

James Howard Affidavit

State of Missouri)
)
County of Washington)

I, JAMES A. HOWARD, first being duly sworn, on my oath state the following facts:

On Oct 30, 1994, I was living with my mom and dad in their house in the 3900 block of Louisiana.

On 10/30/94, ^{J.H. friend} ~~my cousin~~, Sirone Spates, AKA: Puffy, was recovering from a gun shot wound. Puffy had come out of the hospital several weeks earlier, wearing a neck brace and a "halo" around his head, to keep his head from moving. The gun shot wound had damaged his spine.

Prior to my ^{J.H. friend} ~~cousin~~ Puffy's gun shot injury, he had conducted drug business with Marcus Boyd who lived up the street on Louisiana. Puffy and Marcus Boyd had apparently agreed that Marcus would keep the "crumbs" from their crack cocaine sells and eventually Marcus would return those accumulated "crumbs" to Puffy, or eventually pay Puffy for these "crumbs." These "crumbs" resulted from the cutting up of larger crack cocaine cakes. The crumbs could be saved, and eventually grow into a considerable amount of crack. From Puffy, I understood that Marcus had a safe at his house, and that these "crumbs" were kept in his safe.

When Puffy got out of the hospital, he needed money, and asked Marcus Boyd to pay him for these "crumbs" or give Puffy the "crumbs" so he could sell them. Puffy told me that Marcus kept putting him off, and Marcus never provided Puffy any money, or crack cocaine "crumbs" from their previous transactions. I understood from Puffy that this accumulation of "crumbs" was probably worth several hundred dollars, but no more than \$1,000.

A few days prior to 10/30/94, I recall that Puffy had his "Halo" removed, but was still in a neck brace. With his halo removed, Puffy had decided he was going to walk up the street and confront Marcus Boyd about the money or crack "crumbs" he felt Marcus owed him.

When Puffy announced his intentions, on that Sunday, Oct 30, 1994, I told Puffy not to take a chance of hurting himself. I volunteered along with my friend Phillip Campbell to go up the street and confront Marcus Boyd. I felt Marcus had disrespected my ^{J.H. friend} ~~cousin~~, Puffy, by ignoring Puffy's request for the money Puffy felt Marcus owed him.

Phillip Campbell and I had spent that day, a Sunday, selling drugs, smoking weed and drinking alcohol.

PLAINTIFF'S EXHIBIT
17

I had a lot of black clothing in my house due to my affiliation with the neighborhood group, "The Darkside." Phillip Campbell and myself put on black sweat pants, black hoodies, and black ski masks. The ski masks were the "Ninja" style masks, which covered the entire head, and had one large hole in the face for the two eyes. These masks were made out of thin, polyester material.

I did not know Marcus Boyd personally, but I knew who he was and that he lived up the street. I had no intention of killing Marcus Boyd. I wanted to teach Marcus a lesson, and also rob him, so that I could get the money Marcus owed my ~~consultant~~ Puffy.

About that time two friends came by my house to visit. After hearing us talk about Marcus Boyd, these friends said they had just seen Marcus sitting in front of his house on his porch with some white guy. Phillip Campbell and I decided this would be a good time to approach Marcus and get him upstairs so we could rob him and clean out his safe.

Campbell and I left my mom's house, and walked north on Louisiana along the sidewalk on the same side of the street as Marcus Boyd's house. When we got to the porch, Campbell and I rushed up the stairs with guns out. I had a long-barrell .38 revolver. Campbell had a smaller .25 automatic. Marcus was sitting on the left side, near the top, and the white guy was on the right side. Campbell and I both rushed Marcus and tried to get him to go upstairs.

I saw that the door to Boyd's apartment, on the left side, was open, and light from his apartment was illuminating the porch. I told Marcus, "You know what time it is. We're going upstairs."

Instead of complying, Marcus began struggling with me while he stayed in his sitting position. I had grabbed Boyd's shirt with my free hand and held the .38 revolver in my other hand. Campbell was supposed to be watching the white guy, but Campbell turned his attention to Marcus when Marcus began struggling with me.

Almost immediately, Campbell reached down, placed his .25 cal pistol against the side of Marcus and fired off several shots into Marcus. About this time, my gun also discharged, but I wasn't sure where the bullet went. I then cocked the gun and while holding Marcus' head, shot into the back of Boyd's neck. With that shot, Marcus stopped struggling.

During this time, the white guy could have run unnoticed but he didn't. I remember seeing the white guy stepping back on the upper porch near the door of the other apartment. I don't recall saying anything specific to the white guy. I do recall this white guy stood about 6'0" or 6'1."

I do not recall Campbell saying anything to the white guy. Campbell stopped messing with the white guy as soon as he saw Boyd struggling, and Campbell then turned and shot Boyd.

When Campbell and I turned to run, the white guy was still on the top of the porch. Although I don't recall saying anything to the white guy, I might have taken a step toward the white guy, and thought about eliminating him as a witness. Then I thought, fuck it, and we turned to go. I knew I still had four shots left in my gun. I think Campbell also said, "Let's go."

I remember thinking I had no reason to kill the white guy, and thought I might as well spare him. My intent wasn't to kill Marcus, but to get something from him. It really fucked me up that Campbell started shooting that guy without letting me hit him on the head a couple of times and try to gain his cooperation. I was expecting Boyd to comply and let us get into his safe.

After Campbell and I left the porch, we ran down the gangway between houses and then jumped fences through back yards all the way back to my mom's back door. I do not know what happened to the white guy, since he was still on the porch when Campbell and I left the scene.

Back at my house, we took off our black clothes and I put them in the wash with soap and bleach. I then took the guns outside and hid them under a fir tree in front of my mom's house and covered the guns with brush. After the police came and filled the street in front of Marcus' house, Phillip left and walked up Osage toward Grand, away from the police.

The next day, I removed the guns from beneath the fir tree, put them in a pillowcase, and hid them in a friend's basement. About two weeks later, I took the guns and sold them for cash to a stranger on Beacon St on the city's north side.

My ^{friend J.H.} ~~cousin~~ Puffy died the following year, in 1995.

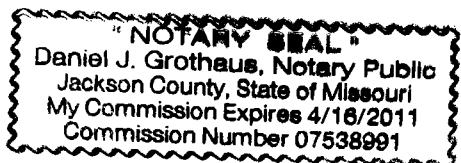
I feel very bad about what happened to Marcus Boyd. I am sorry for my involvement in his death. Lamar Johnson was not involved in the death of Marcus Boyd. I know Lamar Johnson is innocent of that crime because I was there and Lamar Johnson was not there.

I have read this affidavit consisting of 3 page(s) and make this statement of my own free will without promise or threat. Further affiant saith not.

James A. Howard
James Howard #341535

Subscribed and sworn to before me this 21ST day of August, 2009.

Daniel J. Grothaus
Notary Public in and for the State of Missouri



my commission expires April 16, 2011