phone.
- e. Civil Deposition Pg 65L12 – Pg67 L22: Mr. White testifies that Mr. Washington was called prior to their arrival. **Q. "Did you speak with anybody in the Washington house before you got there?" A. "Yes. We actually called him and asked him, you know, to turn the light on or if he'll be standing outside and we will arrive. He was outside." Q. "My question was: Did you – did you personally speak with anybody in the Washington house before you arrived?" A. "No." Q. "When you say, 'we called', you mean Brandon called?" A. "Yes." Q. "Brandon, did he use your phone?" A. "Yes." Q. "And that's the phone that was actually Ms. Simmons' phone? A. "Right." .... Q. "Where were you when the call was made to the Washington house?" A. "In the truck. I actually dialed the number and he talked to him." (This answer was false and known to be false by Robert White.) In this testimony there is no denying that Mr. White is knowingly lying. He testifies that it was actually he who made the call (dialed the number) to Mr. Washington from his phone. The phone records irrefutably prove that Mr. White did not call the Washington home that evening. In addition, he changes this testimony in the civil trial, saying the call was made from Brandon's phone (which he had previously testified was dead).**
- f. Civil Trial Pg 2-187 L20-25 thru Pg 2-188 L1-6: Mr. White testified in the Civil trial that the phone call allegedly made to Mr. Washington prior to their arrival was not made from his (Debra Simmons) phone, but rather that it was made from Brandon Clark's phone. **Q. "Okay. Let's talk about some of these phone calls. You indicated that before arriving at Mr. Washington's house, there was a call made to him to ask him to step outside and/or turn on the light." A. "Correct." Q. "The phone that was being used is Ms. Simmons' phone and that was your girlfriend, correct?" A. "No." Q. "Didn't call from that phone? A. "No."**

**Q. “Which phone was that call made from?” A. “Brandon’s.” (This answer was false and known to be false by Robert White.)** This version of the story is completely different from the Deposition testimony in which Mr. White testified that the phone used to call was his own, not Brandon’s. In addition, Mr. White testified in the civil trial that **Brandon’s phone was dead** (Civil Trial Pg 2-148 L14-17). Michael Robinson, Clark’s supervisor and the contractor responsible for the delivery truck also testified in the Criminal Trial that he was receiving calls from them on Mr. White’s phone because Mr. Clark’s phone had died (see Trial Testimony Pg 4-30, and 4-40). Also, in previous testimony (Grand Jury and Civil Deposition) regarding the alleged phone call to Mr. Washington, Mr. White testified that the phone call was made using his own phone, even going so far as to explain that it was he (Mr. White) who actually dialed the number

Mr. White lied and changed his story repeatedly about what occurred when they first arrived at the Washington home, and knowingly committed perjury about the phone call he claims they made to Mr. Washington that evening. His testimony was so full of lies, he was unable to keep them straight from one testimony to the next, and even within the same testimony. The phone records provide irrefutable physical evidence that no phone call was made to Mr. Washington from either Mr. White’s or Mr. Clark’s phone. The phone records were in the possession of the State prior to Mr. White’s testimony, but he was still allowed to testify to this lie repeatedly.

Mr. White is also lying about Mr. Washington being outside. In his original statement Mr. White stated that Brandon Clark “went inside to meet the customer. I waited in the truck. Brandon came out of the house with the customer.” Additionally, when he spoke with his mother while he was hospitalized, Mr. Clark indicated to her that they he had knocked on the door when he arrived at the Washington home.

30. Criminal Trial 3-137 L1-3: Q. “Did you meet with any person inside or outside the house?” A. “He was outside. Mr. Washington was outside.” **(This statement was false and known to be false by Robert White.)**

**Evidence of Perjury, False Statements, and Obstruction of Justice:**

- a. Media Statement Par2 L1-L2: Robert White stated: “**When we arrived Brandon went inside to meet the customer.** I waited in the truck. Brandon came out of the house with the customer...”
- b. Grand Jury Pg29 L16-23: Mr. White testified about the alleged phone call to Mr. Washington, adamantly stating that the call was made from his phone: **Q. “You said that you called Mr. Washington before you got there, and then the supervisor was called.” A. “Right.” Q. “Do they have that record on Brandon’s phone?” A. “Well, it’s on my phone. I got my phone records. It shows where we called, we called him.” (This answer was false and known to be false by Robert White.)** Mr. White directly contradicts this statement in the Civil Trial testifying that the phone call to Mr. Washington was made from

Brandon's phone (see #g. below). The truth, as evidenced by the phone records, is that there was no call to Mr. Washington.

- c. Criminal Trial Pg3-134 L11-18: White testified: "Well, before we got to that lane, **we actually called the customer to see if he was home**, because it was getting dark or dark, and we asked him could he either come outside or turn a light on; we wasn't far away from his house. When we arrived, the customer was standing outside. Brandon gets out of the truck, goes out to talk to the customer, comes back and says..." **(This answer was false and known to be false by Robert White.)**
- d. Criminal Trail pg 3-136: The State introduced Mr. White's phone record into evidence, clearly showing they knew White was lying about the phone call to the Washington home and that it was never made since his testimony to that point was that his phone was used to call Mr. Washington. (Robert White's Phone Record – Exhibit 2). Note: Mr. White's phone was registered in the name of his girlfriend, Debra Simmons.)
- e. Deposition Pg 65 L12 – Pg 67 L22: Mr. White testifies that Mr. Washington was called prior to their arrival. Q. "Did you speak with anybody in the Washington house before you got there?" A. "Yes. We actually called him and asked him, you know, to turn the light on or if he'll be standing outside and we will arrive. He was outside." Q. "My question was: Did you – did you personally speak with anybody in the Washington house before you arrived?" A. "No." Q. "**When you say, 'we called', you mean Brandon called?**" A. "Yes." Q. "**Brandon, did he use your phone?**" A. "Yes." Q. "**And that's the phone that was actually Ms. Simmons' phone?**" A. "**Right.**" .... Q. "Where were you when the call was made to the Washington house?" A. "In the truck. **I actually dialed the number and he talked to him.**" **(This answer was false and known to be false by Robert White.)** In this testimony there is no denying that Mr. White is knowingly lying. He testifies that it was actually he who made the call (dialed the number) to the Washington home from his phone. The phone records irrefutably prove that Mr. White did not call the Washington home that evening. He changes this testimony in the Civil Trial.
- f. Civil Trial Pg 2-187 L20-25 thru 2-188 L1-6: Mr. White testified in the civil trial that the phone call allegedly made to Mr. Washington prior to their arrival was not made from his phone, but rather that it was made from Brandon Clark's phone. Q. "**Okay. Let's talk about some of these phone calls. You indicated that before arriving at Mr. Washington's house, there was a call made to him to ask him to step outside and/or turn on the light.**" A. "Correct." Q. "**The phone that was being used is Ms. Simmons' phone and that was your girlfriend, correct?**" A. "No." Q. "**Didn't call from that phone?**" A. "No." Q. "**Which phone was that call made from?**" A. "**Brandon's.**" **(This answer was false and known to be false by Robert White.)** This version of the story is completely different from the Deposition testimony in which Mr. White testified that the phone used to call was his own, not Brandon's. In addition, Mr. White testified in the civil trial that Brandon's phone was dead (civil trial Pg19 L23-24). Also Michael Robinson, Clark's supervisor testified that when he spoke to Mr. Clark, Clark was using Mr. White's phone because Clark's phone had died earlier

in the day. Furthermore, Mr. Clark's phone records clearly show that the last call made from Mr. Clark's phone was at 4:58 p.m. (See Brandon Clark's Phone Record – Exhibit 3)

Mr. White lied and changed his story repeatedly about what occurred when they first arrived at the Washington home, and knowingly committed perjury about the phone call he claims they made to Mr. Washington that evening and stated that they called Mr. Washington and he was outside awaiting their arrival. **It is clear that phone call was never made and White is lying about Washington being outside after a phone call that was never made.** His testimony was so full of lies, that he was unable to keep them straight from one testimony to the next, and even within the same testimony. The phone records provide irrefutable physical evidence that no phone call was made to the Mr. Washington from either Mr. White's or Mr. Clark's phone. The phone records were in the possession of the State prior to Mr. White's testimony, but he was still allowed to testify to this lie repeatedly.

31. Criminal Trial 3-142 L12-16: White testified “And when Brandon was walking backwards, I see him going towards the stairs, and then when I heard the shots, I just seen him coming back, so I just caught him and I came down to like here, to lay him down so he won't fall down the stairs. I laid him down.” **(This answer was false and known to be false by Robert White.)**

**Evidence of Perjury, False Statements, and Obstruction of Justice::**

- a. Leanora Brun-Conti, a forensic chemist for the ATF and qualified expert in the field of forensic chemistry and trace evidence analysis, testified to the fiber transfer between Mr. White, Mr. Clark and Mr. Washington. Ms. Brun-Conti did not identify any fiber transfer between Mr. Clark and Mr. White. If White's statement were true and he laid on top of White, some fiber transfer would have been present. Ms. Brun-Conti did however find evidence of transfer between Mr. Clark and Mr. Washington. She testified that fibers from Mr. Clark's pants were found on Mr. Washington's shirt and vest: Pg 6-126 L14-15 “I recovered a few polyester fibers from Mr. Washington's shirt that were consistent with the fibers from Mr. Clark's pants.” Pg 127 L8-16 “Again, I found a few fibers - a few polyester fibers on JW3, Mr. Washington's vest, that were consistent with the polyester fibers from Mr. Clark's pants.” Ms. Brun-Conti performed said analyses at the request of the state - Criminal Trial Pg 6-114 L2-4: “Your Honor, for the record, this is – the state requested that this analysis be done, and the State requested and took the actual clothing...”

32. Criminal Trial 3-143 L13-17: Robert White describes what he did after he was shot on the second or third step: “I didn't want to go down the stairs because he already shot me. So I moved up, to move away from Brandon, and I came down here and I laid down here, down on this side.” **(This answer was false and known to be false by Robert White.)**

**Evidence of Perjury, False Statements, and Obstruction of Justice::**

- a. In Mr. White's scenario, he was shot on the second or third step, and then went up the stairs, stepped over Brandon at the top of the stairs, walked past Mr.

Washington who was allegedly standing in the master bedroom doorway holding the gun, turned right, and continued to the opposite end of the hallway where he lay down. The scene was processed by Prince George's County Police Evidence Unit and there was no blood trail from where Mr. White claims he was shot on the steps to where he was laying at the far end of the hallway when paramedics arrived. No physical or scientific evidence corroborates Mr. White's story that he was shot on the steps and then walked to the end of the hallway. If his story were true, there would have been a blood trail from the steps to the opposite end of the hallway; there was not. There is also a reasonableness question to Mr. White's claim; is it reasonable to believe that after being shot, he walked toward the shooter who was still holding the gun to an upstairs hallway as he testified in the Civil Trial (Pg 2-202 L23-25 thru 2-203 L1-14) Q. "And as I understand your testimony, after you were shot, because you didn't want to be shot in the back, you walked up the stairs." A. "Correct." Q. You walked up the stairs towards the direction of the person who had shot you?" A. "Correct. I walked past him." Q. "You walked past him. Was he standing in the doorway as you walked past?" A. "Correct." Q. "What was he doing as you walked past him?" A. "He was still holding his gun." Q. "Was he holding it out s though he was pointing it at you?" A. "Yes." Q. "So he's just watching you walk past him down the hallway tracking you with his gun?" Pg 2-203 L13-25 thru Pg 2-204 L1-4: Q. "So let me just make sure I understand this, sir. The man who you allege just shot your friend for literally no reason twice in the chest and then shot you for literally no reason, according to you, twice in the chest and abdomen, let's your walk up the stairs towards him, make a right hand turn, and walk down the hallway in his house; is that right?" A. "Yes."

By any reasonable standard, this is preposterous. Robert White says he doesn't bleed when shot.

33. Criminal Trial 3-144 L6-8: White says that he overheard Mr. Washington on the phone saying "These two guys just busted in my house and beat me up and I shot both of them." **(This answer was false and known to be false by Robert White.)**

**Evidence of Perjury, False Statements, and Obstruction of Justice:**

- a. Phone records verify that only one phone call was made after the shooting and that call was to 911. The call was made by Mrs. Washington; Mr. Washington picked up the upstairs extension and dialed 911 unaware that Mrs. Washington was already connected and speaking with the 911 operator. The 911 tape recording clearly proves that the statements Mr. White testified to were never made. The 911 recording verifies that Mr. Washington never said anything about two guys busting in the house or being hit by a pipe (which Mr. White said in his grand jury testimony); the 911 transcript reflects that Mr. Washington told the operator the men were there to deliver furniture, and that he let them in. (See Washington Phone Records and 911 Transcript )

The truth is **there was only one phone call made after the shooting, and that call was to 911.** The conversation Mr. White claims he heard and quoted never happened, and the 911 call transcript is proof of that. Mr. White attempted to portray Mr. Washington as cavalierly discussing the shooting with someone and lying about how Clark and White came to be in the house. None of that is true. The 911 recording and Washington's phone records were in evidence, and clearly showed that Mr. White was both about the two phone calls, and about what Mr. Washington said. Again, this evidence coupled with the other physical and forensic evidence was a clear indication that Mr. White's version of the shooting was not truthful.

