

EXHIBIT A

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF VOLUSIA

I, Michael H. Lambert, am a licensed, practicing attorney in the State of Florida, predominantly practicing in the area of criminal law since 1974. I was hired by Magean Ward to represent her in a Trafficking case with some other minor attendant charges. The bond was well over \$100,000.00 and a bond reduction unsuccessful. The State, through Assistant State Attorney Ryan Will, was interested in Magean Ward's assistance in the anticipated prosecution of her boyfriend, James Booth, for First Degree Murder.

Magean agreed to be debriefed on her knowledge of the shooting involving Mr. Booth, and she also assisted law enforcement in locating a firearm that he used in the shooting. Magean was released from jail on her own recognizance.

Asked by the State to continue to communicate with James Booth, who was incarcerated, Magean began to change her mind about cooperating, and fled the state. She was indicted as an Accessory After the Fact of First Degree Murder, her ROR on the Trafficking charge was revoked, and a warrant was issued for her arrest as a material witness. Once Magean was rearrested and extradited to Florida, I met with her and agreed to continue representing her, including the new charge of Accessory After the Fact. Magean agreed to renew her cooperation with the State. That cooperation included testifying truthfully for the State in a number of proceedings wherein James Booth was a defendant.

From the very beginning, Magean would ask me what benefit she was going to get as a result of her cooperation. I repeatedly told her that there was no agreement and that she just needed to trust me.

Throughout her incarceration, Assistant State Attorney Ryan Will obtained my permission to meet with Magean and discuss her upcoming testimony in my absence.

From the very beginning, my limited discussion with Assistant State Attorney Ryan Will regarding Magean's charges was that if she fulfilled her truthful cooperation with the State in all of James Booth's cases, it would be very beneficial to the State, especially based upon the proffer she made.

In February 2014, Magean requested I seek her release from custody. A hearing was scheduled and held during that month. During the hearing, I was surprised by the position announced by Assistant State Attorney Ryan Will to Judge Rowe regarding Magean's future, i.e., the State would aggressively be pursuing her prosecution, conviction, and placement in Florida State Prison. Judge Rowe even asked if I did not want to just have Magean enter a plea and she be sentenced to prison so that when her testimony was completed, her case would be over. I said no and that if the State was going to pursue prison against Magean Ward, she would be going to trial, but all of that was for a later date. Bond was denied.

All I ever told Magean up to that point was that she would have to trust me with regard to a resolution of all of her charges as, "there are no deals with the State".

Though I assumed Assistant State Attorney Ryan Will was meeting periodically with Magean in anticipation of her various depositions, I did not know.

Immediately after Magean's deposition in the Booth murder case, Magean briefly said to me that Assistant State Attorney Will had promised her that all of her charges would be dismissed. That was disturbing to me because she just testified in her deposition that "there were no deals with the State". I obtained a court reporter and went back to the jail to get a sworn

statement from her about that meeting she had with Assistant State Attorney Will. That statement is now transcribed.

Not too soon thereafter came Booth's murder trial. During the trial, but after Magean had testified, though still subject to recall, she told me that Assistant State Attorney Ryan Will and Volusia County Deputy Sheriff Betz had again taken her from the jail facility and out to eat, but this time to a fast food facility where she got a burger and a shake. Magean told me that Assistant State Attorney Will told her that all will be fine with her, she will be out with her kids and she will be getting her nurse's license back. She said Assistant State Attorney Will told her that he will ask her in front of the jury, as would Booth's lawyers, if there are any deals, and she is to say "no". Magean told me that Assistant State Attorney Ryan Will also told her he was going to ask her if she realized that she would/could go to prison for the charges pending against her, and she was to say, "yes". Again, Magean said Assistant State Attorney Will assured her that everything would be fine, she would not get a record, her life and family would be back, and she would be released from jail as soon as she testified. Magean said Assistant State Attorney Will promised her all the charges against her would be dismissed but that she was to tell the jury, when asked, that there were "no deals".

