

IN THE SUPREME COURT
OF THE STATE OF MISSISSIPPI

FILED

FEB - 8 2008

OFFICE OF THE CLERK
SUPREME COURT
COURT OF APPEALS

LEVON BROOKS, Petitioner,

v.

STATE OF MISSISSIPPI, Respondent

Trial Court Case Number 5937

Post Conviction Case Number: _____

**APPLICATION FOR LEAVE TO FILE
MOTION FOR POST CONVICTION RELIEF BASED ON
NEWLY OBTAINED EVIDENCE DEMONSTRATING INNOCENCE**

The Attorney General does not oppose a remand of this case to the Circuit Court.

COMES NOW the petitioner, Levon Brooks, pursuant to the Mississippi Uniform Post-Conviction Collateral Relief Act, §§ 99-39-1, et. seq., Miss. Code, and respectfully moves this Court for an order vacating his conviction and discharging him as a result of new evidence establishing his innocence, including the confession of the true perpetrator of the crime, Justin Albert Johnson, an original suspect in the case, who has also confessed and been linked, through DNA evidence, to an offense with an identical modus operandi. This new evidence

proves that Mr. Brooks is innocent of the crime for which he was convicted and has been wrongfully imprisoned for nearly eighteen years.

Mr. Brooks is an indigent inmate and has previously been adjudged indigent and therefore asks this Court to waive any filing costs associated with his Application. Undersigned counsel are representing Mr. Brooks in a voluntary *pro bono* capacity. The facts underlying this application and motion are not within the personal knowledge of the petitioner. Instead, they are based on an investigation conducted by the Attorney General's office and petitioner's counsel, as well as the record and proceedings in this case. (See attached Affidavit of Staff Attorney Vanessa Potkin.) The petitioner continues to state, as he has from the beginning, that he is innocent. The petitioner's verification will be filed as a supplement to this motion on Monday February 11, 2008.

1. Levon Brooks was convicted in the Circuit Court of Noxubee County of the abduction, rape and murder of Courtney Smith on January 18, 1992, and was sentenced to life imprisonment in the custody of the Mississippi Department of Corrections on January 22, 1992. His conviction and sentence were affirmed by the Mississippi Supreme Court on October 7, 1999. (*Brooks v. State*, 748 So. 2d 736, Miss. 1999).

2. The offense in Mr. Brooks' case was remarkably similar to a crime committed 18 months later, just three miles from the Smith home. Identical to the

Smith murder, the victim of that case, three-year-old Christine Jackson, was abducted from her Brooksville home in the middle of the night, was raped, murdered, and left in a body of water (a creek) close to her home. This case ultimately resulted in the conviction of Kennedy Brewer for the capital rape-murder of Christine Jackson.

3. In 2001, Kennedy Brewer secured post-conviction DNA testing of sperm evidence that had been recovered from Christine Jackson's body during the original investigation. The DNA testing showed that the sperm from Christine Jackson's vaginal swab did not come from Mr. Brewer. (*Brewer v. State*, 819 So. 2d 1169, Miss. 2002). The source of the sperm was unknown at the time. Based on the DNA exclusion, in 2002, Mr. Brewer's case was remanded by this Court to the Circuit Court of Noxubee County, and he was granted a new trial.

4. In 2007, in connection with Kennedy Brewer's anticipated re-trial, further DNA testing was conducted. In addition to crime scene evidence, reference samples which had been collected in May 1992 from the original suspects in Christine Jackson's murder, including a man named Justin Albert Johnson, were submitted to Forensic Science Associates ("FSA"). The results from FSA's DNA testing showed that Justin Albert Johnson's DNA profile matched the DNA profile of the sperm from Christine Jackson's vaginal swabs. Justin Albert Johnson had also been a suspect in Courtney Smith's case.

