
IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division

Civil Action No. 2:05CV432

JUSTIN MICHAEL WOLFE,

Petitioner

v.

GENE M. JOHNSON,
Director of the Virginia
Department of Corrections,

Respondent

APPENDIX TO AMENDED PETITION FOR
WRIT OF HABEAS CORPUS
Volume II

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EXHIBIT 37

STATE OF VIRGINIA)
)
CITY OF WAVERLY)

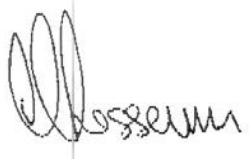
AFFIDAVIT OF OWEN MERTON BARBER, IV

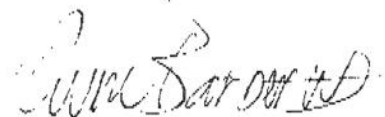
I, Owen Merton Barber, IV, do hereby swear and affirm the following under penalty of perjury:

1. The facts recited in this affidavit are based on my own personal knowledge.
2. No one has threatened me or offered me anything in return for providing the information contained in this statement. I stand to gain nothing other than a clear conscience from telling the truth now.
3. Attorneys representing Justin Wolfe explained to me that they are unable to give me any advice on this matter and no one representing Justin Wolfe or associated with those representing Justin Wolfe has offered or provided any advice to me.
4. I arrived very slowly and reluctantly at my decision to tell the truth, and would not have provided an affidavit any sooner than this moment. Many different representatives of Justin Wolfe ("Justin") have visited me on a number of occasions since December 2003. They have asked me to tell the truth, but I only decided to do so in the past few days after much reflection.

* * *

5. Justin had nothing to do with the killing of Daniel ("Danny") Petrole.
6. There was no agreement between Justin and me to kill Danny Petrole. I did not have any discussion, at any time, with Justin about killing Danny Petrole.
7. I lied and implicated Justin because I felt that I had no other choice. The

 (Notary)



prosecution and my own defense attorney placed me in a position in which I felt that I had to choose between falsely testifying against Justin or dying.

* * *

8. I planned to confront Danny Petrole. Because of my fear and uncertainty about the legal consequences, I am not willing at this time to say why I planned to confront him, but I did not intend to kill him.

9. Before the night of the shooting, I collected information about Danny Petrole, such as where he lived.

10. J.R. Martin told me the general neighborhood in which Danny Petrole lived. He knew this information because he worked at Milwaukee's Custard, an ice cream parlor located in the same area as Danny Petrole's house.

11. I knew the best time to meet Danny Petrole would be the day Justin received a new delivery of chronic from him. I contacted Justin several times in the days before the shooting to ask when he would be receiving his next delivery of chronic from Danny Petrole. It was not unusual for me to question him about when he would receive more chronic.

* * *

12. Around dusk on the day of the shooting, J.R. Martin drove me to meet Justin at the Backyard restaurant. I do not remember exactly why I decided to speak to him in person. I might have asked Justin where he was because I wanted to talk to him and then gone to meet him; or I might have been going out for some reason anyway.

13. I talked to Justin in the parking lot of the Backyard and asked him when and where he would be meeting ^{chronic man} ~~Danny Petrole~~ ^{JB}. I told Justin that I wanted to get some of the chronic he was receiving from ~~Danny Petrole~~ ^{JB}. Justin told me he was going to Regina

Osseman (notary)

John Rachinski

Zeuner's apartment first, then to Bridges later, and that he would likely be meeting Danny Petrole that night.

14. After I talked to Justin, J.R. Martin and I went back to Jason Coleman's and my apartment.

15. Later that evening, Justin called me to say that Danny Petrole would be delivering the drugs to Regina Zeuner's apartment, so I could come pick some up.

* * *

16. I did not want to use my own car that night because my car is distinctive: it has projector headlights, has loud exhaust, is low, and has rims. I asked J.R. Martin if we could use his red Ford Escort and he agreed.

17. J.R. Martin and I drove to Regina Zeuner's apartment and waited until Danny Petrole left.

18. When Danny Petrole drove away from Regina Zeuner's apartment, we followed him. I drove J.R. Martin's car and he rode along.