34. Criminal Trial 3-150 L15-17: When asked if at any time he touched the gun that Mr. Washington used, Mr. White responded "No." **(This answer was false and known to be false by Robert White.)**

**Evidence of Perjury, False Statements, and Obstruction of Justice:**

- a. Criminal Trial Pg4-123 L18-24: Ms. Monica Ammann, the State's expert DNA analyst, testified that Robert White's DNA was found on Mr. Washington's gun. Ms. Amman testified "DNA from more than one individual was obtained from the swabs of the gun. Keith Washington and Robert White cannot be excluded as contributors to this mixture. Using combined probability of exclusion calculation, more than 99.99 percent of individuals in the Caucasian, African-American and southeast Hispanic populations would be excluded as contributors." It is also notable that when asked if she saw blood on the swabs used for testing, Ms. Ammann testifies "We had no indication from the evidence tech, nor was there any reddish stain visible to us. If there were, we would have done presumptive testing for blood." This lends further support that DNA was deposited by Mr. White grabbing/touching the gun rather than by some other means.

35. Criminal Trial 3-150 L24-25: Q. "In fact it was Mr. Clark that got you the job working for Marlo's?" A. "Yes." **(This answer was false and known to be false by Robert White.)**

**Evidence of Perjury, False Statements, and Obstruction of Justice::**

- a. Signed witness statement from Ms. Aquilla Ross, Human Resources Director for Marlo Furniture, proves that Mr. White has never worked for Marlo Furniture in any capacity. (Witness Statement – Exhibit 1)
- b. Civil Deposition Pg16 L15-17: Mr. White stated that he in fact did not believe he actually worked for Marlo. Q. **"Is it your belief that you were employed by Marlo Furniture?"** A. "No."
- c. Civil Deposition Pg22 L13 – Pg23 L4: When ask how long he has worked for Marlo, Mr. White is evasive, saying he doesn't know how long. Q. **"How long did you actually work for Marlo..?"** A. **"I don't remember."** Q. **"Was it a matter of days?"** A. **"I don't know."** Q. **"Was it a matter of weeks?"** A. **"I don't know."** Q. **"Was it a matter of months?"** A. **"I don't know."** Q. **"You**

**don't have any idea how long you worked for Marlo?" A. "No." Q. "Just a complete mystery to you?" A. "Yes." (This answer was false and known to be false by Robert White.)**

36. Criminal Trial 3-151 L9-24: Mr. White testified that at no point while they were in the house did he (Mr. White) or Mr. Clark ever touch Mr. Washington, and that there was no physical fight between himself, Mr. Clark and Mr. Washington. Q. "Mr. White, did you ever, at any point while you were inside Mr. Washington's house, touch him?" A. "No." Q. "You never struck him?" A. "No." Q. "At any time while you were inside Mr. Washington's house with your cousin Brandon, did you ever – did Brandon ever strike him?" A. "No." Q. "And your testimony would also be that Brandon never touched him, correct?" A. "Correct." **(All these answers were false and known to be false by Robert White.)** This is refuted by significant evidence of physical contact and an altercation between Mr. Clark, Mr. White, and Mr. Washington.

**Evidence of Perjury, False Statements, and Obstruction of Justice::**

- a. Criminal Trial Pg6-159 L3-19: Stacey Washington provided eyewitness testimony that she observed Mr. White and Mr. Clark assaulting Mr. Washington immediately prior to the shooting: "That's when I saw Keith bent over, and these two men were on either side of him and they were beating him."
- b. Criminal Trial Pg4-123 L18-24: Monica Ammann, the State's expert DNA analyst, testified that Robert White's DNA was found on Mr. Washington's gun. Ms. Amman testified "DNA from more than one individual was obtained from the swabs of the gun. Keith Washington and Robert White cannot be excluded as contributors to this mixture. Using combined probability of exclusion calculation, more than 99.99 percent of individuals in the Caucasian, African-American and southeast Hispanic populations would be excluded as contributors.
- c. Leanora Brun-Conti, a forensic chemist for the ATF and qualified expert in the field of forensic chemistry and trace evidence analysis, examined and analyzed the outer garments of Mr. White, Mr. Clark and Mr. Washington. Ms. Brun-Conti testified that fibers from Mr. Clark's pants were found on Mr. Washington's upper body clothing (shirt and vest), consistent with Mr. Washington's testimony that he was kicked during the assault, and directly contrary to Mr. White's testimony above. Criminal Trial Pg 6-126 L14-15 Ms. Brun-Conti testified "I recovered a few polyester fibers from Mr. Washington's shirt that were consistent with the fibers from Mr. Clark's pants." Criminal Trial Pg 6-127 L8-16 "Again, I found a few fibers - a few polyester fibers on JW3, Mr. Washington's vest, that were consistent with the polyester fibers from Mr. Clark's pants." Question from attorney Q. "And, again, what is the most consistent, I believe, is the word you used – consistent way that transfers from Brandon Clark's pants to Keith Washington's vest could have happened?" A. "The most direct way would be contact between the two items." Ms. Brun-Conti performed said analyses at the State's request (Criminal Trial Pg Criminal Trial 6-114 L2-4: "Your Honor, for the record, this is – the state requested that this analysis be done), and the State requested and took the actual clothing..."

- d. Several witnesses testified that Mr. Washington displayed physical evidence of an altercation:
  - i. Criminal Trial Pg 3-112 L7-10: Officer George Jones, the first officer on the scene, testified that Mr. Washington's lip was bleeding when he arrived. Q. "And when you encountered Mr. Washington at his home, as the first officer that arrived, you saw that his lip was bleeding, correct?" A. "Correct."
  - ii. Criminal Trial Pg 6-33 L21-24: Officer Darren Livingston testified that he observed swelling on Mr. Washington's face, and that he had an ice pack on it. "He had an ice pack up to the side of his face and it appeared that his face was swollen."
  - iii. Criminal Trial Pg 5-130 L11-13: Lt Charles Walls testified that he could see redness on Mr. Washington's face several hours after the incident. Referring to the poor quality of photographs he had taken several hours after the incident he testifies "And then the other one, it doesn't show, in my recollection, the redness that I saw on the right side of his face."
  - iv. Criminal Trial Pg5-116 L13-Pg5-118 L12: Dr. Karen Dixon, Emergency Physician, Ft Washington Hospital, attended Mr. Washington in the ER following the incident. She testified to treating Mr. Washington for neck strain and contusion, also identified as trauma, and prescribed prescription medication as a result.

Mr. White's DNA on the gun, the fiber transfer from Mr. Clark's pants leg to Mr. Washington's upper body clothing, the physical signs on Mr. Washington (bleeding lip, redness and bruising in face, etc), Mr. Washington's watch on the floor, eyewitness testimony by Mrs. Washington – all of this physical, scientific, and eyewitness evidence clearly refute Mr. White's statements that there was no contact between him, Mr. Clark, and Mr. Washington. The fact that Mr. Washington did not sustain more injuries is indicative of the fact that the altercation lasted only a few seconds. Mrs. Washington testified that Mr. Washington was bent over when she saw him being assaulted. Mr. Washington's injuries were consistent with his testimony that he was crouched and covering himself during the assault.

37. Criminal Trial Pg 3-158: Robert White denies he is the plaintiff in a civil suit resulting from the shooting incident of Jan 24, 2007, and denies any knowledge at all of the civil lawsuit he has filed, testifying that he knows nothing about it even after being presented with the evidence of the lawsuit. **(This answer was false and known to be false by Robert White.)**

Pg 3-158 L4-L9: Q. "...you hired that lawyer for purposes of filing a lawsuit based on this incident, correct? A. "No." Q. "Well that lawyer has filed a lawsuit on your behalf based on this incident, correct?" A. "I don't know. I haven't seen anything." **(This answer was false and known to be false by Robert White and the State.)**

Pg 3-160 L5-L12: Q. "And your testimony is also that you are unaware that you have filed a lawsuit; is that your testimony? A. "Yes." Q. "Okay. Well, Mr. White, isn't it true that, through your lawyer, you gave notice to Prince George's County on January

31<sup>st</sup>, of 2007 of your intent to file a lawsuit based on the shooting incident?” A. “I don’t know anything about it.” **(This answer was false and known to be false by Robert White and the State.)**

Defense Exhibit No. 3 is introduced and provided to Mr. White.

Pg3-163 L5-L9: Q.”So you are aware that a lawyer on your behalf, on that day, January 31, 2007, gave notice to P. G. County of your intent to file a lawsuit based on the shooting incident, right? A. “I don’t know nothing about it.” **(This answer was false and known to be false by Robert White and the State.)**

**Evidence of Perjury, False Statements, and Obstruction of Justice::**

- a. Mr. White testified on February 13<sup>th</sup>, 2008 that he knew nothing about a lawsuit that was filed on January 31, 2007, some thirteen months prior to his testimony in court. He attempts to mislead the jury by saying he knows nothing about this \$400 million dollar lawsuit, even when confronted with the evidence, misleading the jury as to any benefits he expected to gain as a result of the outcome of the proceeding.
- b. The civil case in which Mr. White was a Plaintiff was tried in March 2009 and resulted in a mistrial. Prior to re-trial, the civil case was voluntarily dismissed by the plaintiffs against Mr. Washington on January 25, 2010. In the dismissal hearing, the plaintiffs agreed that the case against Mr. Washington was **without any legal or factual merit. During the dismissal hearing Mr. Washington’s counsel stated:**  
“[Mr. Washington] agrees to this dismissal because he is an innocent man, he did not commit the crimes with which he was convicted. He acted properly and in self-defense, and it is his assessment and mine that the plaintiffs are dismissing this case, as to him, because the case, as to him, lacks legal and factual merit.” (Civil Trial Dismissal Hearing 01/25/10 p34)  
Plaintiffs’ counsel confirmed for the Court that this was the full extent of the agreement. (Civil Trial Dismissal Hearing 01/25/10 p34)

38. Criminal Trial 3-173 L10-12, Pg3-175 L1-12, Mr. White testifies that Mr. Washington made two phone calls saying: “He was in his bedroom talking one time, and then the other time he was on the phone with somebody. I don’t know who it was.” He further testified that he heard Mr. Washington say on the phone “these guys busted up in here”, that they had hit him with a pipe, and that one of the guys was dead. **(This answer was false and known to be false by Robert White.)**

**Evidence of Perjury, False Statements, and Obstruction of Justice:**

- a. The phone records verify that only phone call was made during the timeframe of the shooting; that call was to 911. The call was made by Mrs. Washington; Mr. Washington picked up the upstairs extension and dialed 911 not aware that Mrs. Washington was already connected and speaking with the 911 operator. The 911 tape recording clearly proves that the statements Mr. White testified that he heard were never made. (See Washington’s Phone Records, and 911 Transcript)

39. Criminal Trial 3-173 L25 thru 3-174 L1-9: Q. “Mr. White, when you released your media statement you talked about this 911 call or the call that you say you heard in the media statement, correct.” A. “Correct.” Q. “And you said there that you also heard Mr. Washington say on the phone that they had hit him with a pipe, correct.” A. “Correct.” Q. “Is it your testimony you heard that?” A. “Correct.” (This statement was false and known to be false by Robert White.)

**Evidence of Perjury, False Statements, and Obstruction of Justice::**

- a. Criminal Trial Pg 3-148 L21-23: Q. “You had mentioned what Mr. Washington said on the phone. Have you ever heard the 911 call?” A. “I don’t remember.”
  - b. Grand Jury Pg 11 L2: white states he heard
  - c. Criminal Trial Pg 3-175 L1-12: Q. “Tell me if this paper says this. ‘So he called somebody on the phone. I heard part of the conversation. He called somebody on the phone. He said two guys just busted up my house and beat me with a pipe. I shot both of them. One of them is dead bleeding out of the nose and mouth.’ Does it say that?” A. “Correct.” Q. “And you said that in the grand jury, correct?” A. “Correct.” Q. “Now is that true?” A. “Yes.” Q. “So your testimony is that you heard Mr. Washington on the phone say that one of the two men that he shot was dead?” A. “Correct.”
40. Criminal Trial 3-177 L15-20: Mr. White admits to lying to the Grand Jury about his criminal convictions. Q. “And when you were asked later, by one of the grand jurors, whether you had listed all your convictions, you said that you had, correct? A. “Correct.”  
**Q. “And that was false, correct?” A. “Correct.”**

**Evidence of Perjury, False Statements, and Obstruction of Justice::**

- a. Grand Jury Pg14 L14- Pg16 L6: Mr. White is questioned about his criminal record; only five of his convictions are mentioned.  
Grand Jury Pg 25 L22-25: Mr. White is questioned further about the criminal convictions he’s testified to: Q. “He read off some of the crimes you had been accused of. Were there any others that weren’t mentioned?” A. “No.” **(This answer was false and known to be false by Robert White.)** This testimony is absolutely untrue. Only five of Mr. White’s eleven convictions had been mentioned when he falsely testified that there were no additional convictions that had not previously been mentioned.

