

Affidavit of Daniel Smith

I, Daniel Smith, state under oath and penalty of perjury that the following statement is true and accurate to the best of my knowledge and recollection.

1. My name is Daniel Smith.
2. My date of birth is November 23, 1971.
3. I had the opportunity to speak with my brother (Michael Smith) about this case after I was acquitted and released from prison on a separate case. Michael and I spoke about his interactions with Detective Leiby and the Elyria Police Department. Michael told me that he was promised many things in exchange for his cooperation in this case. Michael told me that these promises were made to him before he decided to cooperate.
4. Michael told me that he was promised immunity in exchange for his cooperation in this case. Michael told me that he was given immunity for the murder charges that my father, Stan, and I faced for the death of Ron Lally.
5. Michael also told me that Leiby promised him that he would not have to testify against my father, Raymond Smith, at trial.
6. Michael told me that Leiby promised to send him out of town so that he would not have any chance of testifying against my father at trial. And, in keeping up with that promise, Michael told me that Leiby paid for him to leave to Arizona right after his deposition in this case. Michael told me that he was brought back from Arizona in time for Stan's trial and that Leiby had kept his end of the deal by not having Michael testify against our father. Michael told me that Leiby and the authorities paid for him to live out there.
7. I hooked up numerous times with Corrine Fike in the 1990's. This relationship existed prior to my trial for the death of Ron Lally. I also frequently exchanged drugs with Fike in order to use her Chrysler LeBaron.
8. Vernard Berry was one of my best-friends. We grew up together. Vernard told me that Leiby pressured him pretty hard about this case. Vernard told me that Leiby was promising him deals if he would lie against Raymond, Stan, or I at trial. I remember Vernard telling me that Leiby wanted him to say that he heard us "bragging" about doing the murder. Vernard told me that Leiby promised him probation on his pending case if he would lie against us. Vernard wouldn't do it.

9. On the morning after the murder, I was at my apartment with my girlfriend Tammy Green. Terry Hopkins was not at my apartment that morning. At no time that morning did anyone confess to committing this murder in front of Terry Hopkins.
10. At the time of my arrest, I was living at John Fries' place. A guy named Mike also lived there with us. When I was arrested, there was a half-ounce of cocaine in the house. Neither Mike, John, nor I were ever charged for the drugs. I always found it weird that no one was charged.
11. I think that Stan stands wrongly convicted as his trial was based on a mountain of lies.
12. I am giving this statement of my own free will. This statement is the truth to the best of my knowledge and recollection. I have not been coerced nor promised anything in exchange for this statement. If called upon to testify, I could do so competently and would testify consistently with this affidavit.

Name:

Daniel Smith

Date:

6-6-12

Sworn and subscribed in my presence this 6 day of JUNE, 2012.

[Signature]
NOTARY PUBLIC

