

IN THE CIRCUIT COURT OF COLE COUNTY, MISSOURI
19th JUDICIAL CIRCUIT

RYAN FERGUSON,)	
)	
Petitioner,)	
)	
v.)	No.
)	
DAVE DORMIRE, Superintendent,)	
Jefferson City Correctional Center,)	
)	
Respondent.)	

AFFIDAVIT OF JIM MILLER

COMES NOW Jim Miller, being duly sworn and states on oath the following:

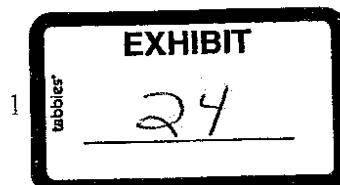
1. My name is Jim Miller. I have 10 years experience as a law enforcement officer. I have over 4,000 hours of specialized training in crime scene reconstruction and homicide investigations. I am an expert consultant with the Department of Defense in murder cases within their jurisdiction. I have investigated over 600 homicide cases, and have specialized training in interview and interrogation techniques.

2. I am giving this statement freely and voluntarily. I have not been promised or received anything in exchange for this truthful statement.

3. I have personal and direct knowledge of the facts set forth in this affidavit.

4. I was retained by the defense to conduct investigation in the case of *State v. Ryan Ferguson*, Case No. 04 CR 165368-01. Through the course of my investigation I reviewed relevant police reports generated by the Columbia Police Department, and interviewed numerous witnesses in preparation for trial.

5. As a result of these interviews, I learned that police reports were generated that did not accurately reflect what the witnesses knew about the case.



6. One of the witnesses I interviewed was Meghan Arthur. Meghan verified her identity by providing a form of picture identification. The interview took place on October 13, 2004 at Panera Bread in Columbia, Missouri.

7. The interview was audio recorded with Meghan's consent.

8. Prior to my interview with Meghan, I had reviewed a police report based on an interview of Meghan by Columbia Police Officer Latisha Stroer. The report is attached to this affidavit as Exhibit 1.

9. The report indicates that Meghan had a conversation with Ryan Ferguson in October, 2003, which Meghan believed took place on October 31, 2003. According to the report, Meghan told police Ryan was "really drunk." She also believed he was high on cocaine because he was "upity [sic] and jittery."

10. According to the report, Meghan told police that Ryan told her that "Chuck Erickson is trying to get me to turn ourselves in," and that Ryan told her "he and Erickson had done something stupid."

11. The report also states Meghan told police, "Erickson is trying to pull him into this, and that he didn't want to turn himself in." Meghan purportedly told police that Ryan was scaring her with what he was saying. Ryan noticed she was getting upset and said "Megan [sic] calm down, I was just kidding."

12. When I spoke with Meghan, she provided a very different account of what occurred from what is in the police report. Meghan stated that while at John Cole's house she overheard a conversation between Ryan and a person named Mitchell. Ryan was not "obviously drunk;" he probably had three beers at most. Meghan also did not see

Ryan do any drugs, and did not believe he had done any cocaine. According to Meghan she “would have known” if Ryan had taken any drugs.

13. The “basic gist” of the conversation was that Ryan felt confused because Chuck was trying to say things or tell him to do things and Ryan did not know what Chuck was talking about.

14. Meghan did not remember Ryan saying something about “go[ing] to the cops.”

15. Ryan was not acting “jittery;” he was acting “laid back, calm.”

16. Ryan never said anything that night about a murder, “beating someone up” or a “robbery.” Ryan never said anything that made Meghan scared.

17. Meghan did not think anything of the conversation until after Ryan and Chuck were arrested.

18. Meghan wanted to tell police about the conversation because it “could have meant something” but she did not know what Ryan and Mitchell were talking about. Meghan felt like it was really important to go to the police and tell them that Ryan was confused about what Chuck was trying to tell him.

19. I gave Meghan a copy of the police report reflecting her conversation with the police.

20. After reading the report Meghan stated, “I mean, how much do they change these? Is this, like, normal that they change things like this?”

21. Meghan denied that she had told police that Ryan was “really drunk,” “upity [sic] and jittery,” or on drugs the night of the conversation.

22. Meghan also denied the implication of her purported statement – as reflected in the report – that Ryan “didn’t want to turn himself in.” Meghan stated that Ryan told her he was not involved with whatever Chuck was saying.

23. Ryan also did not tell Meghan that “he and Erickson had done something stupid.” Meghan never told police that Ryan told her Ryan and Chuck had done something together. Instead, Ryan told Meghan that “Chuck was trying to tell [Ryan] that they had done something stupid.” Ryan was confused and did not know what Chuck was talking about.

24. Apart from the specific inaccuracies, Meghan described the report as “very dramatized.”

25. I also interviewed Richard Walker. The interview took place on January 4, 2005 at Jefferson Correctional Center.

26. The interview was audio recorded with Richard’s consent.

27. Prior to my interview with Richard, I had reviewed a police report based on multiple interviews of Richard by the Columbia Police Department. The reports are attached to this affidavit as Exhibit 2.

28. The reports state that the police went to interview Richard Walker at the Boone County Jail because Richard claimed to have information involving Ryan Ferguson.

29. In the first report, drafted by Officer Latisha Stroer, Richard told the detectives that Ryan told him he and Chuck saw Heitholt standing outside of the Tribune and decided to “Trick or Treat” (rob) him. Ryan and Chuck parked by the Tribune. They

approached Heitholt and Chuck hit Heitholt. Ryan felt that Heitholt could identify them so he struck Heitholt with the tire tool.

30. In a subsequent report following an additional interview, Richard told police that Ryan never told him he struck the victim with a tire tool. Instead, according to the report, Ryan told Richard that he strangled the victim with a belt.

31. When I interviewed Richard, he provided a very different account of what Ryan told him.

32. Richard told me that Ryan never confessed or admitted having any involvement in the murder.

33. Ryan told Richard that on the night of the murder he went to a bar and partied then took his friend home.

34. Ryan also told Richard his friend was “ate up on drugs” and “trying to set him up” but the friend didn’t even know what he was doing because it didn’t make any sense.

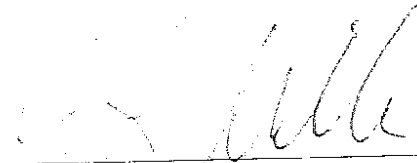
35. Richard told me that if the police said he gave them details about the crime from Ryan, the police were either trying to “use my words in a different way than I said them or they told me what to say.”

36. I asked Richard whether the statements in the reports about Ryan talking to him about committing the murder were untrue. Richard told me, “It’s all been either fabricated, bullshit or something I’ve tied together...to maybe try help [Ryan], which, I don’t know how that would have helped him.”

37. Richard told me he believed Ryan was innocent.


38. Richard never told me that Ryan said he was going to plead guilty and testify against Chuck. Ryan had only told Richard that he was innocent.

FURTHER AFFIANT SAYETH NOT.



Jim Miller

Subscribed and sworn to before me this 8 day of JAN, 2011.



Notary Public

SUSAN G. WYRSCH
Notary Public - Notary Seal
State of Missouri
Commissioned for Greene County
My Commission Expires: May, 01, 2013
COMMISSION #09555682