Mr. White disclosed only five of his convictions to the Grand Jury. Even when asked specifically whether he had disclosed all of them, he failed to disclose them and then lied about it. Mr. White had eleven convictions and numerous additional arrests at the time of his testimony. (See Printout of White’s Convictions)

Admitted in Grand Jury:

- Peeping Tom
- Grand Larceny
- Grand Theft
- Attempt Sexual Assault (actually convicted of Assault with Intent to Commit Sexual Conduct-First Degree)
- Unlawful Entry

Additional Convictions Mr. White Did Not Disclose When Asked:

- Larceny
- Receiving Stolen Goods (Two Convictions)
- Attempted 3<sup>rd</sup> Degree Burglary
- Pointing a Firearm (Attempt Murder)
- Assault and Battery
- First Degree Burglary
- Domestic Violence

Mr. White has been arrested three times since the trial, twice for criminal assault (once in July 2008 and once in September 2010; both in South Carolina).

41. Criminal Trial 3-180 L2-16: Mr. White testified that he never touched Mr. Washington, that there was no fight, and that he doesn't know if he was close enough to grab the gun when he was shot. Q. "And you know Mr. White that your DNA was on Mr. Washington's gun, correct?" A. "Correct." Q. Can you explain how it ended up there?" A. "I don't know." Q. "You never touched him?" A. "Nope." Q. "And there was no fight between you and Mr. Washington?" A. "No, there wasn't." Q. "At the time that you were shot, you were close enough to grab the gun, correct?" A. "I don't know."  
**(All these answers were false and known to be false by Robert White.)** There is significant evidence and witness testimony to refute Mr. White's statement.

**Evidence of Perjury, False Statements, and Obstruction of Justice::**

- a. Criminal Trial Pg4-123 L18-24: Monica Amman, the State's expert DNA analyst, testified that Robert White's DNA was found on Mr. Washington's gun. Ms. Amman testified "DNA from more than one individual was obtained from the swabs of the gun. Keith Washington and Robert White cannot be excluded as contributors to this mixture. Using combined probability of exclusion calculation, more than 99.99 percent of individuals in the Caucasian, African-American and southeast Hispanic populations would be excluded as contributors.
- b. Several witnesses testified that Mr. Washington displayed physical evidence indicative of an altercation:
  - i. Criminal Trial Pg 3-112 L7-10: Officer George Jones, the first officer on the scene, testified that Mr. Washington's lip was bleeding when he arrived. Q. "And when you encountered Mr. Washington at his home, as the first officer that arrived, you saw that his lip was bleeding, correct?" A. "Correct."
  - ii. Criminal Trial Pg 6-33 L21-24: Officer Darren Livingston testified that he observed swelling on Mr. Washington's face, and that he had an ice pack on it. "He had an ice pack up to the side of his face and it appeared that his face was swollen."
  - iii. Criminal Trial Pg 5-130 L11-13: Lt Charles Walls testified that he could see redness on Mr. Washington's face several hours after the incident. Referring to the poor quality of photographs he had taken several hours after the incident he testifies "And then the other one, it doesn't show, in my recollection, the redness that I saw on the right side of his face."

- iv. Criminal Trial Pg5-116 L13-Pg5-118 L12: Dr. Karen Dixon, Emergency Physician, Ft Washington Hospital, attended Mr. Washington in the ER following the incident. She testified to treating Mr. Washington for neck strain and contusion, also identified as trauma, and prescribed prescription medication as a result

42. Criminal Trial 3-182 L16-19: Mr. White is questioned about the drug test administered the night of the incident resulting in positive for cocaine: Q. How did cocaine end up in your system? A. “That’s a question I can’t answer. I can’t answer that. I can’t answer that. I don’t know.” 3-184 L18-19Q. “Have you ever used cocaine?” A. “No.” **(This answer was false and known to be false by Robert White.)**

**Evidence of Perjury, False Statements, and Obstruction of Justice:**

- a. Dr Muhammad Ali Khan, treating physician at Prince George’s Hospital, administered various tests upon Mr. White’s admittance on the night of the incident in order to ensure appropriate medical treatment. The resultant toxicology report verified that Mr. White tested positive for cocaine. (Toxicology Report)
- b. Mr. Robert Baker, the delivery customer immediately prior to the Washington delivery, provided a written statement to the State’s Attorney indicating some unease regarding Mr. White: “The smaller of the two gentlemen (Mr. White) acted very suspicious...he seemed to be either high or intoxicated...My impression was that he seemed guilty of having just done something wrong and I was very relieved that my wife was not home alone when they arrived.” (See Baker Statement)

Although Mr. White denied having used cocaine, the toxicology test clearly showed cocaine in his system. Further, Mr. Baker visibly observed behavior he found concerning, and noted the appearance of Mr. White being either high or intoxicated.

**ROBERT WHITE CIVIL DEPOSITION (October 27, 2008)**

43. Civil Deposition Pg13 L2-13: When questioned about his previous employment, Robert White lied, saying that he left voluntarily when in fact he was fired. Q. "Okay. Now, I was asking if you recall how long you worked at AmVets and I believe your answer was you don't really know. Was it as much as six months." A. "It could have been six months." Q. "Why did you stop working there?" A. "The other job paid more money." Q. "Isn't it the case that you were fired?" A. "No." Q. "You quit voluntarily?" A. "Yes." (This answer was false and known to be false by Robert White.)

**Evidence of Perjury, False Statements, and Obstruction of Justice:**

- a. Attached employment record from AmVets shows Mr. White was terminated; he clearly lied about quitting voluntarily. (See AmVets Employment Record).
  - b. Stipulation between plaintiff's counsel and defendant's counsels that Robert White was fired from AMVETS, and did not quit voluntarily.
44. Civil Deposition Pg16 L15-17: White testifies that he knows he wasn't actually employed by Marlo, contradicting his previous testimony that he was employed by Marlo. Q. "Is it your belief that you were employed by Marlo Furniture?" A. "No." (This answer was false and known to be false by Robert White.)
- Evidence of Perjury, False Statements, and Obstruction of Justice:**
- a. Grand Jury Pg 6 L6-7: White is questioned about his employment: Q. "What job did you take after that?" A. "Working for Marlo's."
  - b. Grand Jury Pg 18 L24-25: White further insinuates that he was employed by Marlo Furniture when he testifies that Marlo cancelled his insurance (giving the impression that he had insurance) "Well, Marlo's cut my insurance off, so I don't have any insurance."  
His testimony that he worked for Marlo and had Marlo insurance insinuated to the jury that Mr. White was a legitimate delivery man and bona-fide Marlo employee which was not the case.

45. Civil Deposition Pg18 L8-14: White admits that he testified in the Grand Jury that Marlo cancelled his insurance. The truth is, White never worked for Marlo and was never insured by Marlo. Q. "You recall testifying before the grand jury that Marlo Furniture canceled your insurance?" A. "Yes." Q. "Is that true?" A. "Yes." Q. "How and when did they cancel your insurance?" A. "I don't know."

**Evidence of Perjury, False Statements, and Obstruction of Justice:**

- a. Civil Trial: Pg 2-169 L6-23: Mr. White testified that his Grand Jury statement about being employed by and having insurance with Marlo Furniture was not true, and he knew it: Q. "Okay. With regard to Marlo – or Robinson I guess, because you never worked for Marlo, right?" A. "Correct." Q. "You have given testimony that Marlo canceled your insurance, right?" Q. "You've given that testimony in the past, have you not?" A. "Correct." Q. "And you know that's not right because Marlo has never insured you because you never worked for Marlo; isn't that right?" A. "Correct."

- b. A signed statement from Ms. Aquilla Ross, Human Resources Director for Marlo Furniture, confirms that Mr. White has never worked for Marlo Furniture in any capacity. (See Aquila Ross Statement)  
Mr. White never completed an employment application for Marlo, never completed tax information for Marlo, and never completed insurance paperwork for Marlo; and eventually admitted that he never actually worked for Marlo or had insurance. He never worked for Marlo and he knew it. His testimony in the Grand Jury to the contrary served to legitimize him in the jurors' minds as a hard working bona-fide employee, which he was not.

46. Civil Deposition Pg22 L13 – pg 23 L4: When asked how long he has worked for Marlo, Mr. White is evasive, saying he doesn't know how long. **Q."How long did you actually work for Marlo or Mr. Robinson?" A. "I don't remember." Q. "Was it a matter of days?" A. "I don't know." Q. "Was it a matter of weeks?" A. "I don't know." Q. "Was it a matter of months?" A. "I don't know." Q. "You don't have any idea how long you worked for Marlo?" A. "No." Q. "Just a complete mystery to you?" A. "Yes." (This answer was false and known to be false by Robert White.)** Mr. White's response is once again preposterous. In this instance he has absolutely no idea how long he worked for Marlo, but in previous and subsequent testimony he gave very specific timeframes ranging from nine days to three weeks; a different response each time he was asked. This response is further indication of Mr. White's complete disregard for the truth.

**Evidence of Perjury, False Statements, and Obstruction of Justice:**

- a. Grand Jury Pg7 L4: **"I only been on the job three weeks." (This answer was false and known to be false by Robert White.)**
- b. Civil Deposition Pg 39 L21- Pg40 L1: Mr. White's answer to interrogatories is noted. In interrogatories White **stated he worked for Marlo for two weeks. (This answer was false and known to be false by Robert White.)**
- c. Civil Trial Pg 2-170 L19-24: Mr. White is asked about his employment tenure: **Q. "How long had you worked for Marlo's or Robinson, whatever you want to call it?" A. "I think nine days, to be exact." Q. "That's not the testimony you gave when I asked you that same question in deposition, is it?" A. "I don't know what I said." (This answer was false and known to be false by Robert White.)**
- d. Deposition Pg61 L13-14: Mr. White contradicts himself again, testifying that he worked for Marlo/Michael Robinson six days a week: Q. "How many days a week did you work with him?" A. "Five days." Q. "Monday through Friday?" A. "No. Probably six days..." **(This answer was false and known to be false by Robert White.)**
47. Civil Deposition Pg27 L9- Pg28 L17: When asked to provide Mr. Clark's height and weight Mr. White says he doesn't know. Q. "Okay. Can you tell me Mr. Clark's approximate height and weight as of January 2007?" A. "I don't know." Pg 27 L20- Pg 28 L14: Q. "How much taller would you estimate Mr. Clark was than you?" A. "I don't know." Q. "Was he six inches taller than you?" A. "I don't know." Q. "Was he one inch taller than you?" A. "I don't know." Q. "Had you ever had occasion to stand next

to him?” A. “No.” Q. “You never stood next to him?” A. “No.” **(This answer was false and known to be false by Robert White.)** Again, Mr. White’s responses are evasive and provide further indication of his propensity to lie, even when there is no reason. He had provided Mr. Clark’s height and weight in previous testimony.

**Evidence of Perjury, False Statements, and Obstruction of Justice :**

- a. Grand Jury Pg 12 L20-21: When asked to describe Brandon, White says “Brandon is 6-4, 270.”

48. Civil Deposition Pg46 L11-17: When asked about his prior sex offense conviction, Mr. White says the offense was attempted sexual assault. Q. “What was the crime you were actually convicted of that sent you to jail for 10 years?” A. Attempted.” Q. “Attempted what?” A. “Sexual assault.” **(This answer was false and known to be false by Robert White.)** The fact is, Mr. White was convicted of Sexual Assault with intent to commit sexual misconduct, not attempted sexual assault.

**Evidence of Perjury, False Statements, and Obstruction of Justice:**

- a. The State’s Criminal Trial motion in limine identifies Mr. White’s convictions. His jail time was as the result of the conviction for first degree criminal assault with intent to commit sexual conduct. (See Printout of Convictions, Sex Offender Registration Printout)

49. Civil Deposition Pg51 L22-Pg52 L19: Mr. White states that he is aware that he tested for positive for cocaine the night of the incident. Q. “You are aware you tested positive for cocaine?”A. “Yes.” He goes on to say he has never used cocaine (Pg52 L21-Pg 53 L1) says he has never used cocaine: “Q.”Have you ever used cocaine?” A. “No, sir.” **(This answer was false and known to be false by Robert White.)**

**Evidence of Perjury, False Statements, and Obstruction of Justice:**

- a. Dr Muhammad Ali Khan, treating physician at Prince George’s Hospital, administered various tests upon Mr. White’s admittance on the night of the incident in order to ensure appropriate medical treatment. The resultant toxicology report verified that Mr. White tested positive for cocaine. (Toxicology Report )
- b. Mr. Robert Baker, the delivery customer immediately prior to the Washington delivery, provided a written statement to the State’s Attorney’s Office indicating apprehension and unease regarding Mr. White: “The smaller of the two gentlemen (Mr. White) acted very suspicious...he seemed to be either high or intoxicated...My impression was that he seemed guilty of having just done something wrong and I was very relieved that my wife was not home alone when they arrived.” (See Baker Statement)

Although Mr. White denied having used cocaine, the toxicology test clearly showed cocaine in his system. Further, Mr. Baker visibly observed behavior he found concerning, and noted the appearance of Mr. White being either high or intoxicated.

