

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

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

AFFIDAVIT OF JERRY TRUMP

I, Jerry Trump, 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. That I want to supplement the previous affidavit I signed regarding this matter on October 11, 2010.



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5. That I want to make it clear that if I am called to testify at a hearing and/or a new trial, I will testify that I cannot positively identify the two people I saw in the parking lot of the Columbia Daily Tribune on the night in question as Charles Erickson and Ryan Ferguson.
6. That further, I have doubts that the two people I saw in the parking lot on the night in question were the people that killed Mr. Heitholt.
7. That it does not make sense that they were the men that killed Mr. Heitholt because if they were, in my opinion, one of them would not have yelled out "someone is hurt man."
8. That I did not hear either of the two men say "go get help" or anything like that, only that someone was hurt.
9. That it further does not make sense that they were the men that killed Mr. Heitholt because in my opinion if they were, they would not have walked away casually.
10. That I am sure that as they walked away neither person was carrying anything, specifically a "tire tool" or belt.
11. That I do not think the two men I saw were the men that killed Mr. Heitholt; I don't think this murder is solved.
12. That I also want to explain what happened when I initially met with the Kevin Crane and Bill Haws at Mr. Crane's office on December 21, 2004 shortly after I was released from the penitentiary on December 13, 2004.

JT

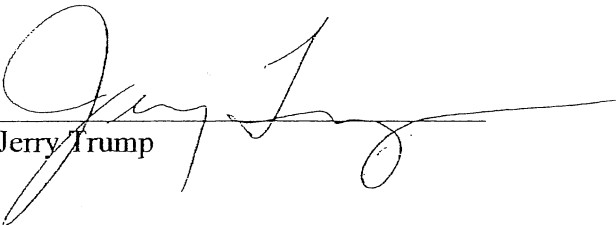
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13. That I was apprehensive about meeting with Crane.
14. During the first meeting with Crane, he showed me a newspaper article from the Columbia Tribune dated March 11, 2004 and asked if I had ever seen it.
15. That the article contained pictures of Mr. Heitholt and two other men, as well as a story about the case.
16. That Crane explained that the two men pictured in addition to Mr. Heitholt were Ryan Ferguson and Charles Erickson and that they were responsible for Mr. Heitholt's murder. He further explained that he would be prosecuting Ryan Ferguson for the murder and it would be helpful to him if I could identify Ryan Ferguson as one of the men I saw in the parking lot that night.
17. That Crane explained that I would need to testify that I saw the pictures of Ferguson and Erickson in the article before I saw the headline. I specifically recall him telling me "it will be helpful if you hadn't seen the headline before the pictures."
18. That Crane met with me on 2 or 3 occasions prior to Ferguson's trial and Haws spoke to me 2-4 times on the phone prior to Ferguson's trial.
19. That each time he met and spoke to me, Crane and I discussed my testimony as he had described it.

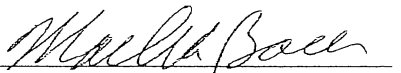
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- 20. That I testified at Ferguson's trial that no one from law enforcement showed me the newspaper article prior to trial, and that I was sure that Ryan Ferguson was one of the men I saw in the parking lot the night Mr. Heitholt was killed, among other things.
- 21. The truth is that Crane had showed me the newspaper article prior to trial at the first meeting we had in his office.
- 22. That I cannot testify with certainty that I saw Ferguson in the parking lot the night Mr. Heitholt was killed.
- 23. That if called to testify, my testimony would be the same as set forth in this affidavit.


Jerry Trump

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


NOTARY PUBLIC
MARK A. BAIER