5. As a result of the DNA match, and the same modus operandi in both cases, investigators with the Mississippi Attorney General's Office interviewed Justin Albert Johnson on February 4, 2008 and arrested him for the murder of Christine Jackson. Johnson confessed during his interview to, alone, committing the abduction, rape and murder of both Christine Jackson and Courtney Smith. Johnson's confession was videotaped. Johnson took investigators to both crime scenes, and explained how he committed both of these crimes.

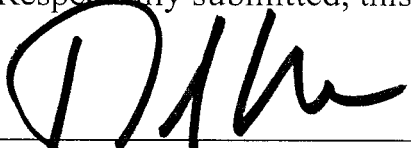
6. The newly discovered evidence – including the previously unavailable DNA test results which identify Justin Albert Johnson as the perpetrator of the extraordinarily similar crime in the Kennedy Brewer case, and Johnson's recent confession to committing both rape-murders of Courtney Smith, and Christine Jackson – prove that Mr. Brooks is factually innocent of the crime for which he was convicted.

7. Contemporaneously with this application, Mr. Brooks submits the attached Motion for Post Conviction Relief. The motion outlines the facts of the case against Mr. Brooks at trial and the importance and relevance of the DNA test results which point to Justin Albert Johnson as the true perpetrator of the parallel Christine Jackson case, (for which Kennedy Brewer was wrongfully convicted), as well as Johnson's confession to committing both rape-murders. The motion explains why the recent DNA testing in the parallel case and confessions of

Johnson conclusively prove Mr. Brooks' innocence and constitute material facts that require the immediate vacation of his conviction in the interests of justice.¹

8. Under § 99-39-27 et seq., this Court has the power to grant the requested relief by vacating the conviction and discharging the petitioner because of his innocence. The accompanying motion demonstrates that the Court should do so. Or, as indicated in his contemporaneously filed Emergency Motion to Remand, Petitioner requests that this Court immediately remand Mr. Brooks' Motion for Post Conviction Relief to the Circuit Court of Noxubee County.

Respectfully submitted, this the 8th day of February, 2008.



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¹ As specified in § 99-39-7 and § 99-39-27(2), Miss. Code, the motion itself is denominated as a motion to be filed in the trial court – in this case in the Circuit Court of Noxubee County – but it actually is being submitted to this Court for review along with this application.

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Counsel for the Petitioner

CERTIFICATE OF SERVICE

I certify that the foregoing as well as the accompanying Motion for Post-Conviction Relief and Emergency Motion to Remand have been delivered to the Office of the Attorney, General, Jim Hood, 550 High Street, Suite 1200, Jackson, Mississippi, 39201, this 8th day of February, 2008.



Counsel for Petitioner

IN THE CIRCUIT COURT OF NOXUBEE COUNTY

STATE OF MISSISSIPPI

LEVON BROOKS, Petitioner,

v.

STATE OF MISSISSIPPI, Respondent

Case Number 5937

Post Conviction Case Number: _____

MOTION FOR POST-CONVICTION RELIEF

COMES NOW, LEVON BROOKS, and asks this Court, pursuant to the Fifth, Sixth, Eighth and Fourteenth Amendments to the United States Constitution, Article 3, §§ 14, 26 and 28 of the Mississippi Constitution, as well as other law set forth below, to order that post-conviction relief be granted and his case be immediately remanded to the Circuit Court of Noxubee County. Newly discovered evidence establishes that Levon Brooks is factually innocent of the crime for which he was convicted in 1992 and has been imprisoned for nearly eighteen years. This new evidence includes the confession of the true perpetrator of the crime, Justin Albert Johnson, an original suspect in the case, who has also confessed and been

identified, through DNA evidence, as the perpetrator of an offense with an identical modus operandi for which another man, Kennedy Brewer, was wrongfully convicted. After recent DNA test results matched Johnson to semen from the victim in Mr. Brewer's case, on February 4, 2008, Johnson was questioned by investigators with the Mississippi Attorney General's Office, and confessed to, alone, committing both crimes. On February 14, 2008, in the Circuit Court of Noxubee County, Judge Howard will hear the new evidence in the related case of State v. Kennedy Brewer, Cause Number 5999. Simultaneous to this filing, Mr. Brooks has filed an Emergency Motion to Remand this case to the Circuit Court of Noxubee County. As Mr. Brooks is currently imprisoned for another man's crime, and it is in the interests of the Circuit Court and all parties for these related cases to be heard at the same time, it is imperative that Mr. Brooks' case be remanded immediately.