50. Civil Deposition Pg 54 L19 – Pg 55 L7: Mr. White is asked whether he was ever interviewed by the Prince George’s County Police in connection with the shooting. Mr.

White first responds “I don’t remember.” (**This answer was false and known to be false by Robert White.**), then when asked again, then admits that he was not interviewed by police before giving his media statement; he then states that he doesn’t remember being interviewed after that.

**Evidence of Perjury, False Statements, and Obstruction of Justice:**

- a. Mr. White is once again evasive, responding with “I don’t know” when he wants to avoid providing a response. The fact is, Mr. White refused to speak with the Prince George’s County Police, and has never been interviewed or questioned by the police in connection with the shooting incident.

51. Civil Deposition Pg 56 L20-Pg 58 L8: Mr. White says he never had any physical contact with Mr. Washington: Q. “Did you ever have any physical contact with Keith Washington?” A. “No.” Q. “In other words, did any part of your body touch his body at any time?” A. “not to my knowledge.” Q. “Did any part of his clothing touch any part of your clothing at any time?” A. “Not to my knowledge.” Q. “Did anything he was holding or touching come into contact with any part of your person or clothing?” A. “Not to my knowledge.” Q. “Was there any contact, as far as you know, between Keith Washington and Brandon Clark?” A. “I don’t know.” (**This answer was false and known to be false by Robert White.**) There is significant physical, scientific, and eyewitness evidence to refute Mr. White’s statements that there was no contact between him and Mr. Clark and Mr. Washington.

**Evidence of Perjury, False Statements, and Obstruction of Justice:**

- a. Criminal Trial Pg6-159 L3-19: In eyewitness testimony Stacey Washington testified that she observed Mr. White and Mr. Clark assaulting Mr. Washington immediately prior to the shooting: “That’s when I saw Keith bent over, and these two men were on either side of him and they were beating him.”
- b. Criminal Trial Pg4-123 L18-24: Monica Ammann, the State’s expert DNA analyst, testified that Robert White’s DNA was found on Mr. Washington’s gun. Ms. Amman testified “DNA from more than one individual was obtained from the swabs of the gun. Keith Washington and Robert White cannot be excluded as contributors to this mixture. Using combined probability of exclusion calculation, more than 99.99 percent of individuals in the Caucasian, African-American and southeast Hispanic populations would be excluded as contributors.
- c. Leanora Brun-Conti, a forensic chemist for the ATF and qualified expert in the field of forensic chemistry and trace evidence analysis, examined and analyzed the outer garments of Mr. White, Mr. Clark and Mr. Washington. Ms. Brun-Conti testified that fibers from Mr. Clark’s pants were found on Mr. Washington’s upper body clothing (shirt and vest), consistent with Mr. Washington’s testimony that he was kicked during the assault, and directly contrary to Mr. White’s testimony above. Criminal Trial Pg 6-126 L14-15 Ms. Brun-Conti testified “I recovered a few polyester fibers from Mr. Washington’s shirt that were consistent with the fibers from Mr. Clark’s pants.” Criminal Trial Pg 6-127 L8-16 “Again, I found a few fibers - a few polyester fibers on JW3, Mr. Washington’s vest, that were consistent with the polyester fibers from Mr. Clark’s pants.” Question from attorney Q. “And, again, what is the most consistent, I believe, is the word you used – consistent way that transfers from Brandon Clark’s pants to Keith

Washington's vest could have happened?" A. "The most direct way would be contact between the two items."

Ms. Brun-Conti performed said analyses at the State's request (Criminal Trial Pg Criminal Trial 6-114 L2-4: "Your Honor, for the record, this is – the state requested that this analysis be done), and the State requested and took the actual clothing..."

- d. Several witnesses testified that Mr. Washington displayed physical evidence of an altercation:
  - i. Criminal Trial Pg 3-112 L7-10: Officer George Jones, the first officer on the scene, testified that Mr. Washington's lip was bleeding when he arrived. Q. "And when you encountered Mr. Washington at his home, as the first officer that arrived, you saw that his lip was bleeding, correct?" A. "Correct."
  - ii. Criminal Trial Pg 6-33 L21-24: Officer Darren Livingston testified that he observed swelling on Mr. Washington's face, and that he had an ice pack on it. "He had an ice pack up to the side of his face and it appeared that his face was swollen."
  - iii. Criminal Trail Pg 5-130 L11-13: Lt Charles Walls testified that he could see redness on Mr. Washington's face several hours after the incident. Referring to the poor quality of photographs he had taken several hours after the incident he testifies "And then the other one, it doesn't show, in my recollection, the redness that I saw on the right side of his face."
  - iv. Criminal Trial Pg5-116 L13-Pg5-118 L12: Dr. Karen Dixon, Emergency Physician, Ft Washington Hospital, attended Mr. Washington in the ER following the incident. She testified to treating Mr. Washington for neck strain and contusion, also identified as trauma, and prescribed prescription medication as a result.
- e. Mr. Washington's watch was knocked off during the altercation and found on the floor at the doorway of the master bedroom, further indication of a physical altercation.

Mr. White's DNA on the gun, the fiber transfer from Mr. Clark's pants leg to Mr. Washington's upper body clothing, the physical signs on Mr. Washington (bleeding lip, redness and bruising in face, etc), Mr. Washington's watch on the floor, eyewitness testimony by Mrs. Washington – all of this physical, scientific, and eyewitness evidence clearly refute Mr. White's statements that there was no contact between him, Mr. Clark, and Mr. Washington. The fact that Mr. Washington did not sustain more injuries is indicative of the fact that the altercation lasted only a few seconds. Mrs. Washington testified that Mr. Washington was bent over when she saw him being assaulted. Mr. Washington's injuries were consistent with his testimony that he was crouched and covering himself during the assault.

52. Civil Deposition Pg 65 L14 – Pg 67 L22: Mr. White states that Mr. Washington was called prior to their arrival. Q. “Did you speak with anybody in the Washington house before you got there?” “Yes. **We actually called him** and asked him, you know, to turn the light on or if he’ll be standing outside and we will arrive. He was outside.” **(This answer was false and known to be false by Robert White.)** Q. “My question was: Did you – did you personally speak with anybody in the Washington house before you arrived?” A. “No.” Q. “When you say, ‘we called’, you mean Brandon called?” A. “Yes.” Q. **“Brandon, did he use your phone?”** A. **“Yes.”** Q. **“And that’s the phone that was actually Ms. Simmons’ phone?”** A. **“Right.”** ... Q. “Where were you when the call was made to the Washington house?” A. “In the truck. **I actually dialed the number** and he talked to him.” **(These answers were false and known to be false by Robert White.)** Mr. White contradicted this entire statement in both the Grand Jury and Civil Trial.

**Evidence of Perjury, False Statements, and Obstruction of Justice:**

- a. Phone records prove no call was made to the Washington home that evening from either Mr. White’s or Mr. Clark’s cell phone.
- b. Media statement Par 2 L1-L2: White states: **“When we arrived Brandon went inside to meet the customer. I waited in the truck. Brandon came out of the house with the customer...”**
- c. Grand Jury Pg7 L12-19: Mr. White testified **“...we phoned Mr. Washington before we got to his house and let him know that we on our way... And when we arrived he was outside on his porch.”** **(This answer was false and known to be false by Robert White.)** Mr. White contradicts this testimony in his original Media Statement stating very clearly that Mr. Clark went inside the house and came out with the customer.
- d. Grand Jury Pg29 L16-23: Mr. White testified about the alleged phone call to Mr. Washington, adamantly stating that the call was made from his phone: Q. **“You said that you called Mr. Washington before you got there, and then the supervisor was called.”** A. **“Right.”** Q. **“Do they have that record on Brandon’s phone?”** A. **“Well, it’s on my phone. I got my phone records. It shows where we called, we called him.”** **(This answer was false and known to be false by Robert White.)** Mr. White directly contradicts this statement in the Civil Trial testifying that the phone call to Mr. Washington was made from Brandon’s phone. The truth, as evidenced by the phone records, is that there was no call to Mr. Washington.
- e. Civil Trial Pg 2-187 L20-25 thru 2-188 L1-6: Mr. White testified in the Civil trial that the phone call allegedly made to Mr. Washington prior to their arrival was not made from his (Debra Simmons) phone, but rather that it was made from Brandon Clark’s phone. Q. “Okay. Let’s talk about some of these phone calls. You indicated that before arriving at Mr. Washington’s house, there was a call made to him to ask him to step outside and/or turn on the light.” A. “Correct.” Q. **“The phone that was being used is Ms. Simmons’ phone and that was your girlfriend, correct?”** A. **“No.”** Q. **“Didn’t call from that phone?”** A. **“No.”** Q. **“Which phone was that call made from?”** A. **“Brandon’s.”** **(This answer was false and known to be false by Robert White.)** This version of the story is completely different from the Deposition testimony in which Mr. White testified

that the phone used to call was his own, not Brandon's. In addition, Mr. White testified in the civil trial that Brandon's phone was dead (civil trial Pg2-148 L14-17). Michael Robinson, Clark's supervisor and the contractor responsible for the delivery truck also testified in the Criminal Trial that he was receiving calls from them on Mr. White's phone because Mr. Clark's phone had died (see Trial Testimony Pg 4-30, and 4-40). Also, in previous testimony (Grand Jury and Civil Deposition) Mr. White testified that the phone call was made using his own phone, even going so far as to explain that it was he (Mr. White) who actually dialed the number. (See Brandon Clark's Phone Record)

Mr. White lied and changed his story repeatedly about what occurred when they first arrived at the Washington home, and knowingly committed perjury about the phone call he claims they made to Mr. Washington that evening. His testimony was so full of lies, he was unable to keep them straight from one testimony to the next, and even within the same testimony. The phone records provide irrefutable physical evidence that no phone call was made to Mr. Washington from either Mr. White's or Mr. Clark's phone, but Mr. White was still allowed to testify to this lie repeatedly.

53. Civil Deposition Pg 67 L1-5; L22: Mr. White testified that Mr. Washington was standing outside when they arrived. Q. "What did he say?" A. "He asked him, could he be standing outside and turn the light on. And when we arrived, he was standing outside."..... **"Mr. Washington, he was outside.".... "Standing on, in his yard."** (This answer was false and known to be false by Robert White.) Mr. White's deposition statement is completely refuted by his media statement.

**Evidence of Perjury, False Statements, and Obstruction of Justice:**

- a. Media statement Par 2 L1-L2: RW states: **"When we arrived Brandon went inside to meet the customer. I waited in the truck. Brandon came out of the house with the customer..."**
  - b. Deposition Pg 71 L19- pg 72 L16: When asked about his media statement being different, White says the media statement is incorrect. When asked what happened to change his recollection, he becomes evasive.
  - c. Deposition Pg 74 L11- Pg75 L1: Mr. White is questioned about his media statement, and now says that the statement regarding Mr. Washington's location when they arrived was not true. Q. **"You wrote 'Brandon came out of the house with the customer.' Is that correct?"** A. **"It's there."** Q. **I understand it's there. We're both looking at it. My question is: Is that the way it occurred?"** A. **"No."** (This answer was false and known to be false by Robert White.)
54. Civil Deposition Pg 82 L12-18; Pg 83 L3-8: Mr. White is questioned as to who entered the Washington home first; he testified that Mr. Clark was first, followed by him (White), and Mr. Washington entered last: Q. **"Who entered the house first, you, Brandon, or Officer Washington?"** A. **Brandon did. And then me and Mr. Washington."** (This answer was false and known to be false by Robert White.) This

testimony has Mr. Clark leading the way. However, this testimony was contradicted by Mr. White's previous and subsequent testimony.

**Evidence of Perjury, False Statements, and Obstruction of Justice:**

- a. Criminal Trial 3-137 L14-17: Robert White testifies to the order in which he, Mr. Clark and Mr. Washington entered the house and went upstairs. Q. "What happened when you went inside?" A. "When we went inside, he direct us to a bedroom upstairs. **I was walking first, in front of Brandon. Brandon was walking behind me. He was behind Brandon,..**" (This answer was false and known to be false by Robert White.) This testimony has Mr. White leading the way, followed by Clark, then Washington.
- b. Civil Trial Pg 2-142 L15-25 thru 2-143 L1-2: Mr. White describes order in which he, Mr. Clark, and Mr. Washington entered the Washington home. Q. "**When you went inside the house, where was Mr. Washington?**" A. "**He was leading us inside.**" Q. And then what did you do?" A. "He directed us to a bedroom that was upstairs." Q. "And did you walk up the stairs?" A. "Correct." Q. "And were you and Brandon – were you holding the bed rails?" A. "**I was in the front and Brandon was in the back.**" Q. "**And where was Mr. Washington in relation to you two?**" A. "**He was in the front.**" This testimony has Mr. Washington leading the way.
- c. Civil Trial Pg 2-199 L15-25: Mr. White is questioned about his ever changing testimony: Q. "**Just tell me who was the first one of the three of you up the stairs?**" A. **Keith Washington.**" Mr. White is then asked about his previous deposition testimony in which he gave a different response: Q. "So it was your testimony when I took your deposition in October 2008 that the order was almost exactly the opposite of what you're testifying to today?" A. "Correct." Q. "Dare I ask sir which is correct?" A. "Say again." Q. "Which is correct?" A. "Yes." Q. "Yes what? **Were you telling the truth then or are you telling the truth now?**" A. "**I don't know.**" (This answer was false and known to be false by Robert White.)