19. We followed Danny Petrole to Fairfax and then to his own house. Danny Petrole drove onto his street, turned around in the cul-de-sac beyond his house, and came back to start to parallel park in front of his house.

20. I followed him onto his street, turned around in the cul-de-sac, and drove past him. I drove into another cul-de-sac on an adjoining street to turn around and go back onto Danny Petrole's street. I made this extra circle to give him time to park. When I drove back onto Danny Petrole's street, I pulled the car up next to his, effectively blocking him from exiting the space in which he had partially completed parallel parking. His car was still diagonal to the curb.

Allegem (Notary)

Ann Barrett

21. I got out of J.R. Martin's car and started to approach Danny Petrole's car on the passenger side.

22. I was wearing a hooded sweatshirt with a kangaroo pocket in the front and had my gun concealed in the pocket. I was also wearing gloves and a baseball cap.

23. I intended to walk up to Danny Petrole's car and initially engage him in small talk, most likely asking him for directions, hoping that he would get out of his car. I did not have a chance to exchange even a single word with him, because of what happened next.

24. When I approached Danny Petrole's car, I had my hand in my pocket holding my gun.

25. When I was a few feet away from the car, I saw Danny Petrole lunge across the car toward the passenger side. He was driving a Honda Civic. I own a Civic and know where the latch for the glove compartment is in those cars. I saw the whiteness of the underside of Danny Petrole's ^{palms and} ^{SWB} forearm in the dim light and could tell that he was reaching for the glove compartment.

26. I assumed that Danny Petrole was reaching for a gun. I suspect he reached for his gun because he realized that I had been following him and had now essentially cornered him.

27. I panicked. By reflex, I pulled my gun out of my pocket and shot Danny Petrole. I had no time to think. I had fired several bullets before I even realized what I was doing. I continued to panic and fired the rest of the bullets. It was over in seconds and Danny Petrole appeared to be dead.

28. I was frightened, and I only wanted to leave.

(Name)

29. I did not try to take anything from Danny Petrole or from his car.

30. I got back into J.R. Martin's car and we turned around in the cul-de-sac beyond Danny Petrole's house and drove away. J.R. Martin drove, but I am not sure at what point he moved to the driver's seat while I was out of the car.

31. At some point, J.R. Martin's car and Danny Petrole's car collided. I was in a state of panic at this point and am not sure how the collision occurred. I suspect that Danny Petrole's car rolled into J.R. Martin's car because there was blue-black paint from Danny Petrole's car on J.R. Martin's car, and I know from my work with cars that usually the car that hits another transfers its paint onto the car it hits. However, I do not know whether there was also red paint transferred onto Danny Petrole's car, so it is possible that J.R. Martin clipped Petrole's car as we drove away.

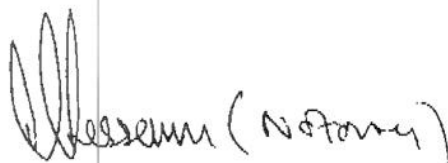
32. I threw the gun and the gloves out of the window as we drove away.

33. J.R. Martin and I drove to my apartment so I could change clothes. I was panicking at this time, so my memory is not entirely clear. I believe that what happened was that I went into my apartment and brought materials out to J.R. Martin that he could use to try to clean the paint smudges and damage off of his car. Then I went back inside to change my clothes. Shortly afterward, J.R. Martin and I went to Bridges.

34. At Bridges, J.R. Martin and I joined Justin and others. We drank and toasted the way that we always did. There was nothing unusual about the toasts we made that night. I do not recall either Justin or I ever asking J.R. Martin to leave us alone.

* * *

35. As I testified at Justin's trial, and as the telephone records showed, Justin and I called each other frequently the day and night of the shooting. There was nothing

 William (Notary)

 Bill Rasmussen

unusual in these calls. I frequently called Justin five or six times daily.

