

**AFFIDAVIT OF WILLIAM Z. HOLMES**

William Z. Holmes, being first duly sworn, deposes and states as follows:

1. That I am the above named individual, William Z. Holmes. My date of birth is January 11, 1980.

2. That I am currently housed at the California State Prison at Calipatria, California having been sentenced to two life terms for murder.

3. That the hand-written documents to which this affidavit page is attached, consisting of three hand-written pages, starting with a page with a number 1 circled in the upper left hand corner and a date of 8-20-12 in the upper right corner, and finishing with a page with a number 3 circled in the upper left hand corner and with my signature, William Holmes, in the lower right corner, is an exact and accurate copy of a statement that was completely hand-written by me and is the subject of this affidavit.

4. Mr. Bill Oberly of the Alaska Innocence Project has the original of my hand-written statement, which I mailed to him after writing it here in Calipatria.

5. The statements made in the hand-written statement to which this affidavit is attached and the information in them is the best of my recollection at this time, seventeen years after these events happened, and I sign this affidavit under oath and penalty of perjury attesting to the fact that these statements are true and correct to the best of my recollection.

6. I also understand that I will get no benefit from coming forward with this statement, and that, in fact, I could be investigated for the events that led to

the death of John Hartman and that criminal action could be brought against me and those who were with me, and that if such a criminal action is brought the hand-written statement to which this affidavit is attached could be used against me in a criminal trial.

I declare under penalty of perjury according to the law of the State of California that the contents of the foregoing affidavit and the hand-written statement to which it is attached are true and correct.

DATED this 27<sup>th</sup> day of September, 2012 at Calipatria, California.

By: William Z. Holmes  
William Z. Holmes

SUBSCRIBED AND SWORN to before me this 27<sup>th</sup> day of September,  
2012 at Calipatria, California.

K. Hamilton

Notary Public in and for Imperial County, Ca  
My Commission Expires: 7-31-16

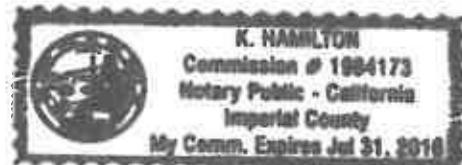


Exhibit 2  
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## AFFIDAVIT OF WILLIAM Z. HOLMES

STATE OF ALASKA )  
THIRD JUDICIAL DISTRICT ) ss:  
 )

William Z. Holmes, being first duly sworn, deposes and states as follows:

1. That I am the above named individual, William Z. Holmes. My date of birth is January 11, 1980.
2. That I am currently housed at the California State Prison at Calipatria, California having been sentenced to two life terms for murder.
3. That I make this affidavit voluntarily and in good faith, and that everything in this affidavit is true and correct to the best of my recollection.
4. That I grew up in Fairbanks, Alaska and attended Lathrop High School in Fairbanks.
5. That while at Lathrop I met Jason Wallace, Rashad Brown, Shelmar Johnson, and Marquise, whose last name I no longer remember.
6. That in 1997, when we were 17, we occasionally would drive around Fairbanks and harass drunk people. We would throw eggs at these people or jump out and push and punch them. The people we would harass were usually drunk Alaska Natives.
7. That one weekend evening in the fall of 1997, sometime after school started I received a page from a girl who also went to Lathrop High School telling me to come over to her apartment where she was with another girl. I cannot remember the names of either of these girls at this time. I picked up my friend, Shelmar Johnson, and headed over to the apartment. I don't remember the time but remember it was dark outside.

8. I was driving my maroon Ford Tempo, a four door car which my mother had leased from a car sales lot on Cushman Road in Fairbanks. The car was in my mother's name, Bernadette Holmes, and may also have been in my name.

9. When we arrived at the girl's apartment there were three other boys there that I knew from Lathrop High School. They were Rashad Brown, Jason Wallace and Marquise, whose last name I cannot remember. We stayed at the girl's apartment for about an hour.

10. When we decided to leave the apartment the five boys decided to go to downtown Fairbanks to have some fun. Like in the past we were going to look for drunk Natives on the street and harass them.

11. When we arrived in downtown Fairbanks we saw two Natives who looked intoxicated. I stopped the car and the other four boys jumped out and chased them. The two Natives ran into a dark alley so my friends came back to the car. They jumped in and as we drove past the alley we could see there were at least ten grown men in there.