Mr. White provides a different version in each testimony, and the Civil Trial testimony is the complete opposite of his Media Statement, Criminal Trial, and Grand Jury testimony. This testimony is particularly significant because Mr. Washington testified that he (Washington) went upstairs first, followed by Mr. Clark and lastly Mr. White. He testified further that and that once he got into the master bedroom he realized Mr. White was not there and then saw him coming out of his daughter's bedroom at the top of the stairs. The fact that Mr. Washington was in the lead, not Mr. White, provided ample opportunity for Mr. White to enter the Washington daughter's bedroom as Mr. Washington testified. That was the action that caused Mr. Washington to ask the men to leave the house (Mr. Washington's testimony Criminal Trial Pg 6-47 – 6-49).

During cross examination in the Civil Trial, Mr. White was also asked about the baby gate at the top of the stairs (Pg69 L11-14). He responded "I didn't see no baby gate. The gate you're talking about, I didn't see that." Q. "You didn't see it when you went up the stairs?" A. "No." This is further indication that Mr. White was not in the lead as they went upstairs. If Mr. White had indeed been the first

one up the stairs as he testified in the Grand Jury and Criminal Trial, he would have had to open the baby gate at the top of the stairs. (Note: The baby gate was removed by paramedics in order to facilitate moving the men from the second floor after the shooting.)

55. Civil Deposition Pg 86 L15-18: Mr. White testifies: Q. “What happened when you got inside the room with the bed rails?” A. **“Put the rails down. We opened the box. Brandon kneeled down and begin to take the bed apart.” (This answer was false and known to be false by Robert White.)** Later when shown a photo of the unopened box, White says the box hadn’t actually been opened, additionally photos of the bed confirm that the bed was never taken apart.. (Deposition Pg 89 L14-15)

**Evidence of Perjury, False Statements, and Obstruction of Justice:**

- a. The evidence photograph of the box clearly shows the rails still in the original unopened box. (Evidence Photo)
- b. Grand Jury Pg8 L9-13: Mr. White testifies that the rails were taken out of the box: “When we got in the house, we went upstairs. **Brandon kneeled down. I kneeled down.** Brandon was closest to the door. Mr. Washington was on the side of him. I was to the far right. **We took the rails out,** and he was upset already. **(This answer was false and known to be false by Robert White.)** I don’t know why he was upset, but he was upset already and he pushed Brandon.” Mr. White’s very explicit and detailed description is contradicted again in his Criminal Trial testimony (see below). In addition, he responded to a juror question later in the Grand Jury stating that the rails were left in the box.
- c. Criminal Trial Testimony 3-138 L1-3: Mr. White testified that Brandon was kneeling by the bed and he (White) was standing: **“So Brandon kneeled down – I’m standing on the other side,** close to the railing, Brandon at the bed...” L7: “So it was a few seconds later that he pushed Brandon...” Pg 3-178 L19-20: He was questioned later about his contradictory Grand Jury testimony: **Q. “But you agree that the rails were never taken out, correct? A. “Not out of the box.”**
- d. Grand Jury Pg25 L14-17: White later changes his testimony and says the rails were never taken out of box. Q. **“...Did you set up the rails?” A. “No, we didn’t get a chance to.” Q. “So you left them in the box?” A. “Yeah.”** This testimony contradicts the testimony he gave shortly before, stating that they had in fact taken the rails out of the box.
- e. Media Statement Par 3 L4-6: White testifies **“We set the box down and both Brandon and I were on our knees and we were going to open the box with the bed rails.** The customer then pushed Brandon...” Mr. White contradicts the statement that they were going to open the box with the rails (inferring that it wasn’t already open) by later testifying that they took the rails out of the box. The fact that Mr. White changes his story several times is indicative of his propensity to lie and fabricate scenarios at will.

Mr. White, in his first statement (the Media Statement) stated the rails were not taken out of the box. Subsequently, in the Grand Jury he first testified they were out of the box, then later changes his testimony saying they were not. Mr. White’s story also changed with regard to where he and Mr. Clark were in

relation to the box. At some points they are both kneeling, other times he states that Mr. Clark is kneeling by the bed while he (Mr. White) is standing away from him near the box. What is clear is that Mr. White's story changes repeatedly, and that he can't remember what he said from one testimony to the next. This is another example that Mr. White lied and changed his story throughout his testimony, creating considerable doubt that any of his testimony is accurate or truthful. The evidence photo of the bed rails shows they are still in the original box (and remain so).

56. Civil Deposition Pg 110 L8-10; Pg 118 L5-6, Pg 119 L3-4: White says he caught Clark after he was shot: "He was almost to the top of the stairs and he just scream out. And I ran and I caught him before he fell down the stairs..." ... "So I just ran up and grabbed hold of him."... "I actually grabbed him and came down two of the steps." **(This answer was false and known to be false by Robert White.)**

**Evidence of Perjury, False Statements, and Obstruction of Justice:**

- a. Criminal Trial Pg 6-126 – 6-127: Mr. White's testimony that he grabbed Brandon and laid on him is refuted by Leanora Brun-Conti, a forensic chemist for the ATF and qualified expert in the field of forensic chemistry and trace evidence analysis. She analyzed and testified to the fiber transfer between Mr. White, Mr. Clark and Mr. Washington. Ms. Brun-Conti testified that fibers from Mr. Clark's pants were found on Mr. Washington's shirt and vest. **Pg 6-126 L14-15:** Ms. Brun-Conti stated "I recovered a few polyester fibers from Mr. Washington's shirt that were consistent with the fibers from Mr. Clark's pants." **Pg 127 L8-16:** "Again, I found a few fibers - a few polyester fibers on JW3, Mr. Washington's vest, that were consistent with the polyester fibers from Mr. Clark's pants." She did not identify any blood or fiber trace evidence between Mr. Clark and Mr. White; her findings were completely inconsistent with Mr. White's testimony. Had Mr. White grabbed and laid Mr. Clark down as he testified, there would have a significant amount of blood and fiber transfer from one to the other; there was none.
- Ms. Brun-Conti's analysis was performed at the request of the State (Pg 6-114 L2-4): "Your Honor, for the record, this is – the state requested that this analysis be done, and the State requested and took the actual clothing..."

57. Civil Deposition Pg 126 L19 thru Pg 127 L6: Mr. White describes his version of the shooting, saying he was shot on the second or third step and then got up and then "got up and walked up the stairs" to where he laid in front of another bedroom. **(This answer was false and known to be false by Robert White.)**

**Evidence of Perjury, False Statements, and Obstruction of Justice:**

In Mr. White's scenario, he was shot on the second or third step, and then went up the stairs, stepped over Brandon at the top of the stairs, walked past Mr. Washington who was allegedly standing in the master bedroom doorway holding the gun, turned right, and continued to the opposite end of the hallway where he lay down. The scene was processed by Prince George's County Police Evidence Unit and there was no blood trail

from where Mr. White claims he was shot on the steps to where he was laying at the far end of the hallway when paramedics arrived. No physical or scientific evidence corroborates Mr. White's story that he was shot on the steps and then walked to the end of the hallway. If his story were true, there would have been a blood trail from the steps to the opposite end of the hallway; there was not. There is also a reasonableness question to Mr. White's claim; is it reasonable to believe that after being shot, he walked toward the shooter who was still holding the gun to an upstairs hallway as he testified in the **Civil Trial (Pg 2-202 L23-25, Pg 2-203 L1-25, Pg 2-204 L1-2)**: Q. "And as I understand your testimony, after you were shot, because you didn't want to be shot in the back, you walked up the stairs." A. "Correct." Q. You walked up the stairs towards the direction of the person who had shot you?" A. "Correct. I walked past him." Q. "You walked past him. Was he standing in the doorway as you walked past?" A. "Correct." Q. "What was he doing as you walked past him?" A. "He was still holding his gun." Q. "Was he holding it out s though he was pointing it at you?" A. "Yes." Q. "So he's just watching you walk past him down the hallway tracking you with his gun?" **(Pg 2-203 L13-25)**: Q. "So let me just make sure I understand this, sir. The man who you allege just shot your friend for literally no reason twice in the chest and then shot you for literally no reason, according to you, twice in the chest and abdomen, let's your walk up the stairs towards him, make a right hand turn, and walk down the hallway in his house; is that right?" A. "Yes." **(This answer was false and known to be false by Robert White.)**

By any reasonable standard, this is preposterous.

58. Civil Deposition Pg 137 L1-22; Mr. White committed perjury about the phone conversations he states he overheard, testifying that he heard Mr. Washington say "These two guys just break in my house and beat me up with a pipe. Hit me with a pipe." **(This answer was false and known to be false by Robert White.)**

**Evidence of Perjury, False Statements, and Obstruction of Justice:**

- a. Phone records clearly verify that only one call was made after the shooting, and that call was to 911. The call was made by Mrs. Washington; Mr. Washington picked up the upstairs extension and dialed 911 not aware that Mrs. Washington was already connected and speaking with the 911 operator. **The 911 tape recording clearly proves that the statements Mr. White testified to were never made.** The 911 recording verifies that Mr. Washington never said anything about being hit by a pipe, that he told the operator the men were there to deliver furniture, and that he let them in. (See Washington Phone Records, and 911 Transcript)

The truth is **there was only one phone call made after the shooting, and that call was to 911.** The conversation Mr. White testified to under oath and quoted never happened; the 911 call transcript is proof of that. Mr. White attempted to portray Mr. Washington as cavalierly discussing the shooting with someone and lying about how Clark and White came to be in the house. None of that is true. The 911 recording and Washington's phone records were in evidence, and clearly showed that Mr. White was not truthful about what Mr. Washington said. Again,

this evidence coupled with the other physical and forensic evidence was a clear indication that Mr. White's version of the shooting was not truthful.

59. Civil Deposition Pg 142 L12-15: Mr. White testifies: "The cop that came in, he came in and Brandon was on his back. Picked Brandon up and slammed him to the floor and handcuff him. Washington, he kicked him couple times..." **(This answer was false and known to be false by Robert White.)**

**Evidence of Perjury, False Statements, and Obstruction of Justice:**

- a. Criminal Trial Pg 6-126 – 6-127: Leanora Brun-Conti, a forensic chemist for the ATF and qualified expert in the field of forensic chemistry and trace evidence analysis. Mr. White's testimony that Mr. Washington kicked Clark is totally refuted by the evidence. Ms. Brun-Conti analyzed and testified to the fiber transfer between Mr. White, Mr. Clark and Mr. Washington. Ms. Brun-Conti testified that fibers from Mr. Clark's pants were found on Mr. Washington's shirt and vest. **Pg 6-126 L14-15:** Ms. Brun-Conti stated "I recovered a few polyester fibers from Mr. Washington's shirt that were consistent with the fibers from Mr. Clark's pants." **Pg 127 L8-16:** "Again, I found a few fibers - a few polyester fibers on JW3, Mr. Washington's vest, that were consistent with the polyester fibers from Mr. Clark's pants." The evidence was totally consistent with Mr. Washington's testimony that during the assault he was kicked.

Ms. Brun-Conti's analysis was performed at the request of the State (Pg 6-114 L2-4): "Your Honor, for the record, this is – the state requested that this analysis be done, and the State requested and took the actual clothing..."

Ms. Brun-Conti testified that the shape of the pants fibers were unique, and that the dye lot was not of a usual color. Ms. Brun-Conti's findings of Mr. Clark's pants fiber on Mr. Washington's upper body clothing is consistent with Mr. Washington's testimony that during the assault he was crouched, attempting to cover up, and that Clark and White were "hitting and kicking me" (Criminal Trial 6-52 L8; L16). Ms. Brun-Conti's findings are in NO WAY consistent with Mr. White's testimony that Washington kicked Mr. Clark.

60. Throughout his deposition, Robert White provided answers that were absolutely false, as well as evasive and ambiguous, responding with either "I don't know" or "I don't remember" at least 115 times during his civil deposition, even to questions to which he had previously testified. Mr. White's responses are indicative of his overall dishonesty and willingness to lie under oath, even to the most basic of questions.

## **ROBERT WHITE'S CIVIL TRIAL TESTIMONY (March 24, 2009)**

61. Civil Trial Pg 2-136 L17-20: Mr. White is asked “Did you ever sign a contract for work for Marlo?” Mr. White responds “No.” In previous testimony, Mr. White testified that he did work for Marlo, and furthered that impression by saying his insurance had been cancelled by Marlo. Mr. White’s testimony gave the impression that he was a hard-working, bona-fide Marlo Furniture delivery man, when in fact he was not employed by Marlo at all.

