

D E C L A R A T I O N

Declarant Steve Craig states as follows:

1.) I am an adult resident of SHREVEPORT,  
County, Tennessee.

2.) On August 5, 1981, I drove onto the Holiday Auto Parts parking lot. I parked my car heading south. In this position I had an unobstructed view of the north side of the Wendy's Restaurant and the north Wendy's parking lot.

3.) Prior to hearing shots fired, I did not see any person on the north Wendy's parking lot except for Memphis Policemen Oliver and Stoddard and a man I have been informed was Philip Workman.

4.) I never saw a black man in or around the Wendy's the night of August 5, 1981. If a black man had been present at the time I heard shots fired, or immediately prior to or after I heard shots fired, I would have seen him and remembered his presence.

5.) Immediately after Memphis Policemen Oliver and Stoddard were shot, Memphis Policeman Parker appeared on the Wendy's north parking lot carrying a shotgun. Parker fired the shotgun at a man I have been informed was Philip Workman as that man ran north across the Holiday Auto Parts parking lot.

6.) After viewing the incident, when Memphis police officers spoke to me, they would say "there was no need to talk





D E C L A R A T I O N

Declarant, Kerry S. Kill states as follows:

- 1.) I am an adult resident of <sup>Rutherford</sup> Robertson County, TN and my home address is 112 Frontier Lane, La Vergne, TN 37086.
- 2.) On August 5, 1981, I was employed by C.E. Meyer Carpet Cleaning Co. and was assigned to clean the Wendy's Restaurant located at 3275 Thomas, Memphis, TN.
- 3.) I arrived at the Wendy's restaurant between 9:30 p.m. and 10:00 p.m. driving a white van, which I parked on the north side of the restaurant, directly in front of the doors to the restaurant.
- 4.) I waited for the restaurant to close which it did at 10:00 p.m. The restaurant doors were locked at closing, thereafter a white male I now know as Philip Workman pulled a gun and ordered me and the Wendy's employees into an office located in the rear of the restaurant. Workman obtained money from the manager and left.
- 5.) Philip Workman also informed us he did not want our personal money, since we had worked for it.
- 6.) After Workman left, we waited a short time before leaving the office. We walked to the double doors on the north side of the restaurant and looked out.

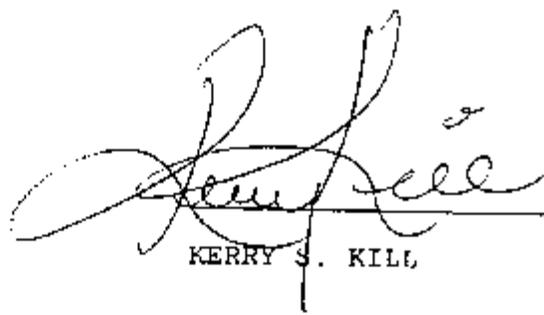
DECLARATION OF KERRY S. KILL  
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7.) By the time we looked out the north door, the shooting was over. I recall seeing other police officers arriving at the scene. Other than police vehicles and my van, I do not recall seeing other vehicles parked in the north parking area of the Wendy's restaurant.

8.) We exited the restaurant and I recall seeing persons in the area, but I do not recall a male black being present. I feel certain I would have noticed a male black, had one been present.

I swear under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

FURTHER DECLARANT SAITH NOT.

  
KERRY S. KILL

DATE 12-2-94

WITNESS Janet S. Hoods

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

PHILIP R. WORKMAN,	)	
	)	
Petitioner,	)	
	)	No. 94-2577 G/A
v.	)	
	)	Gibbons, J.
MICHAEL DUTTON,	)	
	)	
Respondent.	)	

DECLARATION OF DR. KRIS SPERRY

Declarant Dr. Kris Sperry states as follows:

1. I am currently the Deputy Chief Medical Examiner for the Fulton County Medical Examiner's Office in Atlanta, Georgia. I have occupied that position since July 12, 1991. In addition, I am a Clinical Assistant Professor in the Pathology Department at Emory University Medical School. I have occupied that position since August 1, 1990.

2. My resume describing my education, other training, and other positions I have occupied is attached as Exhibit A.

3. In the course of my work as a medical examiner, I regularly view wounds to corpses created by bullets. I estimate that I have viewed more than 3,000 such wounds.

4. In the course of my work as a medical examiner, I have viewed approximately 30 to 40 corpses containing wounds created by the ammunition pictured in Exhibit B and described by the transcript portions contained in Exhibit C. (Hereafter ".45 silver tip hollow point bullets"). Every wound I viewed indicated that the .45 silver tip hollow point bullet expanded upon entering the human body involved. In approximately 90% of

the wounds I viewed, the .45 silver tip hollow point bullet did not exit the human body it entered, and the wound track was superficial in nature and not deeply penetrating. In the remaining instances, the exit wound created by the .45 silver tip hollow point bullet was significantly larger than the entrance wound the bullet created.

5. The bullet wounds described by Exhibit C, the 8/6/81 Autopsy Protocol of Ronald D. Oliver and pictured in Exhibit D (hereafter "Lieutenant Oliver's wounds") are inconsistent with every wound I have seen created by a .45 silver tip hollow point bullet. Specifically, Exhibits C and D indicate that the bullet that created the illustrated bullet wounds exited the decedent's body, and in doing so created an exit wound smaller than the entry wound.