In support of this motion, Mr. Brooks states as follows:

- On September 15, 1990, three-year-old Courtney Smith was abducted in the middle of the night from her home in Brooksville. Two days later, her body was found in a nearby pond. She had been raped and murdered.
- Justin Albert Johnson was briefly a suspect in Smith's abduction, rape and murder; at the time, his then ex-wife and son lived next door to the Smith residence and he had been inside the Smith house on the day of her abduction.
- Levon Brooks, an ex-boyfriend of Smith's mother, was convicted on January 18, 1992 of Courtney Smith's capital murder.

- On May 3, 1992, less than eighteen months after Courtney Smith's abduction, rape and murder, three-year-old Christine Jackson was abducted from her Brooksville home, located only three miles away from the Smith residence. Christine Jackson's body was found two days later in a nearby creek. She also had been raped.
- Justin Albert Johnson was also briefly a suspect in Christine Jackson's rape-murder. At the time of this crime, he lived less than two tenths of a mile from the Jackson home and was nearing trial for a home invasion attempted sexual assault, which he committed on June 18, 1991.
- Kennedy Brewer, the boyfriend of Christine Jackson's mother, was convicted on March 24, 1995 of Christine Jackson's capital murder.
- In 2001, post-conviction DNA testing excluded Mr. Brewer as the source of sperm that was recovered from Christine Jackson's body during the investigation of the crime. Based on the new DNA test results, Mr. Brewer's conviction was vacated and he was granted a new trial. At that time, the source of the sperm was unknown.

Additional DNA testing was recently performed in Kennedy Brewer's case. This testing included DNA analysis of a blood reference sample that had been collected from Justin Albert Johnson on May 6, 1992 during the original investigation of Christine Jackson's murder, and which remained thereafter at the Mississippi Crime Laboratory. The results showed that Justin Albert Johnson's DNA profile matched the DNA profile of the sperm from Christine Jackson's vaginal swabs. The DNA profile of the sperm from Christine Jackson's vaginal swab, which matches Justin Albert Johnson, is unique in the human population – its expected frequency is 1 in 2,000 trillion.

Based on the DNA evidence and the same modus operandi in both cases, investigators at the Mississippi Attorney General's Office questioned Justin Albert Johnson on February 4, 2008. During this questioning, Johnson admitted, in a videotaped confession, to being the sole perpetrator of Christine Jackson's abduction, rape and murder as well as the sole perpetrator of the identical abduction, rape and murder of Courtney Smith.

The recent DNA match identifying Johnson as the perpetrator of Christine Jackson's abduction, rape and murder, and his confessions to the identical abductions, rapes and murders of both Christine Jackson and Courtney Smith are material facts that provide a ground for relief pursuant to Miss. Code Ann. Section 99-39-5(1)(e) and exempts this motion from the restrictions on time bars and successor petitions found in sections 99-39-5(2) and 99-39-23(6).

REQUIRED INFORMATION AND PROCEDURAL HISTORY

1. Mr. Brooks was charged with the offenses of abduction, sexual battery, and murder for the September 15, 1990 attack on three-year-old Courtney Smith in Noxubee, Mississippi.
2. On March 13, 1991, he was indicted for the abduction, sexual battery, and murder of Courtney Smith. Mr. Brooks was arraigned and he pled not guilty.
3. Mr. Brooks is indigent and Mr. Curtis H. Austin was appointed to represent him.