### **Evidence of Perjury, False Statements, and Obstruction of Justice:**

- a. White testified in the Grand Jury (Pg18 L23-24) “Marlo’s cut my insurance off, so I don’t have any insurance.” He made this statement even though he knew he did not work for Marlo and thus could not have had insurance with a Marlo health care provider. This statement legitimized him as a Marlo employee, further giving the impression that he was a bona-fide employee of the company.
- b. Marlo’s Human Resources Director, Ms. Aquilla Ross, provided a signed statement that Robert White has never worked for Marlo Furniture in any capacity. (Aquila Ross Witness Statement).

62. Civil Trial Pg 2-141 L3-10: Mr. White testified “Well, **we called Mr. Washington before we even got to his house** and asked him would he be standing outside or have a light on or something because it was dark. We didn’t know where we was. **And he was outside when we arrived.** Brandon gets out of the truck. He goes to talk to Mr. Washington.” **(This answer was false and known by Robert White to be false.)**

### **Evidence of Perjury, False Statements, and Obstruction of Justice:**

- a. Phone records clearly show that no call was made to Mr. Washington from either Mr. White or Mr. Clark. (See Phone Records)
- b. Media Statement Par2 L1-L2: Robert White stated: “**When we arrived Brandon went inside to meet the customer.** I waited in the truck. Brandon came out of the house with the customer...” A clear contradiction to Mr. White’s trial testimony. **(This answer was false and known to be false by Robert White.)**
- c. Grand Jury Pg29 L16-23: Mr. White testified about the alleged phone call to Mr. Washington, adamantly stating that the call was made from his phone: **Q. “You said that you called Mr. Washington before you got there, and then the supervisor was called.” A. “Right.” Q. “Do they have that record on Brandon’s phone?” A. “Well, it’s on my phone. I got my phone records. It shows where we called, we called him.”** Mr. White directly contradicts this statement in the Civil Trial testifying that the phone call to Mr. Washington was made from Brandon’s phone. The truth, as evidenced by the phone records, is that there was no call to Mr. Washington. **(This answer was false and known to be false by Robert White.)**
- d. Criminal Trial Pg3-134 L11-18: White testified: “Well, before we got to that lane, **we actually called the customer to see if he was home (this response was false and known to be false by Robert White)**, because it was getting dark or dark, and we asked him could he either come outside or turn a light on; we wasn’t far away from his house. When we arrived, the customer was standing outside.

Brandon gets out of the truck, goes out to talk to the customer, comes back and says..." (This answer was false and known to be false by Robert White.)

- e. Criminal Trail pg 3-136: The State introduced Mr. White's phone record into evidence. (Robert White's Phone Record ). Note: Mr. White's phone was registered in the name of his girlfriend, Debra Simmons.)
- f. Deposition Pg 65 L12 – Pg 67 L22: Mr. White testifies that Mr. Washington was called prior to their arrival. Q. "Did you speak with anybody in the Washington house before you got there?" A. "Yes. We actually called him and asked him, you know, to turn the light on or if he'll be standing outside and we will arrive. He was outside." Q. "My question was: Did you – did you personally speak with anybody in the Washington house before you arrived?" A. "No." Q. "When you say, 'we called', you mean Brandon called?" A. "Yes." Q. "Brandon, did he use your phone?" A. "Yes." Q. "And that's the phone that was actually Ms. Simmons' phone? A. "Right." .... Q. "Where were you when the call was made to the Washington house?" A. "In the truck. **I actually dialed the number and he talked to him.**" (This answer was false and known to be false by Robert White.) In this testimony there is no denying that Mr. White is knowingly lying. He testifies that it was actually he who made the call (dialed the number) to the Washington home from his phone. The phone records irrefutably prove that Mr. White did not call the Washington home that evening. He changes this testimony in the Civil Trial.

Mr. White lied and changed his story repeatedly about what occurred when they first arrived at the Washington home, and knowingly committed perjury about the phone call he claims they made to Mr. Washington that evening. His testimony was so full of lies, that he was unable to keep them straight from one testimony to the next, and even within the same testimony. The phone records provide irrefutable physical evidence that no phone call was made to the Mr. Washington from either Mr. White's or Mr. Clark's phone, yet Mr. White was still allowed to testify to this lie repeatedly.

- 63. Civil Trial Pg 2-142 L124 thru 2-143 L1-2: Mr. White describes order in which he, Mr. Clark, and Mr. Washington entered the Washington home, but his testimony is completely inconsistent from one testimony to another. Q. "And were you and Brandon – were you holding the bed rails?" A. "**I was in the front and Brandon was in the back.**" Q. "And where was Mr. Washington in relation to you two?" A. "**He was in the front.**" Mr. White is questioned further about the order the men entered the Washington home:

**Civil Trial Pg 2-199 L15-25:** Mr. White is questioned further about his ever changing testimony: Q. "**Just tell me who was the first one of the three of you up the stairs?**" A. **Keith Washington.**" Mr. White is then asked about his previous testimony in which he gave a different response: Q. "So it was your testimony when I took your deposition in October 2008 that the order was almost exactly the opposite of what you're testifying to today?" A. "Correct." Q. "Dare I ask sir which is correct?" A. "Say again." Q. "Which is correct?" A. "Yes." Q. "Yes what? **Were you telling the truth then or are**

you telling the truth now?” A. **“I don’t know.”** (This answer was false and known to be false by Robert White.)

**Evidence of Perjury, False Statements, and Obstruction of Justice:**

- a. Media Statement Par 3 L1-3: Mr. White describes the position of the three men upon entering the house with the bed rails, stating “We went inside the house with Brandon and I carrying the box with the bed rails. **The customer was behind us directing us to a bedroom upstairs.**” (This answer was false and known to be false by Robert White). However, he testifies to a completely different scenario in the Civil Trial.
- b. Criminal Trial 3-137 L14-17: Robert White testifies to the order in which he, Mr. Clark and Mr. Washington entered the house and went upstairs. Q. “What happened when you went inside?” A. “When we went inside, he direct us to a bedroom upstairs. **I was walking first, in front of Brandon. Brandon was walking behind me. He was behind Brandon,..**” (This answer was false and known to be false by Robert White.) In this testimony White leads, followed by Clark, then Washington.
- c. Civil Deposition Pg 82 L12-18; Pg 83 L3-8: Mr. White is questioned as to who entered the Washington home first; he testified that Mr. Clark was first, followed by him (White), and Mr. Washington entered last: Q. **“Who entered the house first, you, Brandon, or Officer Washington?”** A. **Brandon did. And then me and Mr. Washington.**” In this version, Clark leads, followed by White, then Washington.

Mr. White provides a different version in each testimony, and the Civil Trial testimony is the complete opposite of his Media Statement, Criminal Trial, and Grand Jury testimony. This testimony is particularly significant because Mr. Washington testified that he (Washington) went upstairs first, followed by Mr. Clark and lastly Mr. White. He testified further that once he got into the master bedroom he realized Mr. White was not there and then saw him coming out of his daughter’s bedroom at the top of the stairs. The fact that Mr. Washington was in the lead, not Mr. White, provides ample opportunity for Mr. White to enter the Washington daughter’s bedroom as Mr. Washington testified. That was the action that caused Mr. Washington to ask the men to leave the house (see Mr. Washington’s testimony Criminal Trial Pg 6-47 – 6-49).

During cross examination in the Civil Trial, Mr. White was also asked about the baby gate at the top of the stairs (Pg69 L11-14). He responded “I didn’t see no baby gate. The gate you’re talking about, I didn’t see that.” Q. “You didn’t see it when you went up the stairs?” A. “No.” If Mr. White had indeed been the first one up the stairs as he testified in the Grand Jury and Criminal Trial, he would have had to open the baby gate at the top of the stairs to walk through to the second floor landing. This is further indication that Mr. White lied, and that he was not in the lead when they went upstairs. (Note: The baby gate was removed by paramedics in order to facilitate moving the men from the second floor after the shooting.)

64. Civil Trial Pg 2-145 L24-25 thru Pg 2-146 L1-6: White describes what occurred immediately before the shooting saying “As we was walking – Brandon was walking backwards. I was in-between them. I don’t know where he was behind me.” Q. “So you don’t know where Mr. Washington is behind you?” A. “Correct.” **Mr. White describes this scene a different way in his Grand Jury testimony:**

**Evidence of Perjury, False Statements, and Obstruction of Justice:**

- a. Grand Jury Pg 9 L4-5: White testifies: “**He (Brandon) got his hands up, walking backwards, and I’m in front of him...**” He changes his story later when asked to elaborate by a Grand Jury juror:  
Grand Jury Pg 21 L14-L17: RW testifies “What I’m saying was **when Brandon went out of the room backwards I’m behind him. I don’t know if he was all the way out of the room or in the room because I didn’t really look back at him.**” In this description, Mr. White’s testimony that he didn’t look back, indicates that he was in front of Mr. Clark and already outside the bedroom door. This is a complete change from other testimony in which he describes himself as being between Mr. Washington and Mr. Clark.
- b. Criminal Trial Testimony Pg 3-169 L24 – Pg3-170 L1: Questioning of Mr. White: Q. “But you had walked out in front of Mr. Clark, correct?” A. “I was in between both of them.” Q. “Your testimony is that you were in between Mr. Clark and Mr. Washington?” A. “Correct.” **(This answer was false and known to be false by Robert White.)**
- c. Civil Trial Pg 2-200 L10-14: In the Civil Trial, Mr. White testified again that he was between Brandon Clark and Mr. Washington. However, it’s pointed out that the scenario that Mr. White describes is incredulous: Q. “And, therefore, in order to have hit Brandon Clark first, which is what he did according to your testimony, he either had to shoot over you or around you; is that right?” A. “Right.”... **(This answer was false and known to be false by Robert White.)**  
Pg 2-200 L20-25 thru 2-101 L1-4: Q. “As I was looking at what you did, as I was looking into my mind’s eye of what you were describing, it sounded or looked to me as though when you grabbed Brandon, you were below him. You were down on the second or third step.” A. “Correct.” Q. “So in order to catch him you would have to run around him, to get behind him and keep him from going down the stairs; is that right?” A. “Correct.” **(This answer was false and known to be false by Robert White.)**
- d. Criminal Trial Pg 7-53 L14 – Pg7-54 L2: Dr. Jonathan Arden, qualified expert in the field of forensic pathology, reviewed the State’s forensic and medical records and provided expert testimony regarding his analysis. He was presented with the various scenarios testified to by Mr. White, and asked to assess if those scenarios were consistent with the evidence. In the first scenario Dr. Arden is presented with Mr. White’s testimony that he (Mr. White) was between Mr. Clark and Mr. Washington when Clark was shot: Q. “Now the first scenario or hypothetical, Dr. Arden, that I’d ask you to consider is if Mr. Clark has his hands up in a surrender position, facing Mr. Washington, and Mr. White is facing Mr. Clark, in-between Mr. Clark and Mr. Washington, and Mr. Washington fires his gun, do you have an expert opinion as to whether or not the evidence that you reviewed in this case, with that hypothetical scenario, is consistent?” A. “I have such an opinion.” Q.

“And what is that opinion?” A. “My opinion, and all the opinions are with reasonable medical certainty, is that the scenario that you’ve just set out for me, laid out for me, is not consistent with the gunshot wounds on either Mr. White or Mr. Clark.”

Dr. Arden testified that for this scenario to be true, Mr. Clark would have to be shot through Mr. White, and “Mr. White would have had to have been shot in the back, with entrance in the back and exit in the front, which was not the case.” He went on to say that this scenario is also inconsistent with the forensic testing, ballistic testing, gunshot residue, trajectory, fiber transfer from Mr. Clark’s pants to Mr. Washington’s upper body clothing, and the presence of Mr. White’s DNA on the gun.

Criminal Trial 7-59 L18 – 7-60 L4: In the next scenario Dr. Arden is asked to provide his expert opinion based on Mr. White’s testimony that Mr. Clark was at the top of the stairs when he was shot: Q. “I’ll read the scenario again because it’s very long. If Mr. Washington is standing at the master bedroom, which is about eight feet, five inches from the second step, and Mr. Washington shoots Mr. Clark, when Mr. Clark is at the top of the stairs on the second floor, with his hands up in the surrender position, do you have an expert opinion as to whether or not the evidence that you reviewed in this case is consistent with that hypothetical scenario?” A. “I do.” Q. “What is your expert opinion?” A. “My opinion is that the hypothetical scenario is not consistent with the gunshot to Mr. Clark.” Dr. Arden continues, explaining that the scenario as presented is inconsistent with forensic evidence, positioning and trajectory, and does not account for the fiber transfer from Mr. Clark’s pants to Mr. Washington’s upper body.