Immediately after Magean's hearing to release her from incarceration after she testified, I met in the hallway with Assistant State Attorney Ryan Will and we agreed to wait a few months before discussing a resolution in Magean's case. Later I contacted Magean and told her what I was thinking of proposing to Assistant State Attorney Will to resolve her cases. Both Magean and her mother were furious with me because "the charges were not being dismissed as promised by Assistant State Attorney Will".

I told Magean that I was not, and would not be, a party to those discussions/promises/representations. Additionally, I told Magean that if what she told me had occurred and she testified as directed, contrary to what were actual promises made to her by Assistant State Attorney Will, that she had committed perjury and that I was not going to become an accessory after the fact to that. I told Magean and her mother that they were free to fire me and hire a new lawyer to pursue the dismissal of all charges. They informed me that had no money to do that and authorized me to go forward with my proposed resolution.

At the time Magean's case was resolved in front of Judge Rowe, I put on the record that the plea being entered had not been reached until after the Booth case was over, realizing that an issue may later surface about promises made to obtain Magean's cooperation.

I hereby swear that the foregoing is true and correct.


MICHAEL H. LAMBERT

STATE OF FLORIDA
COUNTY OF VOLUSIA

Sworn to and subscribed before me this 16th day of January, A.D., 2015.

Proof of Identification:
personally known


Notary Public
My Commission Expires:



EXHIBIT B

Page 1

SWORN STATEMENT OF MAGEAN WARD

DATE TAKEN: January 15, 2015

TIME: 5:34 P.M. - 5:48 P.M.

PLACE: 1017 Green Acres Circle South
Daytona Beach, Florida

Stenographically Reported by:
Deborah L. Warren

1 APPEARANCES:

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MICHAEL H. LAMBERT, ESQUIRE
Lambert Law
428 North Halifax Avenue
Daytona Beach, Florida 32118
(386)255-0464
(386)238-0908 - facsimile
www.michaelhlambert.com

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I N D E X

TESTIMONY OF MAGEAN WARD

Direct Examination by Mr. Lambert

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CERTIFICATE OF REPORTER OATH

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REPORTER'S DEPOSITION CERTIFICATE

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E X H I B I T S

(NONE)

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S T I P U L A T I O N S

It is hereby agreed and so stipulated by and between the parties hereto, through their respective counsel, that the reading and signing of the transcript are expressly waived by the Deponent.

1 P R O C E E D I N G S

2 THE COURT REPORTER: Please raise your right
3 hand. Do you solemnly swear the testimony you
4 shall give in this cause will be the truth, the
5 whole truth and nothing but the truth?

6 THE WITNESS: Yes.

7 MAGEAN WARD, called as a witness by Michael H.
8 Lambert, Esquire, having been first duly sworn,
9 testified as follows:

10 DIRECT EXAMINATION

11 BY MR. LAMBERT:

12 Q. Magean, this will be a statement basically to
13 deal with the second half of the Ryan Will, Deputy Betz
14 coming into contact with you when you were in jail on a
15 no bond warrant.

16 A. Yes.

17 Q. So just for this statement, was there a second
18 time where Deputy Betz and Ryan Will came out to the
19 jail right before you were going to testify in James
20 Booth's murder trial where they removed you from the
21 jail?

22 A. Yes.

23 Q. And did they take you someplace?

24 A. Yes.

25 Q. And where was that?

1 A. The sheriff's headquarters.

2 Q. Okay. Did they ever take you out to a Burger
3 King or a fast food restaurant?

4 A. Afterwards they took me to McDonald's, yeah.

5 Q. Okay. And when -- that was only on one of the
6 two occasions that they actually took you to McDonald's
7 or did they do that on both?

8 A. They did that on both occasions.

9 Q. The second occasion, that was before you
10 testified in the murder trial?

11 A. Yeah.

12 Q. What were the nature of the discussions that
13 you -- and I'm assuming it was mostly Ryan Will that
14 talked about -- particularly with regard to your life,
15 your future, your charges?

