

STATE OF NORTH CAROLINA
MONTGOMERY COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
Case Nos. 99 CRS 3818, 3820

STATE OF NORTH CAROLINA)
)
 V.)
)
SCOTT DAVID ALLEN)

AFFIDAVIT OF [REDACTED]

I, [REDACTED], being duly sworn, do state the following:

1. My name is [REDACTED] I am a resident of Montgomery County, North Carolina. I am over the age of 21 years and am competent to make this statement.
2. In 2003, I was an alternate juror in the capital murder trial of Defendant Scott Allen. I had never been a juror before and have not been a juror since that time. I attended every day of the Scott Allen trial, including the guilt phase and the sentencing phase. I was with the other jurors throughout the trial, including lunch breaks, recesses, and times when the judge asked the jury to step out of the courtroom to allow him to talk to the attorneys.
3. Although I participated in this trial with all of the other jurors, I did not participate in the deliberations. I did not go into the jury room during the deliberations. However, when the jury took a lunch break during deliberations, I was allowed to eat lunch with the other jurors. I was also allowed to be in the courtroom each time that a verdict was announced. I became close with some of the other jurors during the trial. One juror, a teacher, would spend his time during the breaks grading papers.
4. The jury selection was held at the courthouse in Troy. The trial itself was held at the Randolph County courthouse in Asheboro. It was my understanding that the trial had to be moved to Asheboro because of safety concerns and because of the number of people in the area who knew Scott Allen. I thought the authorities felt the Montgomery County courthouse was not a safe courthouse for this trial. They also seemed to be worried about attention from the newspapers and other media.

5. To travel to Asheboro every day, I used to drive from my home to the courthouse in Troy. I then rode with the other jurors to Asheboro in a van driven by a sheriff's deputy. I never heard any of the other jurors complain about having to make that trip to Asheboro every day.
6. I noticed Scott Allen's appearance and demeanor in the courtroom. I saw that he had tattoos on his body and that he was wearing leg irons. The tattoos and leg irons did not bother me. It bothered me to see that Scott Allen did not show any emotion during the trial, not when they showed the crime scene pictures and not when some of his relatives testified on the stand.
7. I remember seeing the pictures of the crime scene that were shown at trial. Pictures like that really make you want to flinch. I also remember that there was testimony about a shotgun being the weapon that killed Chris Gailey. I know something about shotguns. A gun like that makes a really large wound on someone, which means it would be very unlikely for a person to live through such a gunshot blast to the torso. Knowing what I know about that type of gun, testimony about pebbles being thrown and Chris Gailey moaning and groaning for a long time after being shot did not make sense.
8. I remember that there was testimony at trial from Vanessa Smith, the girlfriend. I did not think that Vanessa Smith was completely believable. She got off easy because she turned State's evidence and testified against Scott Allen. I remember that she testified without anyone really challenging her or questioning her true involvement in the death of Chris Gailey. I still don't know if the crime happened the way she said it happened or not.
9. One aspect of the case that still confuses and bothers me today is the motive. It was not clear to me why Scott Allen would kill a friend the way they said he did. What would cause this to happen?
10. At the very end of the trial, when the death penalty verdict was announced, some of the jurors broke down crying. The jury worked hard to pay attention and do their job in this case. I agree with the decisions made by the other jurors. However, I would not want Scott Allen to get the death penalty if he did not actually pull the trigger.

Further affiant sayeth not.

The foregoing paragraphs numbered one through ten are true and correct to the best of my knowledge.



3/4/13
Date

Sworn to and subscribed before me this 4 day of MARCH in the year 2010
in MONTGOMERY County, North Carolina.

Jerry Lee Walker
Notary Public Jerry Lee Walker

(Seal)

My commission expires: 04-10-2014