

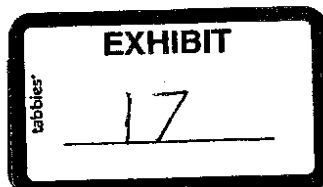
**IN THE
MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

RYAN FERGUSON,)
)
 Appellant,)
)
 v.) No. WD71624
)
 STATE OF MISSOURI,)
)
 Respondent.)

AFFIDAVIT OF KIMBERLY BENNETT

I, Kimberly Bennett, first duly sworn under oath and based upon my personal and direct knowledge, hereby depose and state as follows:

1. That affiant is a witness to certain events in the above captioned case
2. That affiant is not under the influence of any alcohol or drugs, and is giving this statement freely and voluntarily, and has not been promised or received anything in exchange for this truthful statement.
3. That affiant has personal knowledge of the facts stated herein and will testify to them if called upon to do so.
4. I grew up in Columbia and have known Ryan Ferguson since I was about 12 years old and Chuck Erickson since we were both 14 or 15 years old.
5. That on the night of October 31, 2001 and early morning of November 1, 2001, I was at By George, a club on Broadway in Columbia MO.
6. I arrived at the club with my friend Amanda Nichols (now deceased) around 10:30 – 11:00 PM on October 31, 2001.



KB
12-28-10

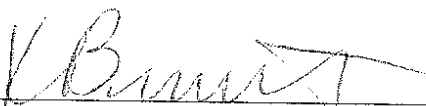
*Affidavit of Kimberly Bennett
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December 28, 2010*

7. While at the club I had less than one alcoholic drink and at no time was I intoxicated.
8. While I was at the club I saw Ryan Ferguson and Chuck Erickson there. Ryan also introduced me to this sister Kelly.
9. By George started to close about 1 AM, at which time I walked to the parking lot with Amanda.
10. Amanda and I waited outside in the parking lot for Bernard Jones to leave. Bernard Jones was either the DJ that night or helping the DJ. Bernard Jones was also Amanda's boyfriend.
11. At about 1:15 AM, while we were waiting for Bernard Jones, I saw Ryan Ferguson and Chuck Erickson leaving the club. They both greeted us in the parking lot and then walked to Ryan's car.
12. Ryan's car was a Mercedes Benz parked across the street and to the north of By George.
13. I also clearly remember both Ryan and Chuck waving good-bye before getting into the car.
14. I saw both Ryan and Chuck enter Ryan's car and the car depart the area northbound.
15. By the time Amanda and I left the parking lot at 1:45AM the bar was closed and everyone had left. Bernard had even put his equipment in his car.

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*Affidavit of Kimberly Bennett
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16. A few months after Ryan and Chuck were arrested in 2004 two Columbia Police detectives interviewed both Amanda and me and we both told them that we saw Ryan and Chuck drive away from By George as stated in this affidavit.
17. I was never asked to testify at trial.
18. Earlier this year I received a call from Bill Ferguson asking I call him but I did not immediately return the call.
19. In the last two months I began thinking about calling Bill Ferguson to see what he wanted as I had been hearing from friends about Ryan's appeal process being on the news.
21. I called Bill Ferguson and told him that I remember Ryan and Chuck leaving together in Ryan's car.
22. If called to testify at trial my testimony would be the same as set forth in this affidavit



Kimberly Bennett

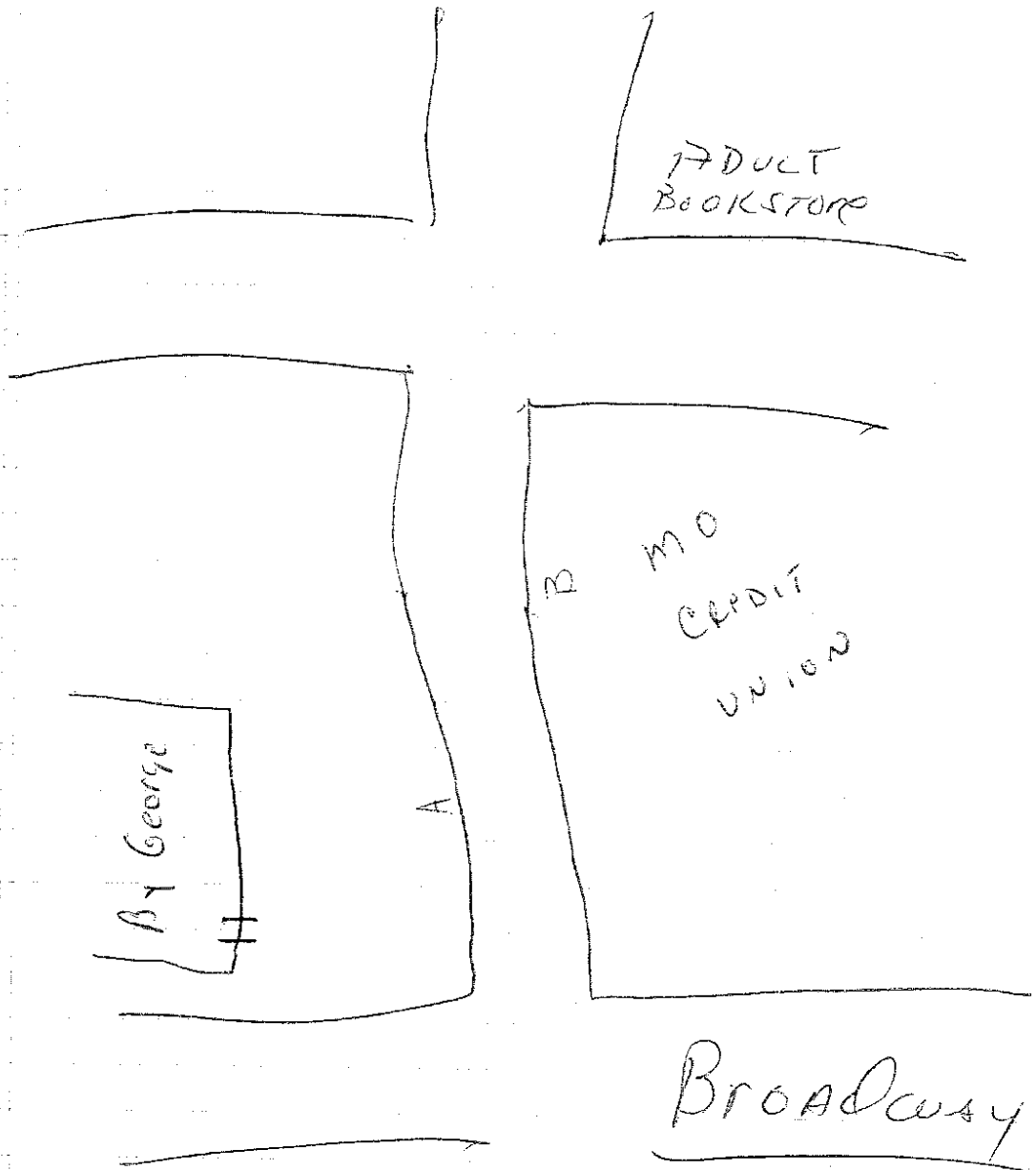
SUBSCRIBED AND SWORN TO
before me this 28th day
of December, 2010



NOTARY PUBLIC



ANGELA D. SHAFFER
My Commission Expires
December 1, 2012
Boone County
Commission #08404947



A - My car
 B - Ryans car

V. Brind

Notary Public:
Angela Shaffer
 Angela Shaffer



ANGELA D. SHAFFER
 My Commission Expires
 December 1, 2012
 Boone County
 Commission #08404947