16 A. What did he say about that?

17 Q. Yeah.

18 A. He basically said that, you know, everything
19 was going to be okay; and that I was going to be a nurse
20 again; and that he's not able to say that it's going to
21 be like this or it's going to be like that, but it is
22 going to be like that, basically.

23 Q. Notes that I had taken when you and I talked
24 were that he had told you you will be back with your
25 kids?

1 A. He told me I would be back with my kids.

2 Q. Asked you what was the first meal that you
3 were going to want to have once you were out of jail?

4 A. Yeah. He asked me what do I want to eat first
5 and what's the first thing I'm going to do when I'm home
6 with my kids and --

7 Q. Go ahead.

8 A. I told him -- you know, it was right before
9 the trial. And I was crying and I said, you know,
10 everybody has -- thinks that I'm coming home. You've
11 told everybody -- because he told my mom that I was
12 coming home, too.

13 Q. Right.

14 A. I mean, you've told everybody I'm coming home,
15 so they have told my kids I'm coming home. And he just
16 looked at me and said, Magean, you're going home.

17 Q. Okay. With regard to your nursing license,
18 you are an LPN?

19 A. Yes, not active.

20 Q. Right. As a result of this case or living
21 with James Booth, I guess your license went into like a
22 hiatus or put up on the shelf or --

23 A. Yeah. I have to present myself to the board
24 and --

25 Q. But you've taken all the criteria, and you

1 were actually practicing as an LPN, were you not?

2 A. Yeah.

3 Q. So all you have to do is like some continuing
4 education?

5 A. Yeah. I'm already halfway there.

6 Q. And Ryan Will was telling you that nothing
7 that was going to happen to you was going to interfere
8 with that?

9 A. Right.

10 Q. Now, did you know that one of the charge that
11 was facing you was a trafficking in some drug -- I can't
12 remember -- probably hydrocodone.

13 A. Hydrocodone, which is one of the pills that I
14 passed. I mean, so any nursing home or hospital looks
15 at that.

16 Q. And I know I told you it carried a minimum
17 mandatory of three years if you were convicted of it,
18 plus a \$50,000 fine?

19 A. Right.

20 Q. Now, Mr. Will was telling you, though, that
21 you would be able to be a nurse, which would mean that
22 there would be no conviction of you?

23 A. Right.

24 Q. And that -- and that also that you would not
25 be going to prison?

1 A. Right.

2 Q. Now, once you went through all of that stuff
3 with him, did he tell you, though, that when he put you
4 on the stand that he was going to ask you, Magean, do
5 you realize that you could be or would be going to
6 prison?

7 A. Yes, he did.

8 Q. And did he tell you that when he asked you
9 that or if the defense lawyers asked you that, that you
10 were to say, yes, I know that I could or would be going
11 to prison on these charges?

12 A. Yes, yes.

13 Q. The charges also included being an accessory
14 after the fact to a first degree murder?

15 A. Yes.

16 Q. Did he tell you that -- how you were to
17 respond if you were asked either by him or the defense
18 lawyers if there were any deals? By deals -- I'm sorry,
19 I should have --

20 A. No, I understand.

21 Q. Let me put it on the record so that the record
22 understands.

23 By deals, whether or not there had been any
24 negotiations with me and him or with you and him?

25 A. Yes. He told me in our little meeting that he

1 has to say that.

2 Q. Okay. But there, in fact, was -- as far as he
3 was concerned, with you, he was telling you that nothing
4 was going to happen to you?

5 A. Right.

6 Q. Okay. And did you believe that nothing was
7 going to happen?

8 A. I did. I did. After -- I mean, after he
9 allowed my mother to let her tell my kids that I was
10 coming home, I said, you know, somebody can't be that
11 cold as to tell a five-year-old that mama is coming home
12 if it's really not going to happen.