12. After cruising the downtown area for another twenty minutes without seeing anyone else to harass we decided to head back to the girl's apartment. As we were stopped at a stop sign or stop light about to turn left onto Barnette to head back to Airport Way we saw a white boy walking alone on the other side of the street heading away from Airport Way. Everyone got excited and said "We got one".

13. I pulled the car across Barnette and stopped. The other four; Jason Wallace, Shelmar Johnson, Rashad Brown and Marquise; got out and chased the boy down farther down Barnette to the right. I could not see the white boy because of some bushes. I pulled the car into a parking lot and turned around and pulled back to the corner intending to stop the car and join my friends.

14. I opened my door to get out of the car but before I could get out the four were running back to the car at full speed telling me to "Go, go!" The four got into the car, I pulled out and turned right, crossed over Airport Way, drove by a pawn shop and headed to the south side of town.

15. As we drove away from the scene, Jason Wallace was in the front and the other three were in the back seat yelling hysterically. I asked what happened and all three in the back seat simultaneously told me that after knocking the boy down, Jason Wallace began stomping him repeatedly. The other three kept yelling "Alright Jay, alright that's enough." I tried to ask Jason Wallace what he was thinking but he remained silent. I then dropped everyone off at their homes and went home myself.

16. I remember Marquise telling me he was digging through the boy's pockets and Jason Wallace was stomping him. While Jason Wallace was stomping him Marquise said he could feel the boy shaking, when all of the sudden the shaking stopped.

17. The next school day, which I remember as a Monday, Jason Wallace approached me very nervous and shaky. He pulled me over to a corner where we could be alone and showed me a newspaper pointing to an article about a boy who was beat and died. I glanced at the article and didn't think anything about it until Wallace pointed to the street and date. The article said the boy was found on Barnette Street. Jason Wallace and I locked eyes and I realized it was the boy from that night.

18. Upon realizing that the boy from that night had died I panicked. I told Jason Wallace to let me deal with the other three guys and that he should act like that night never happened.

19. That I spoke individually with Shelmar Johnson, Rashad Brown and Marquise. I told them the boy from the other night died, that they should tell no

one about what happened that night and they should act like that night never happened.

20. Sometime later that week Jason Wallace showed me a newspaper article that said some Native boys had been arrested for the death of the boy on Barnette Street and that they had made some confessions. I realized that we could keep from being held responsible for what had happened to this boy. I spoke with Shelmar Johnson, Rashad Brown and Marquise one more time individually telling them that night never happened, even between us. I have not spoken to any of those three again about that night.

21. I spoke with Jason Wallace after the night and he told me he had blood on his shoes from the assault so he burned his shoes and his clothes. Between 1998 and 2002 Jason Wallace and I spoke of the events of that night twice. Nothing in depth was said, only that we had history and had gotten away with it.

22. Mentally I have lived as if that night never happened since that time.

23. I was able to observe the boy cross the street in front of us that night and got a good look at him. He matched the pictures and the descriptions I later saw of John Hartman and I am sure the boy who was chased down and stomped that night was John Hartman.

24. The statements made above and the information in them is the best of my recollection at this time, seventeen years after these events happened.

25. I have decided to come forward at this time after being contacted by a Marvin Roberts who wrote me that he had been convicted of the murder of John Hartman and that he was innocent and had heard I might have information about what actually happened. I gave that letter a lot of thought and decided the right thing to do was to come forward at this time and say what actually

happened. I do not know Marvin Roberts, nor any of the other people convicted of this crime.

26. I first hand wrote my memories of that night in 1997 and sent them to Bill Oberly, attorney with the Alaska Innocence Project, who had contacted me after Marvin Roberts wrote to me. I have told Mr. Oberly that I will sign an affidavit under oath and penalty of perjury and sign my written statement under oath and penalty of perjury that what I say is the truth to the best of my recollection.

27. I also understand that I will get no benefit from coming forward with these facts, and that, in fact, I could be investigated for the events that led to the death of John Hartman and that criminal action could be brought against me and those who were with me, and that if such a criminal action is brought this affidavit could be used against me in a criminal trial.

I declare under penalty of perjury according to the law of the State of California that the foregoing statement is true and correct.

DATED this 27<sup>th</sup> day of September, 2012 at Calipatria, California.

By: William Z. Holmes  
William Z. Holmes

SUBSCRIBED AND SWORN to before me this 27<sup>th</sup> day of September, 2012 at Calipatria, California.

K. Hamilton  
Notary Public in and for Imperial County, Ca  
My Commission Expires: 7-31-16



Exhibit 3  
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