Criminal Trial 7-60 L21 - 7-61 L9: Dr. Arden is questioned about another of Mr. White’s scenarios: Q. “Another scenario, Dr. Arden, and, again, assuming the distances that I asked you to for the soot and smoke. If Mr. Washington is standing at the master bedroom door, which is about eight feet, five inches from the second step, and Mr. Washington shoots Mr. Clark, and then Mr. White catches Mr. Clark, lays him down, and Mr. Washington then shoots Mr. White, do you have an expert opinion as to whether or not the evidence that you reviewed in this case is consistent with that hypothetical?” A. Yes, sir, I do.” Q. “What is your opinion?” A. “My opinion is that the scenario you have just offered me is not consistent with the medical and forensic evidences I’ve reviewed.”

Dr. Arden continues, explaining that Mr. White’s version of the shooting is completely inconsistent with the forensic, scientific, and physical evidence presented in this case. the ballistics evidence, the gunshot residue evidence, the distance and trajectory, the soot and smoke deposits, and does not account for the transfer of Mr. White’s DNA to the gun.

Mr. White’s story is refuted by every bit of physical, forensic, and scientific evidence presented in this case. Among other things:

The presence of White’s DNA on the gun was a clear indication that there was contact between Mr. White and the weapon; consistent with an altercation as described by Mr. Washington and inconsistent with Mr. White’s testimony that he was never close enough to touch Mr. Washington.

The ballistics and residue analysis supported that the shooting was close range; consistent with both Mr. and Mrs. Washington's account of the incident, and completely inconsistent with Mr. White's allegation that he was shot from the length of the hallway or even from the doorway to the top of the stairs.

The trajectory was completely inconsistent with Mr. White's claims of how he was shot, but consistent with a shooting that occurred during a struggle.

The identification of Mr. Clark's pants fibers on Mr. Washington's upper body clothing was consistent with Mr. Washington's testimony that he was being kicked while in a crouched position during the assault; it is inconsistent with anything Mr. White has testified to.

And although common sense and reasonableness may not be scientific evidence, Mr. White's version of the shooting (he was between Clark and Washington and somehow managed to run around him and down two stairs to catch Clark) and his alleged actions after he was shot (instead of continuing downstairs to flee the danger, he walked back upstairs, stepped over Mr. Clark, past Mr. Washington standing in the doorway holding the gun, to the far end of the upstairs hallway), should certainly call into question the veracity of Mr. White's statements given the volume of contradictory evidence.

65. Civil Trial Pg 2-147 L8-11: Robert White testified "I ran up to him and grabbed Brandon, and the stairs is right there. So I walk down like two steps and laid him down, and I said Brandon, 'Where is the phone?' because he had my cell phone in his pocket."  
**(This answer was false and known to be false by Robert White.)**

**Evidence of Perjury, False Statements, and Obstruction of Justice:**

- a. Criminal Trial Pg 6-126 – 6-127: Mr. White's testimony that he grabbed Brandon and laid on him is refuted by Leanora Brun-Conti, a forensic chemist for the ATF and qualified expert in the field of forensic chemistry and trace evidence analysis. She analyzed and testified to the fiber transfer between Mr. White, Mr. Clark and Mr. Washington. Ms. Brun-Conti testified that fibers from Mr. Clark's pants were found on Mr. Washington's shirt and vest. **Pg 6-126 L14-15:** Ms. Brun-Conti stated "I recovered a few polyester fibers from Mr. Washington's shirt that were consistent with the fibers from Mr. Clark's pants." **Pg 6-127 L8-16:** "Again, I found a few fibers - a few polyester fibers on JW3, Mr. Washington's vest, that were consistent with the polyester fibers from Mr. Clark's pants."

Ms. Brun-Conti's analysis was performed at the request of the State (Pg 6-114 L2-4): "Your Honor, for the record, this is – the state requested that this analysis be done, and the State requested and took the actual clothing..." Ms. Brun-Conti testified that the shape of the pants fibers were unique, and that the dye lot was not of a usual color. Ms. Brun-Conti's findings of Mr. Clark's pants fiber on Mr. Washington's upper body clothing is consistent with Mr. Washington's testimony that during the assault he was crouched, attempting to cover up, and that Clark and White were "hitting and kicking me" (Criminal Trial 6-52 L8; L16). Ms. Brun-Conti's findings are in NO WAY consistent with Mr. White's testimony that Washington kicked Mr. Clark.

66. Civil Trial Pg 2-147 L14-18: Mr. White testifies that he was shot on the second or third step, and then walked upstairs, turned the corner and walked to the end of the hallway. Q. “And then what happened?” A. “And he shot me.” Q. “And then what did you do?” A. I walked up the two steps and went and laid by a bedroom.” (**This answer was false and known to be false by Robert White.**)

**Evidence of Perjury, False Statements, and Obstruction of Justice:**

- a. In Mr. White’s scenario, he was shot on the second or third step, and then went up the stairs, stepped over Brandon at the top of the stairs, walked past Mr. Washington who was allegedly standing in the master bedroom doorway holding the gun, turned right, and continued to the opposite end of the hallway where he lay down. The scene was processed by Prince George’s County Police Evidence Unit and there was no blood trail from where Mr. White claims he was shot on the steps to where he was laying at the far end of the hallway when paramedics arrived. No physical or scientific evidence corroborates Mr. White’s story that he was shot on the steps and then walked to the end of the hallway. If his story were true, there would have been a blood trail from the steps to the opposite end of the hallway; there was not. There is also a reasonableness question to Mr. White’s claim; is it reasonable to believe that after being shot, he walked toward the shooter who was still holding the gun to an upstairs hallway as he testified in the Civil Trial (Pg 202 L23-25 thru Pg 203 L1-14) Q. “And as I understand your testimony, after you were shot, because you didn’t want to be shot in the back, you walked up the stairs.” A. “Correct.” Q. You walked up the stairs towards the direction of the person who had shot you?” A. “Correct. I walked past him.” Q. “You walked past him. Was he standing in the doorway as you walked past?” A. “Correct.” Q. “What was he doing as you walked past him?” A. “He was still holding his gun.” Q. “Was he holding it out s though he was pointing it at you?” A. “Yes.” Q. “So he’s just watching you walk past him down the hallway tracking you with his gun?” Pg 2-203 L13-25 thru Pg 2-204 L1-4: Q. “So let me just make sure I understand this, sir. The man who you allege just shot your friend for literally no reason twice in the chest and then shot you for literally no reason, according to you, twice in the chest and abdomen, let’s your walk up the stairs towards him, make a right hand turn, and walk down the hallway in his house; is that right?” A. “Yes.”

By any reasonable standard, this is preposterous.

67. Civil Trial Pg 2-148 L14-17: Mr. White explains why Mr. Clark has his (White’s) phone, testifying that it was because Clark’s phone was dead. Q. “If it was your phone, why wasn’t it on your person?” A. “**Because Brandon’s phone actually went dead, and he asked to use my phone.** And that’s how he did the call to the supervisor.”

**Evidence of Perjury, False Statements, and Obstruction of Justice:**

- a. Civil Trial Pg 2-187 L20-25 thru 2-188 L1-6: When asked about the phone call he allegedly made to Mr. Washington before arriving at his house, Mr. White testified that the phone call was made from Brandon Clark’s phone. He had clearly forgotten that his testimony just minutes (several pages) before was that

Brandon's phone had died. Q. "Okay. Let's talk about some of these phone calls. You indicated that before arriving at Mr. Washington's house, there was a call made to him to ask him to step outside and/or turn on the light." A. "Correct." Q. "The phone that was being used is Ms. Simmons' phone and that was your girlfriend, correct?" A. "No." Q. "Didn't call from that phone?" A. "No." Q. "Which phone was that call made from?" A. "Brandon's." (This answer was false and known to be false by Robert White.)

68. Civil Trial Pg 2-149 L7-17: Mr. White says he heard Mr. Washington make two phone calls after the shooting: Q. "What do you recall happening next?" A. "Everything else was like a blur. I heard him make - he made two phone calls." Q. "He being Mr. Washington?" A. "Mr. Washington." ... Q. "And what is your recollection about those phone calls?" A. "The first phone call, he called someone and said, Mr. Washington said, 'these guys just busted in my house and beat me up with a pipe and they beat me real good.' He said, 'They didn't know I was a cop'". (These answers were false and known to be false by Robert White.)

**Evidence of Perjury, False Statements, and Obstruction of Justice:**

- a. Phone records verify that only one call was made after the shooting, and that call was to 911. The call was made by Mrs. Washington; Mr. Washington picked up the upstairs extension and dialed 911 not aware that Mrs. Washington was already connected and speaking with the 911 operator. The 911 tape recording clearly proves that the statements Mr. White testified to were never made. The 911 recording verifies that Mr. Washington never said anything about being hit by a pipe, that he told the operator the men were there to deliver furniture, and that he let them in. (See Washington Phone Records , and 911 Call Transcript)

The truth is **there was only one phone call made after the shooting, and that call was to 911.** The conversation Mr. White claims he heard and quoted never happened, and the 911 call transcript is proof of that. Mr. White attempted to portray Mr. Washington as cavalierly discussing the shooting with someone and lying about how Clark and White came to be in the house. None of that is true. The 911 recording and Washington's phone records were in evidence, and clearly showed that Mr. White was both about the two phone calls, and about what Mr. Washington said. Again, this evidence coupled with the other physical and forensic evidence was a clear indication that Mr. White's version of the shooting was not truthful.

69. Civil Trial Pg 2-168 L7-8: White describes his relationship with Brandon saying they are "getting tight." However, in his deposition, Mr. White was completely unable to provide any type of description of Mr. Clark, even indicating he had never even stood next to him.

**Evidence of Perjury, False Statements, and Obstruction of Justice:**

- a. Deposition Pg27 L9- Pg28 L17: When asked to provide Mr. Clark's height and weight Mr. White says he doesn't know. His responses are evasive and provide

further indication of his propensity to lie, even when there is no reason. Q. “Okay. Can you tell me Mr. Clark’s approximate height and weight as of January 2007?” A. “I don’t know.” Pg 27 L20- Pg 28 L14: Q. “How much taller would you estimate Mr. Clark was than you?” A. “I don’t know.” Q. “Was he six inches taller than you?” A. “I don’t know.” Q. “Was he one inch taller than you?” A. “I don’t know.” Q. **“Had you ever had occasion to stand next to him?” A. “No.” Q. “You never stood next to him?” A. “No.” (All these answers were false and known to be false by Robert White.)**

70. Civil Trial Pg 2-169 L6-23: Mr. White admits he never worked for Marlo and that he lied about his previous testimony: Q. Okay. With regard to Marlo – or Robinson I guess, because **you never worked for Marlo, right?” A. “Correct.” Q. “You have given testimony that Marlo cancelled your insurance, right?”... Q. “You’ve given that testimony in the past, have you not?” A. “Correct.” Q. “And you know that’s not right because Marlo has never insured you because you never worked for Marlo; isn’t that right?” A. “Correct.”** This testimony is a direct contradiction to previous testimony in which he testified that he worked for Marlo, and even that Marlo had cancelled his insurance, lending credibility to his lie.

**Evidence of Perjury, False Statements, and Obstruction of Justice:**

- a. Grand Jury Pg 6 L6-9: Q. “What job did you take after that?” A. “Working for Marlo’s.” **(This answer was false and known to be false by Robert White.)**
- b. Criminal Trial Pg 3-126 L10-L13: Robert White is questioned by Mr. Moomau: “Mr. White did you used to work as a furniture delivery person working for or delivering furniture for Marlo Furniture? Robert White answers “Yes, sir.” **(This answer was false and known to be false by Robert White.)**
- c. Grand Jury Pg18 L23-24: White testifies “Marlo’s cut my insurance off, so I don’t have any insurance.” **(This answer was false and known to be false by Robert White.)** This statement led the jury to believe that Mr. White was an actual employee of Marlo Furniture which he knew was not true. It legitimized him as a hard working, bona-fide employee, when in fact he was not.

Although Mr. White clearly knew he did not work for Marlo Furniture, he testified in both the Grand Jury and Criminal Trial that he did, and further attempted to mislead the grand jury by stating that Marlo cancelled his insurance, inferring that he was a legitimate employee of Marlo. The jurors in the grand jury and criminal trial proceedings had an impression that Mr. White was a genuine employee of the furniture company, just doing his job. That was not the case. Mr. White was not vetted through any type of application process and did not undergo the required background check; but the impression to the jury was that he was a bona fide employee doing the right thing.

71. Civil Trial Pg 2-170 L19-24: Mr. White is asked about his employment tenure: Q. “How long had you worked for Marlo’s or Robinson, whatever you want to call it?” A. **“I think nine days, to be exact.” (This answer was false and known to be false by Robert White.) Q. “That’s not the testimony you gave when I asked you that same**

**question in deposition, is it?” A. “I don’t know what I said.”** Mr. White testifies to an “exact” nine days here, but has provided a different timeframe each time he is asked that question in every other proceeding.