13 Q. And have you and I talked about whether or not
14 there were any deals?

15 A. Yeah.

16 Q. And what did I tell you?

17 A. There were no deals, just have to tell the
18 truth.

19 Q. Okay. And you were persistent, and you wanted
20 to know from me what was going to happen to you. And my
21 response to you all the time was, Magean, you've got to
22 trust me?

23 A. Yes.

24 Q. Was there anything else that I said, that
25 these charges are going to get dropped or anything like

1 that?

2 A. No.

3 Q. And all I ever said was you've got to trust
4 me?

5 A. Trust me, yeah.

6 Q. Now, when -- were you put on the stand by Ryan
7 Will?

8 A. Yes.

9 Q. And were you asked those questions under oath
10 about whether or not there was a deal for your testimony
11 or whether or not you could or would be going to prison?

12 A. Yes.

13 Q. Okay. And did you answer them the way he told
14 you to answer it?

15 A. Yes.

16 Q. Now, after the trial was over, I think that's
17 when I found out from you or your mom that this second
18 meeting had occurred where you were again taken to a
19 fast food restaurant and got this -- and that the
20 charges were, according to him, to be dismissed.

21 I told you that after you were out awhile,
22 after you had been released from jail, I would then sit
23 down with Ryan Will and negotiate a resolution?

24 A. Yes.

25 Q. There did come a time when I called you and

1 said, in essence, this is what I'm going to propose to
2 resolve your cases.

3 Do you remember that both you and your mom
4 were upset because the proposal that I was making was
5 that you were actually going to plead to some charge and
6 be on probation for a couple of years?

7 A. Yes.

8 Q. And you tell me if I'm correct in this. This
9 is based on some notes that I took down. You were angry
10 with me because you told me, well, these charges are all
11 supposed to be dismissed because Ryan Will said they
12 were going to be dismissed, why aren't you getting them
13 dismissed?

14 A. Yes.

15 Q. Wasn't that true?

16 A. Yes.

17 Q. And do you recall my response to you was that,
18 Magean, I wasn't part of any conversation with Ryan
19 Will, and I didn't know of the conversations that you
20 were having with Ryan Will at these restaurants or when
21 you were being taken away -- out of the jail?

22 A. Right. No, you did not.

23 Q. And I -- do you recall that I told you that,
24 Magean, if you want to push for that, that the charges
25 be dropped, that you would have to fire me and somebody

1 else pursue it; because if I participated in that, I
2 would be participating in a crime?

3 A. Yes.

4 Q. And the crime was the -- him asking you, in
5 essence, to give testimony that wasn't true?

6 A. Yes.

7 Q. You believed there was a deal --

8 A. Yes.

9 Q. -- between you and him?

10 A. Yes.

11 Q. Not one between me and him?

12 A. Yes.

13 Q. And then my recollection is that both you and
14 your mom, though you were upset that I wasn't going to
15 pursue that the charges be dismissed, you said you had
16 no more money to hire a lawyer so you were going to
17 stick with me?

18 A. Yes.

19 Q. Then we did eventually resolve the case for a
20 plea to a single count of an accessory after the fact to
21 tampering with evidence?

22 A. Yes.

23 Q. And the judge withheld adjudication of
24 guilt -- which means you weren't convicted -- and put
25 you on, I think, two years of probation?

1 A. Yes.

2 Q. And you've been on that ever since?

3 A. Yes.

4 Q. Lastly, there was one thing that I recall.

5 There was a bond hearing that we had I think in February
6 of 2014. You had been in jail either close to a year --
7 or I'm sorry -- close to two years or two years at that
8 time?

9 A. Uh-huh.

10 Q. And do you remember at the bond hearing that
11 Mr. Will said that you were unreliable, untrustworthy,
12 that you should not be released, even though you were
13 cooperating with him in the prosecution of James Booth?