4. The case was styled *State of Mississippi v. Levon Brooks*, Noxubee County Case Number 5937.
5. Mr. Brooks was found guilty after a jury trial on January 18, 1992 and sentenced to life in prison without the possibility of parole on January 22, 1992.
6. Mr. Brooks appealed to the Mississippi Supreme Court. On October 7, 1999, the Mississippi Supreme Court affirmed his conviction.
7. In the Kennedy Brewer Case, a case paralleling Mr. Brooks', a three-year-old girl in Noxubee County was abducted, raped, and murdered. Similar to Mr. Brooks, Mr. Brewer was convicted for the offense, with the only physical evidence being alleged bite marks testified to by Dr. Michael West. Post-conviction DNA testing excluded Mr. Brewer as the source of sperm recovered from the body of the victim. Recently, the DNA profile of the sperm evidence was matched to an original suspect in the crime, Justin Albert Johnson. During questioning by investigators of the Mississippi Attorney General's office earlier this week, Johnson confessed to alone committing the abduction, rape, and murder in both the Brewer and Brooks cases.
8. Based on the recent DNA test results identifying Justin Albert Johnson as the perpetrator of the identical crime in the Brewer case, and Johnson's confessions to alone committing both crimes, there is new evidence of material facts, not previously known at trial, that requires vacation of the conviction in the interest

of justice pursuant to Mississippi Uniform Post-Conviction Collateral Relief Act, §§ 99-39-1.

9. The facts underlying this application and motion are not within the personal knowledge of the petitioner. Instead, they are based on an investigation conducted by the Attorney General's office and petitioner's counsel, as well as the record and proceedings in this case. (See attached Affidavit of Staff Attorney Vanessa Potkin.) The petitioner continues to state, as he has from the beginning, that he is innocent. The petitioner's verification will be filed as a supplement to this motion on Monday February 11, 2008.

FACTUAL BACKGROUND

The DNA test results identifying Justin Albert Johnson as the perpetrator of the identical crime committed against Christine Jackson combined with Johnson's confession to the abduction, rape and murder of both Christine Jackson and Courtney Smith, establish that Levon Brooks is innocent of the capital murder he was convicted of in 1992. At trial, the evidence against Mr. Brooks consisted of the alleged identification by the victim's five-year-old sister, Ashley Smith, as well as the testimony of Dr. Michael West, a forensic odontologist, who opined that a mark on Courtney Smith's wrist was a bite mark that was inflicted by Mr. Brooks' upper front teeth. There was no other evidence connecting Mr. Brooks to the crime. Mr. Brooks has always maintained his innocence.

The Brooks Case

On September 15, 1990, in Noxubee County, three-year-old Courtney Smith was abducted from the bed she shared with her five-year-old sister, Ashley Smith, and two days later was found dead in a pond near her home. Justin Albert Johnson, who had been in the Smith home the day of her abduction, was a suspect in the case. Ultimately, the only witness, Ashley Smith, identified Levon Brooks, an ex-boyfriend of her mother's and former college classmate, as the man who took her sister. Although having been just awoken from sleeping in the dark home, Ashley Smith stated she could see Mr. Brooks by the light emitting from the television that was in the other room. She attempted to wake the only adult in the house but was ultimately unsuccessful. In an August 2007 interview with Staff Attorney Vanessa Potkin of The Innocence Project, Ashley Smith, stated that she is unsure of who she saw take her sister, and only knows that it was a black man.

At Levon Brooks' trial, Dr. Stephen Hayne, the state pathologist, testified regarding the autopsy he performed on Courtney Smith's body, which revealed "two linear lines," possible bite marks, on Courtney Smith's wrist. The state also called Dr. Michael West, a forensic odontologist, to testify regarding his examination of the "linear marks." Dr. West concluded the marks were human bite marks which were inflicted by Mr. Brooks' two top teeth.

