

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. )

AFFIDAVIT OF KELLY RACOBS

SCOTT DAVID ALLEN )

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I, Kelly Racobs, being duly sworn state the following:

1. My name is Kelly Racobs. I currently reside at 925 Grove Street, Denver, Colorado 80204. I am an Assistant Manager at a Walgreens store in Denver. I have personal knowledge of the matters set forth herein. I am over 21 years of age and competent to make this statement.
2. In 1999, I was working for the Special Districts Association of Colorado, an organization concerned with water, sewer and other special districts in the State of Colorado. I lived with several room-mates at 1401 South Emerson Street in Denver, Colorado.
3. I met Scott Allen and Vanessa Smith when they arrived in the Denver area in February or March of 1999. They came to visit and stay with Greg Fritz, who lived in Evergreen, Colorado, about a forty or forty-five minute drive from my home. I was dating Greg at the time, and became somewhat acquainted with both Scott and Vanessa during this visit.
4. The first time I met Vanessa, she told me her name was "Mary" and warned me to stay away from Scott. During that visit to Evergreen and subsequent trips, Scott and Vanessa spent a lot of their time in their room. When Vanessa socialized, she brought up subjects that you generally do not discuss with people you barely know.
5. I remember one time when all four of us were at a public bar, Vanessa talked about her experience having sex with six men. She called it a "gang bang." She also claimed that she had given her son, who was back in North Carolina, the middle name of a demon and follower of Satan.
6. Scott's relationship with Vanessa was also troubling. She made it clear to him - in front of Greg and me - what she and Scott were going to do and that she held the purse-strings. Sometimes when she was talking it didn't make any sense, and Scott seemed very embarrassed about it. He seemed embarrassed about her behavior and topics of conversation in general.
7. I remember that Vanessa left Evergreen in early March of 1999, after she and Scott had a bad fight, but I do not know specifically what the fight was about. Prior to her leaving, Scott hardly spoke to me because Vanessa told him not to. At the time, Vanessa was



overweight, wore a lot of dark makeup, and had extremely over-bleached hair. Vanessa called me a "waif," because I was tall and skinny with blonde hair, and told me, "that's what he likes." She acted very jealous and possessive.

8. After Vanessa left Evergreen, I began to hang out more with Scott, and he seemed like a different person. He would laugh and talk freely. He seemed like a nice person without Vanessa around, and I started having a connection with him. At some point, both Scott and I talked to Greg about our developing relationship, and Greg was very understanding. Although Scott had stayed at my place in Denver a few times, he and I did not start dating until after we spoke to Greg. I purchased Scott a cell phone so we could keep in touch.
9. During this time, Vanessa would call Scott frequently. When she was on the phone with Scott, I could hear her screaming and yelling at him from across the room. I could make out some of the words. She sounded like she was having a meltdown.
10. Scott decided to go back to North Carolina sometime in April, 1999 to see his daughter, Jordan. By accident, my favorite night shirt got packed up with Scott's clothes. When he got back to North Carolina, Vanessa went through all his things and discovered the shirt, which in a rage she stabbed and cut up.
11. Scott came back in June, although he did not stay very long. During this second trip, Vanessa telephoned my house repeatedly, throwing fits at Scott because he was in Denver with me. Whenever I answered the telephone, she cussed me out and said really nasty, shocking things. One of the nicer things she said was, "you stupid, highfalutin' ignorant bitch, he's using you for your fucking money." She said this to me several times, in several conversations, in slightly different ways. Despite these problems, Scott and I managed during this time to travel to Nebraska to have a very nice two or three day visit with my mother, who liked Scott a lot. I remember my mom asking Scott about his tattoos, and telling him she couldn't understand why he would make such permanent marks on his head and neck. Scott sat with my mom explaining what some of the tats meant, and why he'd gotten some of them. I was stunned that Scott was so willing to explain these things, as he was usually so quiet around people he didn't know well.
12. Scott came to Denver for a third visit in mid-July 1999. Again, without Vanessa around, he was just himself, talking normally and contributing to the household by helping out since he didn't have any money and he "didn't expect to be living here for free." He took over the cooking chores around the house and enjoyed planning meals and cooking for everyone, including my room-mates. As before, Vanessa called Scott repeatedly, screaming at him and threatening to come to Denver.
13. During this third trip, which lasted from mid-July 1999 until he was arrested that August, Scott confessed to me about the church break-ins back in North Carolina. Scott never told me he'd escaped from work-release; I found out from the police when I was arrested. Scott did tell me that he wanted to go back to North Carolina to turn himself in and complete his sentence. He told me that he needed to "clear up this old stuff" in order to



have a good life in the future. I was pretty shocked and upset about what Scott told me, even though I knew that Scott planned to turn himself in when he returned to North Carolina.

14. In early August, Vanessa called and instructed me to "put him on the fucking phone," among other demands, and threatened to do as she said or she would "do shit that would make both our lives a living hell." She then started screaming and cursing so loudly that I had to hold the phone away from my ear until Scott took the phone from my hand and talked to her. She told Scott she was on her way to Denver. The next I heard from Vanessa she was pounding on my back door, demanding to see Scott. I asked her why she did not let it go, since it was obvious that Scott wanted to be with me, not her, and that he didn't need her money anymore. She responded by calling me a "fucking bitch," telling me I was afraid to come out, as I "fucking should be," and demanding that I open the "fucking door." She also screamed "he's fucking using you bitch, just like he used me."
15. I was a little afraid, because I did not know what Vanessa was capable of. I told her to get off my property or I would call the police. She started to walk toward the gate, then turned and announced, "You'll never get to have him," and "I will do whatever it takes to keep him away from you." She was alternately screaming and speaking softly, like there was something really wrong with her. Then, just before Scott appeared on the stairs, she screamed, "You will never touch him again."
16. Scott came to the doorway and told me that he would take a short walk with Vanessa, to calm her down, and that he would be back in a few minutes. She kept screaming and cursing until he walked up to her, then she became silent. As I recall, he was wearing jeans, tennis shoes, and a black T-shirt with a picture of an album cover, in white, on the front. He did not have his jacket or his backpack. He returned to the house in about forty-five minutes, without Vanessa. He said that she had met up with some friends in a band, and that she was returning to North Carolina with them.
17. The next time I heard from Vanessa was early morning on August 11, when I received a call from her at the house. She sounded completely different from before, calm and collected, as if trying to be nice. She told me that the police were coming to get Scott, and that she wanted to talk to him before he was arrested. Scott was asleep so I did not put him on the phone. It was shortly thereafter that the Denver Police showed up at my house to conduct a search and to arrest Scott. I have never spoken to Vanessa since that day.
18. Scott's trial counsel knew about Vanessa's statements to me and arranged for me to be at the sentencing phase of the trial. Despite bringing me to North Carolina, trial counsel never interviewed me, prepared me to testify, or called me as a witness in either phase of the trial. I was also never interviewed by anyone from the District Attorney's Office.

Further affiant sayeth not.

The foregoing paragraphs numbered one through eighteen are true to the best of my knowledge.

Kelly Racobs  
Kelly Racobs

9/10/14  
Date:

Sworn to and subscribed before me this 10 day of Sept in the year 2014  
in Jefferson County, Colorado.

[Signature]  
Notary Public

My commission expires: \_\_\_\_\_

**My Commission Expires  
December 5, 2017**