**Evidence of Perjury, False Statements, and Obstruction of Justice:**

- a. A signed Witness Statement from Ms. Aquilla Ross, Human Resources Director for Marlo Furniture, proves that Mr. White has never worked for Marlo Furniture in any capacity. (Witness Statement)
- b. Civil Deposition Pg22 L13 – Pg23 L4: When ask how long he has worked for Marlo, Mr. White is evasive, saying he doesn’t know how long. **Q.”How long did you actually work for Marlo or Mr. Robinson?” A. “I don’t remember.” Q. “Was it a matter of days?” A. “I don’t know.” Q. “Was it a matter of weeks?” A. “I don’t know.” Q. “Was it a matter of months?” A. “I don’t know.” Q. “You don’t have any idea how long you worked for Marlo?” A. “No.” Q. “Just a complete mystery to you?” A. “Yes.”** (These answers were false and known to be false by Robert White.)
- c. Civil Deposition Pg 39 L21- Pg40 L1: Mr. White’s answer to interrogatories is noted. In interrogatories White **stated he worked for Marlo for two weeks.**

Mr. White’s testimony regarding the length of time he worked for Marlo was different each time he was questioned. Again, a clear indication that his testimony in every legal proceeding is questionable at best and his likelihood of being truthful is doubtful.

72. Civil Trial Pg 2-176 L3-25 thru Pg 2-177 L1-4: Mr. White testifies that he understands that his interrogatories were taken under oath and is then asked about his employment at his previous job, AMVETS. He admits that he lied in both the interrogatories and in deposition: **Q. “So you were not accurate in either your answers to your interrogatories or deposition testimony or perhaps both, correct? A. “Correct.”** This is further proof of Mr. White’s propensity to lie about any subject for any reason. Pg 2-176 L7-25 thru 2-177 L1-4: Mr. White is confronted with his deposition in which he lies about being fired from AMVETS. **Q. “I further asked you at deposition --- whether it was the case that you were actually fired by AMVETS, did I not?” A. “Yes.” Q. “What did you answer?” A. “No.” Q. “And I next said ‘You quit voluntarily?’ And what was your answer?” A. Yes.” Q. “That was not truthful testimony, was it?” A. “Yes, it was.” Q. “In fact, according to the stipulated records from AMVETS, which I’m offering as Defense Exhibit Number 9, you were fired from that employer on October, it looks like October 6<sup>th</sup>, for unsatisfactory work performance. And when you were asked to sign the termination notice, you refused to do so. Isn’t that accurate, sir? A. “That’s wrong.”** The stipulated employment records speak for themselves.

**Evidence of Perjury, False Statements, and Obstruction of Justice:**

- a. Mr. White was fired from the AMVETS position as identified in the employment record **stipulated to by counsel.** Mr. White again displays his tendency to lie, even when confronted by hard evidence. (See AMVETS Employment Record)

73. Civil Trial Pg 2-177 L16-21: Mr. White is asked: Q. “What about Brandon Clark. What was his height and weight, sir?” A. “I don’t know.” Q. “You had previously given testimony that he was six feet four, 270 pounds; have you not?” A. “I don’t remember.” **(This answer was false and known to be false by Robert White.)** Mr. White is then shown his Deposition and referring to his Deposition testimony is questioned about the truthfulness of his response: Pg 2-178 L7-17: (Referring to Mr. White’s deposition) Q. “That was not truthful testimony, was it, sir?” A. “I don’t know. I mean, I answered the best I could.” Mr. White has first said he doesn’t know Mr. Clark’s height and weight even though he provided it without hesitation in his Grand Jury testimony. He then, in his Deposition and Civil Trial testimony, is unable to provide even the most general description, stating that he has never even stood next to Mr. Clark.

**Evidence of Perjury, False Statements, and Obstruction of Justice:**

- a. Grand Jury Pg 12 L 20-21: When asked to describe Clark, Mr. White does so with no hesitation: Q. “Describe Brandon.” A. “Brandon is 6-4, 270.”
- b. Deposition Pg27 L9- Pg28 L17: Q. “Okay. Can you tell me Mr. Clark’s approximate height and weight as of January 2007?” A. “I don’t know.” Pg27 L20- Pg28 L14: Q. “How much taller would you estimate Mr. Clark was than you?” A. “I don’t know.” Q. “Was he six inches taller than you?” A. “I don’t know.” Q. “Was he one inch taller than you?” A. “I don’t know.” Q. “Had you ever had occasion to stand next to him?” A. “No.” Q. “You never stood next to him?” A. “No.” **(These answers were false and known to be false by Robert White.)**
- c. Civil Trial Pg 2-168 L7-8: Mr. White testified that he and Brandon worked together and that they were “getting tight” (Pg39 L7-9), yet he was unable to provide even a general description of Brandon, and testified that he had never even stood next to Brandon.

This series of testimonies regarding Mr. Clark’s height and weight is another clear example of Mr. White’s willingness to lie about anything. White provides a description without hesitation in the Grand Jury, then in later testimony says he doesn’t have any idea. In his Deposition and Civil Trial testimony, is unable to provide even the most general description, stating that he has never even stood next to Mr. Clark.

Mr. White’s responses are indicative of his propensity to lie, even when there is no reason, making his entire testimony in every proceeding suspect and without credibility.

74. Civil Trial Pg 2-182 L6-11: **Attorney Daniel Karp** comments on Mr. White’s testimony to the presiding judge **Sean Wallace**, saying **“It’s already been demonstrated I think so far in cross-examination that this witness has only a passing acquaintance with the truth.”** Judge you Wallace responded, verbally agreeing with Mr. Karp’s observation, agreeing to allow three of Mr. White’s convictions.

75. Civil Trial Pg 2-187 L4-19: When asked to provide an explanation as to how his DNA came to be on Mr. Washington’s gun, Mr. White says “I don’t know.” He was asked “Officer Washington never touched or poked you with the gun as far as you know; is that

correct?” A. “I don’t know.” (**This answer was false and known to be false by Robert White.**) Q. “And as far as you know, you never touched or grabbed the gun, is correct.” A. Correct.” Ms. Monica Ammann, the State’s expert DNA analyst, testified that the most likely way was by direct contact.

- a. Criminal Trial Pg4-123 L18-24 Ms. Amman testified “DNA from more than one individual was obtained from the swabs of the gun. Keith Washington and Robert White cannot be excluded as contributors to this mixture. Using combined probability of exclusion calculation, more than 99.99 percent of individuals in the Caucasian, African-American and southeast Hispanic populations would be excluded as contributors.” Ms. Amman’s DNA analysis was completed in March 2007, and in conjunction with the other mountain of evidence, clearly indicated that Mr. Washington acted in self-defense.

76. Civil Trial Pg 2-187 L20-25 thru 2-188 L1-6: Mr. White testifies that the phone call allegedly made to Mr. Washington prior to their arrival was not made from his (Debra Simmons) phone, but rather that it was made from Brandon Clark’s phone. Q. “Okay. Let’s talk about some of these phone calls. You indicated that before arriving at Mr. Washington’s house, there was a call made to him to ask him to step outside and/or turn on the light.” A. “Correct.” Q. “**The phone that was being used is Ms. Simmons’ phone and that was your girlfriend, correct?**” A. “No.” Q. “**Didn’t call from that phone?**” A. “No.” Q. “**Which phone was that call made from?**” A. “**Brandon’s.**” (**This answer was false and known to be false by Robert White.**) Mr. White’s entire statement is fabricated. The phone records prove that no call was made to Mr. Washington from either phone. Further, Mr. White’s testimony in the Grand Jury, the Criminal Trial, and Civil Deposition was completely opposite this testimony; he testified in those proceedings that his phone was used to make the call. Further, Mr. Clark’s phone records clearly show that the last call made from Mr. Clark’s phone was at 4:58 p.m. (See Brandon Clark’s Phone Record)

**Evidence of Perjury, False Statements, and Obstruction of Justice:**

- a. Civil Trial Pg 2-148 L14-17: Even within the same proceeding, Mr. White contradicts himself just a short time before: “**Because Brandon’s phone actually went dead and he asked to use my phone.**”
- b. Phone records clearly show that no call was made to Mr. Washington from either Mr. White or Mr. Clark. (See Phone Records)
- c. Grand Jury Pg29 L16-23: Mr. White testified about the alleged phone call to Mr. Washington, adamantly stating that the call was made from his phone: Q. “**You said that you called Mr. Washington before you got there, and then the supervisor was called.**” A. “Right.” Q. “**Do they have that record on Brandon’s phone?**” A. “**Well, it’s on my phone. I got my phone records. It shows where we called, we called him.**” (**This answer was false and known to be false by Robert White.**) Mr. White directly contradicts this statement in the Civil Trial.
- d. Criminal Trail pg 3-136: The State introduced Mr. White’s phone record into evidence, which clearly shows no call was made to Mr. Washington (Robert White’s Phone Record ). Note: Mr. White’s phone was registered in the name of his girlfriend, Debra Simmons.)

- e. Deposition Pg 65 L12 – Pg 67 L22: Mr. White testifies that Mr. Washington was called prior to their arrival. Q. “Did you speak with anybody in the Washington house before you got there?” A. “Yes. We actually called him and asked him, you know, to turn the light on or if he’ll be standing outside and we will arrive. He was outside.” Q. “My question was: Did you – did you personally speak with anybody in the Washington house before you arrived?” A. “No.” Q. “**When you say, ‘we called’, you mean Brandon called?**” A. “Yes.” Q. “**Brandon, did he use your phone?**” A. “Yes.” Q. “**And that’s the phone that was actually Ms. Simmons’ phone?**” A. “Right.” .... Q. “Where were you when the call was made to the Washington house?” A. “In the truck. **I actually dialed the number and he talked to him.**” (This answer was false and known to be false by Robert White.) In this testimony there is no denying that Mr. White is knowingly lying. He testifies that it was actually he who made the call (dialed the number) to the Washington home from his phone. The phone records irrefutably prove that Mr. White did not call the Washington home that evening. He changes this testimony in the Civil Trial.

Mr. White lied and changed his story repeatedly about what occurred when they first arrived at the Washington home, and knowingly committed perjury about the phone call he claims they made to Mr. Washington that evening. His testimony was so full of lies, that he was unable to keep them straight from one testimony to the next, and even within the same testimony. The phone records provide irrefutable physical evidence that no phone call was made to the Mr. Washington from either Mr. White’s or Mr. Clark’s phone, but Mr. White was still allowed to testify to this lie repeatedly.

77. Civil Trial Pg 2-191 L23-25 and 2-192 L7-9: Mr. White confirms that he has never told his story or provided a statement to a police officer. By invoking his Fifth Amendment Right, Mr. White was able to elude interrogation and several months later contrived a totally fabricated story about what happened.
78. Civil Trial Pg 2-194 L21-25, 2-195 L1-5, 2-195 L22-25, 2-196 L1-10: Mr. White admits that statements made in his original Media Statement were not true. Mr. White’s original statement formed the basis of the allegations against Mr. Washington, thus the State’s decision to prosecute. In his civil testimony, Mr. White admits that his original statements were false.
79. Civil Trial Pg 2-200 L1-6: Defense counsel points out that when Mr. White is asked the hard questions or when he’s feeling cornered and can’t answer consistently, he says “I don’t know”. In Mr. White’s deposition he responded with “I don’t know” or “I don’t remember” over 115 times.
80. Civil Trial Pg 2-202 L11-22: When asked how much time passed between the time he laid Brandon on the landing and the time he was shot, Mr. White responds with a series of “**I don’t know**”, unable to indicate whether it was seconds, minutes, or hours. Q.

“How much time passed between the time you laid Brandon on the landing and you being shot in the chest?” A. “I don’t know.” Q. “Do you know if it was more than a few seconds?” A. “I don’t know.” Q. “Do you know if it was more than a few minutes?” A. “I don’t know.” Q. “Do you know if it was more than a few hours?” A. “I don’t know.” This testimony is further indication of his total lack of credibility and unwillingness to be truthful.

81. Civil Trial Pg 2-203 L13-20: Q. “So let me just make sure I understand this, sir. The man who you allege just shot your friend for literally no reason twice in the chest and then shot you for literally no reason, according to you, twice in the chest and abdomen, let’s your walk up the stairs towards him, make a right hand turn, and walk down the hallway in his house; is that right?” A. “Yes.” **(This answer was false and known to be false by Robert White.)**

**Evidence of Perjury, False Statements, and Obstruction of Justice:**

- a. The scene was processed by Prince George’s County Police Evidence Unit and there was no blood trail from where Mr. White claims he was shot on the steps to where he was laying at the far end of the hallway when paramedics arrived. No physical or scientific evidence corroborates Mr. White’s story that he was shot on the steps and then walked to the end of the hallway. If his story were true, there would have been a blood trail from the steps to the opposite end of the hallway; there was none. Mr. White confirmed that from pictures he had seen of the scene, “the only place you see any blood anywhere is at the top of the stairs where Brandon was and at the end of the hallway where you were” (pg 75 L19-21). There is also a reasonableness question to Mr. White’s claim; it is totally unreasonable to believe that after being shot, he walked toward and then past the shooter who according, to him was still holding the gun, to an upstairs hallway as he testified.