To rebut Dr. West's testimony and results, Mr. Brooks' called his own expert Dr. Harry Mincer. Dr. Mincer testified that although he could not exclude Mr. Brooks as a possible donor of the "two linear marks," he also could not be sure that the marks were even made by a human. Brooks also presented an alibi defense, with several witnesses testifying that he was present at the nightclub where he was employed, and within their sight, during the period of time in which Courtney could have been taken from her bedroom.

The Brewer Case

On March 24, 1995, Kennedy Brewer was convicted of capital murder and rape of three-year-old Christine Jackson, the daughter of Mr. Brewer's live-in-girlfriend, Gloria Jackson, and the half-sister of the two children Mr. Brewer fathered with Gloria Jackson. On May 3, 1992, Christine Jackson was abducted from her home, located only three miles away from Courtney Smith's residence. During the investigation of Christine Jackson's rape-murder, the Noxubee County Sheriff's office briefly considered Justin Albert Johnson, who lived less than two tenths of a mile from the Jackson residence, a suspect. On May 6, 1992, blood reference samples were collected from Johnson. At the time of Christine Jackson's abduction, Johnson was facing trial for a home invasion attempted sexual assault committed a year earlier. Ultimately, however, Kennedy Brewer was convicted of Christine Jackson's rape and murder almost exclusively based on testimony from

Dr. Michael West that numerous marks on Christine Jackson's body were human bite marks that had been inflicted by Kennedy Brewer's two front top teeth.

In 2001, Kennedy Brewer secured post-conviction DNA testing of sperm evidence that had been recovered in Christine Jackson's rape kit. The DNA testing showed that the sperm from Christine Jackson's vaginal swab did not come from Mr. Brewer. Based on the DNA exclusion, Mr. Brewer's conviction was vacated and he was granted a new trial.

New DNA Evidence

In connection with Kennedy Brewer's anticipated re-trial, in 2007, further DNA testing was ordered in his case. In addition to crime scene evidence, reference samples which had been collected from the original suspects in Christine Jackson's murder, including Justin Albert Johnson, were submitted to Forensic Science Associates ("FSA"). FSA's DNA testing showed that Justin Albert Johnson's DNA profile matched the DNA profile of the sperm from Christine Jackson's vaginal swabs.

The Confession of Albert Johnson

Based on the DNA match, investigators with the Mississippi Attorney General's Office interviewed Justin Albert Johnson on February 4, 2008 and arrested him for the murder of Christine Jackson. When he was interviewed by investigators, Johnson confessed to alone abducting, raping and murdering both

Christine Jackson and Courtney Smith. His confession was videotaped. Johnson also took investigators to both crime scenes and explained how he committed the crimes.

CLAIM FOR RELIEF

The Mississippi Code provides that a prisoner may obtain relief from his conviction and sentence if “there exists evidence of material facts, not previously presented and heard, that requires vacation of the conviction or sentence in the interests of justice.” Miss. Code Ann. § 99-39-5(1)(e). The recent DNA test results identifying Justin Albert Johnson as the perpetrator of the identical crime in the Kennedy Brewer case, and Johnson’s confessions to both crimes are material facts, not previously presented and heard, warranting the immediate vacation of Levon Brooks’ conviction and sentence.

The Mississippi Code also provides that a motion for post conviction relief filed after the three-year statute of limitations for filing for post conviction relief can be excepted from that time limit if the motion contains evidence “not reasonably discoverable at the time of the trial, which is of such a nature that it would be practically conclusive that had such been introduced at trial it would have caused a different result in the conviction or sentence.” Miss. Code Ann. § 99-39-5(2). In this case, the recent DNA match and confession of Justin Albert Johnson constitute evidence establishing Mr. Brooks’ innocence and certainly would have

caused a different result if they had been introduced at trial. Therefore, this motion for post conviction relief is excepted from the time limitation provided in section 99-39-5(2) and from any prohibition on successive applications under 99-39-23(6) that might otherwise apply to this case.