6. I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my information and belief.

  
\_\_\_\_\_  
Dr. Kris Sperry  
9/12/95  
\_\_\_\_\_  
Date

1 pause, maybe a half a second or so, then I heard two more.

2 It sounded like maybe a muffled sound, still a loud sound and  
3 then a series of shots after that, approximately eight to ten,  
4 twelve shots altogether.

5 Q After hearing those, what did you do?

6 A I proceeded onto the scene. By the time I got  
7 to the street with the car, I heard information on the radio  
8 that two officers were down. I proceeded to the scene and I  
9 observed the scene as I pulled up. I observed the two officers  
10 down. I parked the squad car kind of inbetween to give them  
11 protection if I could. I did not see anyone on the scene that  
12 I thought would be responsible for the shooting, so I pro-  
13 ceeded to care about the officers.

14 I went to Officer Stoddard. He was laying on his  
15 back on the parking lot. I asked him if he was all right and  
16 he said he was shot, but that he'd be all right. He gave me  
17 a description of the person responsible as a male white, about  
18 six-foot, maybe thirty years old and about two hundred pounds,  
19 wearing bluejeans and a light-colored shirt. He was running  
20 west across the parking lot behind Holiday Auto Parts. I  
21 broadcasted that information to the car and requested an  
22 ambulance.

3 I then ran to Lieutenant Oliver, the other officer  
4 that was down. He was breathing real heavy, blowing blood  
5 out of his mouth and his nose. He was facing kind of uphill.

1 outside on that lot at any time that night?

2 A No, sir.

3 Q Did you see anyone else drive up other than you and  
4 Officer Parker?

5 A No, sir.

6 Q I believe you testified that Lieutenant Oliver had  
7 this man from behind as he was trying to run away?

8 A Yes, sir.

9 Q And that when he did, this person fell to the  
10 ground?

11 A Yes, sir.

12 Q And Lieutenant Oliver half fell. Is that right?  
13 He was kind of over him?

14 A He was kind of over him. He never let go of him.

15 Q Now, do you recall whether or not Lieutenant Oliver  
16 had a flashlight?

17 A No, sir.

18 Q Do you know what I'm talking about, don't you, the  
19 regulation police flashlights like this?

20 A I didn't see it if he did, I don't know.

21 Q But you know the type I'm talking about?

22 A Yes, sir.

23 Q That you-all generally carry.

24 A Yes, sir.

25 Q Did you have one or were you carrying one?

1 THE COURT: Yes.

2 JUROR DUGAN: Did you by any chance see the in-  
3 dividual, I think his name was Mr. Davis, who said he was  
4 parked in a parking space beside Wendy's and either crouched  
5 beside his car or in his car?

6 THE WITNESS: No, ma'am, I didn't see anybody.

7 JUROR DUGAN: You were too busy.

8 THE WITNESS: There was another car on the Holiday  
9 Auto Parts, and I remember seeing it.

10 THE COURT: Yes?

11 JUROR TAYLOR: Are we permitted to ask a type of  
12 question like that that the attorneys either don't ask or it's  
13 not clear to us?

14 THE COURT: Well, what you want to do is ask me and  
15 then I'll see if it's something that can be asked legally and  
16 under the rules. What question did you have?

17 JUROR TAYLOR: I had the same question yesterday,  
18 but I didn't know if we were permitted to say anything at all.  
19 It was relating to what she asked.

20 THE COURT: If you have any questions, just raise  
21 your hand and ask the question to me and I'll rule whether it's  
22 admissible or not. Yes, sir?

23 JUROR PARKS: I have a question. I'd like to ask  
24 the officer did he see Officer Stoddard and Lieutenant Oliver  
25 with the suspect in custody?

AFFIDAVIT

1. My name is Vivian Porter. I am an adult resident citizen of Shelby County, Tennessee.

2. During the night of August 5, 1981, I rode in a car with Harold Davis. As we approached ~~the intersection of Whitney and Fraser Blvd~~ <sup>the intersection of Whitney and Fraser Blvd</sup> ~~Fraser Wendy's Restaurant on Thomas Avenue~~, a policeman pulled our car over for a traffic violation or to check us for some other reason. The policeman got out of his car and walked to our car. He hurriedly departed when he got a call that a crime was occurring nearby.

3. After the policeman left, Harold and I sat in our car for a couple of minutes and caught our breath. We then drove past the Wendy's Restaurant. We saw numerous police cars parked at the Wendy's, and we noticed that the police had roped off an area of the Wendy's parking lot. We did not drive onto the Wendy's parking lot.

4. Harold Davis and I subsequently learned from a news report that a police officer had been shot and killed during a robbery of the Wendy's Restaurant that occurred that night. Neither Harold Davis nor I saw a police officer get shot August 5, 1981.

FURTHER THE AFFIANT SAITH NAUGHT.

*Vivian Porter*  
\_\_\_\_\_  
Vivian Porter

*Sept. 24 1999*  
\_\_\_\_\_  
Date

Sworn and subscribed before me on this the *24<sup>th</sup>* day of *September '99* 999.

*[Signature]*  
\_\_\_\_\_  
Notary Public

*24<sup>th</sup> September '99*  
\_\_\_\_\_  
Date

My commission expires: **My Commission Expires Feb 01, 2003**