14 A. Yes.

15 Q. Do you remember Mr. Will telling the judge
16 that as far as the state was concerned, you were going
17 to prison?

18 A. Yes.

19 Q. Now, did that upset you?

20 A. Yes.

21 Q. Okay. Did you confront me with that?

22 A. Yes. That was before our meeting.

23 Q. Right. And did I tell you that -- your
24 meeting with --

25 A. Before my meeting with Mr. Will.

1 Q. And did I tell you and tell the judge that,
2 Judge, she's -- I'm defending her, and if we have to,
3 we're going to have a trial; we're not -- I'm not going
4 to participate in Mr. Will now saying that you were
5 going to prison?

6 A. Yes.

7 Q. And did I tell you that we would go to trial
8 if that was the position that they ultimately took?

9 A. Yes.

10 Q. And did I also tell you that no matter what,
11 though, still trust me because I believe there will come
12 a time that I may be able to work something out that
13 would be to your benefit?

14 A. Yes.

15 Q. And, again, like you said, this though was
16 before your first meeting with Mr. Will?

17 A. Yes.

18 Q. Now, during -- I don't know which meeting it
19 was with Mr. Will, though -- did he explain to you why
20 he acted that way in the courtroom?

21 A. He said that he had to say those things
22 because it's all -- it's all recorded and it's -- that
23 Bezie's lawyers could -- when they come back on an
24 appeal, it's all going to be -- it's all going to be
25 listened to and they're going to use all that so...

1 Q. And for the record, Beezie is James Booth?

2 A. James Booth.

3 Q. In essence, the notes that I had was that he
4 told you that he had to put on that act or that show in
5 the event that the defense lawyers were to get that
6 transcript or look at that video of that hearing, and
7 they needed to see a prosecutor that was trying to put
8 you in prison?

9 A. Right.

10 Q. And then when he met with you next, he
11 explained to you that that was an act?

12 A. Yes.

13 Q. Now, has anybody attempted to get in touch
14 with you with regard to this testimony?

15 A. No.

16 Q. Not necessarily what we're doing today. But
17 you and I have discussed this two times when you were in
18 jail before you were released; and then once since that
19 time. But nobody from the state has tried to --

20 A. No.

21 MR. LAMBERT: I think that's it.

22 THE WITNESS: I'll waive.

23 THEREUPON, the sworn statement of MAGEAN WARD was
24 concluded at 5:48 p.m.

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1 NOTE: The original and one copy of the foregoing
2 sworn statement will be held by Michael H. Lambert,
3 Esquire.

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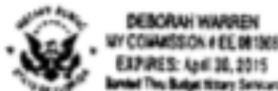
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CERTIFICATE OF REPORTER OATH

STATE OF FLORIDA
COUNTY OF VOLUSIA

I, Deborah L. Warren, Notary Public, State of Florida, hereby certify that the witness named herein personally appeared before me and was duly sworn.

WITNESS my hand and official seal this
12th day of January, 2015.



Deborah Warren

Deborah L. Warren
Notary Public - State of Florida
Commission No. EE 081068
Expires: April 30, 2015

REPORTER'S DEPOSITION CERTIFICATE

STATE OF FLORIDA
COUNTY OF VOLUSIA

I, Deborah L. Warren, Court Reporter and Notary Public in and for the State of Florida at Large, hereby certify that the witness appeared before me for the taking of the foregoing sworn statement, and that I was authorized to and did stenographically and electronically report the deposition, that a review of the transcript WAS NOT requested, and that the transcript is a true and complete record of my stenographic notes and recordings thereof.

I FURTHER CERTIFY that I am neither an attorney, nor counsel for the parties to this cause, nor a relative or employee of any attorney or party connected with this litigation, nor am I financially interested in the outcome of this action.

DATED THIS 12th day of January, 2015, at Daytona Beach, Volusia County, Florida.



DEBORAH WARREN
MY COMMISSION # EED01005
EXPIRES: April 28, 2015
Signed This Digital Notary Seal



Deborah Warren

Deborah L. Warren, Court Reporter
SANTORELLY REPORTING