The Mississippi Supreme Court has laid out the requirements for a motion for post conviction relief based on new evidence:

[T]he petitioner must prove that new evidence has been discovered since the close of trial and that it could not have been discovered through due diligence before the trial began. In addition, the petitioner must show that the newly discovered evidence will probably produce a different result or induce a different verdict, if a new trial is granted. *Id.* This requires a showing that the evidence is material and is not merely cumulative or impeaching.

Crawford v. State, 867 So. 2d 196, 203 (Miss. 2003); see also Meeks v. State, 781 So. 2d 109, 112 (Miss. 2001); Smith v. State, 492 So. 2d 260, 263 (Miss. 1986).

The new evidence in this case meets the Crawford criteria. Much of this evidence, including the advanced Short Tandem Repeat (“STR”) DNA test results, as well as Johnson’s subsequent confessions, could not have been obtained earlier as STR DNA testing was not available in 1992. It is equally clear that if the case were re-tried, a different result would ensue with the introduction of this evidence. Mr. Brooks is innocent and the new and material evidence demonstrating his innocence means his conviction must be vacated in the interests of justice pursuant to Miss. Code Ann. § 99-39-5(1)(e).

The Supreme Court has the authority to grant Mr. Brooks' motion outright and order him released pursuant to section 99-39-27(7)(a), and it should promptly vacate his conviction and order him released in order to immediately end the wrongful imprisonment of an innocent man. Mr. Brooks is requesting that the Court give special, expedited review to his motion in order that he does not have to spend one more unnecessary day in prison for a crime he did not commit. In pertinent part, section 99-39-27 provides for the following proceedings after a petitioner has filed in the Supreme Court an application for leave to proceed in the convicting court, accompanied by the motion proposed to be filed:

(6) The court, upon satisfaction of the standards set forth in this chapter is empowered to grant the application.

(7) In granting the application the court, in its discretion, may:

(a) Where sufficient facts exist from the face of the application, motion, exhibits, the prior record and the state's response, together with any exhibits submitted therewith, or upon stipulation of the parties, grant or deny any or all relief requested in the attached motion.

Miss. Code Ann. § 99-39-27. In the alternative, Mr. Brooks seeks immediate remand of his case to the Circuit Court of Noxubee County.

In addition to the aforementioned statutory provisions, Mr. Brooks also seeks relief pursuant to the Fifth, Sixth, Eighth and Fourteenth Amendments to the

United States Constitution, Article 3, §§ 14, 26 and 28 of the Mississippi Constitution.

For the reasons stated herein, this Court should proceed directly to vacate Mr. Brooks' conviction and order him immediately released to end his near eighteen years of wrongful imprisonment. In the alternative, Mr. Brooks seeks immediate remand of his case to the Circuit Court of Noxubee County.

CONCLUSION AND PRAYER FOR RELIEF

Wherefore, premises considered, Levon Brooks moves this Court to vacate his conviction and order his immediate release or, in the alternative, immediately remand the case to the Circuit Court of Noxubee County.

Respectfully submitted, this the 9th day of February, 2008.



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IN THE SUPREME COURT
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LEVON BROOKS, Petitioner,

v.

STATE OF MISSISSIPPI, Respondent

Trial Court Case Number 5937

AFFIDAVIT OF VANESSA POTKIN

The undersigned, Vanessa Potkin, first being duly sworn according to law, deposes and states as follows:

1. I am a Staff Attorney at The Innocence Project. I, along with The Innocence Project's Co-Director, Peter Neufeld, represent Kennedy Brewer in State v. Brewer, Cause Number 5999 and Levon Brooks in State v. Levon Brooks, Cause Number 5937.

