

AGREEMENT BETWEEN THE STATE OF NORTH CAROLINA
AND
VANESSA SMITH

Defendant Vanessa Smith currently has the following pending charges in Montgomery County, North Carolina:

- 1) 1st Degree Murder
- 2) Felony Larceny
- 3) Harboring an Escapee

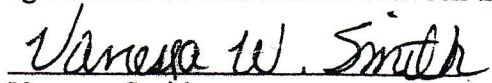
Her co-defendant on the 1st Degree Murder and the felony Larceny charges is Scott David Allen. Defendant Allen is scheduled for trial in Montgomery County Superior Court on October 27, 2003. The State of North Carolina intends to use Vanessa Smith as a witness against defendant Scott David Allen in his trial. The following terms shall apply to the agreement between the State of North Carolina and Vanessa Smith.

- 1) Vanessa Smith shall testify fully and completely truthfully regarding the events surrounding the murder of Christopher Gailey. Smith shall not withhold any material information. A failure on Smith's part in either of these areas will result in this agreement being null and void and the State shall not be bound by it.
- 2) Once Vanessa Smith has testified fully and truthfully in the trial of Scott David Allen and that trial is over, the State of North Carolina will allow Vanessa Smith to plead guilty to the following charges and receive the punishments set out below:
 - A) Felony Larceny and Harboring an Escapee; receive credit for time served that was from August 10, 1999 until July 16, 2001.
 - B) Pursuant to Bills of Information, three counts of False Pretenses, the sentences for which shall be run consecutively, but suspended and Vanessa Smith shall be placed on probation upon terms deemed acceptable to the sentencing Judge.
 - C) The pending charge of First Degree Murder will be dismissed.

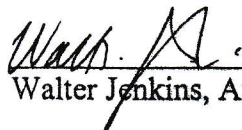
It should be noted that Vanessa Smith served 23 months and six days in the custody of the Montgomery County Sheriff's Department. Some of that time in custody was at Central Prison and some of the time was at the Montgomery County Jail. Her attorney Walter Jenkins and the State of North Carolina reached an agreement to allow her to be on House Arrest beginning July 16, 2001 so that she could spend time with her son. She

satisfactorily completed the terms of her house arrest April ___, 2003. When she was placed on House Arrest July 16, 2001, her bond was reduced to \$5,000.00 secured. The conditions of her release were modified on August 9, 2002 when her bond was reduced again to \$2,500 unsecured.


This Agreement is set out to fully advise defense counsel for Scott David Allen of any agreements or concessions between the State of North Carolina and Vanessa Smith.



Vanessa Smith



Walter Jenkins, Attorney for Smith



Kristian N. Allen
Assistant District Attorney
Montgomery County