2. In 2002, Mr. Brewer's conviction was vacated, and he was granted a new trial, based on the results of post-conviction DNA testing excluding Mr. Brewer as the source of the semen from the body of the three year old rape murder victim. Following the vacateur of Brewer's conviction, and in anticipation of a re-trial, The Innocence Project conducted a reinvestigation

into the case. This re-investigation ultimately revealed a parallel case and crime with an identical modus operandi for which another man, Mr. Levon Brooks had been convicted.

3. The similarities between the cases of Kennedy Brewer case and Levon Brooks are tremendous. The victim in Brewer's case, three year old Christine Jackson, was abducted from her home in the middle of the night, was raped, murdered, and left in a body of water, (a creek), which was in close proximity to her home. Less than eighteen months prior to the rape-murder of Christine Jackson, three year old Courtney Smith - the victim of the crime for which Mr. Brooks was convicted - was abducted from her home, also in the middle of the night, was raped, murdered, and later found in a nearby pond.

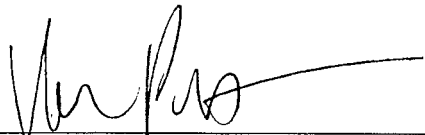
4. According to reports of the Noxubee County Sheriff's Office, Justin Albert Johnson was considered a suspect during the original investigations of both Courtney Smith and Christine Jackson's rape-murders. At the time of Courtney Smith's rape-murder, Johnson's ex-wife and son lived next door to the Smith residence, and Johnson had been inside the Smith house on the day of Courtney Smith's abduction. Johnson was also considered a suspect in the Christine Jackson case - at the time of the crime, he lived less than two tenths of a mile from the Jackson home and was nearing trial for a home invasion attempted sexual assault, which he committed on June 18, 1991.

5. Pursuant to the Circuit Court of Noxubee County's December 25, 2005 Order for Release of Evidence in State v. Kennedy Brewer, the Mississippi Crime Laboratory sent numerous items

of physical evidence from Christine Jackson's case to Forensic Science Associates ("FSA") for additional post-conviction DNA testing. The evidence sent to FSA included Jackson's rape kit specimens as well as the reference samples that had been collected from all of the original suspects during the investigation of Christine Jackson's murder, including the reference sample which had been collected from Justin Albert Johnson on May 6, 1992 and remained thereafter at the Mississippi Crime Laboratory. Justin Albert Johnson's sample had never before been subjected to DNA analysis. The results showed that Justin Albert Johnson's DNA profile matched the DNA profile of the sperm from Christine Jackson's vaginal swabs. The DNA profile of the sperm from Christine Jackson's vaginal swab, which matches Justin Albert Johnson, is unique in the human population – its expected frequency is 1 in 2,000 trillion.

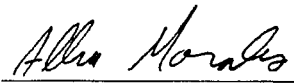
6. As a result of the DNA match, identifying Justin Albert Johnson as the true perpetrator of the crime for which Kennedy Brewer was wrongfully convicted, and the similar modus operandi in the Smith and Jackson murders, investigators at the Mississippi Attorney General's Office questioned Justin Albert Johnson on February 4, 2008. Peter Neufeld and myself spoke with Scott Johnson of the Mississippi Attorney General's office the following day, who relayed to us that during this questioning, Johnson admitted, in a videotaped confession, to being the sole perpetrator of Christine Jackson's abduction, rape and murder as well as the sole perpetrator of the identical abduction, rape and murder of Courtney Smith. Mr. Johnson later told us that Justin Albert Johnson not only confessed to both crimes, but took investigators to the two crime scenes, and explained how he committed each one of the crimes.

7. In August 2007, I interviewed Ashley Smith, Christine Jackson's - at the time of the crime, five year old sister - who identified and alleged at trial that Levon Brooks was the man who abducted her sister. During the interview, Ashley Smith stated that she was unsure of who she saw take her sister, and only knows that it was a black man.



Vanessa Potkin

SWORN TO AND SUBSCRIBED BEFORE ME on this the 8 day of February, 2008.



NOTARY PUBLIC
02M06146225
Kings Co.
My commission expires: 5/15/2010