36. In my testimony, I fabricated the content of many of the calls between me and Justin.

37. In actuality, I do not remember the content of every call.

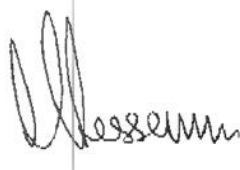
38. The calls before I went to Regina Zeuner's apartment most likely related to my asking Justin when and where he would meet Danny Petrole and Justin calling to let me know that he had not set up a meeting yet, then letting me know that a meeting was set.

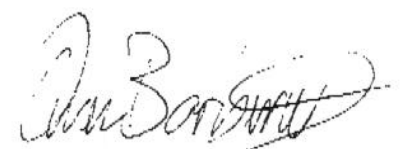
39. I do not remember why I called Justin while I was following Danny Petrole. I do remember that I did not want Justin to find out what I was doing that night, so I may have been calling him so that he would think things were normal.

40. My cellular telephone records show that I called J.R. Martin twice after the shooting, at 11:13 and 11:28 p.m. I do not remember these calls clearly, but I must have made them to J.R. Martin while I was inside my apartment and he was outside trying to clean up his car. That is the only time between going to the Backyard and being in Bridges when J.R. Martin and I were separated that night. I believe I called him to ask whether he was having any success in cleaning the damage off of his car.

41. My cell phone records also show that I called Justin at 11:12 p.m. I made this call from inside my apartment, just one minute before I called J.R. Martin which, as I just noted, I only would have made from inside my apartment. I called Justin to find out where he was, so that I could join him there as we had previously planned.

42. I told the truth in my trial testimony about the three calls I made to Justin after midnight: I was in line with J.R. Martin at Bridges and wanted Justin to get Jason

 (Notary)



Coleman to help me bypass the line.

43. The telephone calls that I made to Justin throughout that night had nothing to do with the shooting of Danny Petrole. I did not discuss or even hint at the events surrounding Danny Petrole's death with Justin. Justin was completely unaware of my plans and actions concerning Danny Petrole. Because these frequent calls were entirely normal for Justin and me and because they had nothing to do with the shooting, their content does not stick out in my memory.

* * *

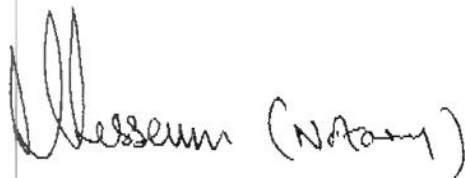
44. The next day, I went out alone, selected a Maryland beltway exit at random and drove until I found a dark neighborhood, where I threw the hooded sweatshirt down a storm drain.

45. I also threw several screwdrivers down the storm drain that I thought were the tools I had used to scratch the serial number off of the gun I used to kill Danny Petrole. Previously, I had not kept these tools in our apartment's toolbox but had concealed them in my desk drawer. I threw them away because I feared they would link me with the gun. I scratched the serial number off of the gun because Jason Coleman told me that it was stolen when he sold it to me. I carried the gun around for protection and did not want to be carrying around easily-identifiable stolen property.

* * *

46. When police first questioned me within days of the shooting, I denied any involvement in, or knowledge of, the crime.

47. When I was arrested after fleeing to California, Detectives Walburn and Newsome rode with me on the airplane back to Virginia. Newsome sat beside me with

 Newsome (Name)



Walburn across the aisle from him. Newsome tried to interview me on the plane, but I was not cooperative. He told me they already knew that Justin had hired me to kill Danny Petrole and that one of us would end up telling the story and the other one would end up with capital murder. I did not suggest that story to the detectives; they were the first to mention it to me. I believe that J.R. Martin told them that Justin had hired me to kill Danny Petrole. I told Newsome that I would not talk to him on the airplane.

48. Detectives Walburn and Newsome took me directly to the Prince William County Jail when we landed at Dulles. It was nighttime. The next morning, I was arraigned and William Pickett was assigned as my court-appointed attorney.

49. At the Prince William County Jail, I was kept in a holding cell for the first couple of days. During that time, Newsome, Walburn, a narcotics officer, and a state policeman came to question me. The narcotics officer only asked about drugs and the state policeman only asked about guns and drugs; neither really asked about the shooting. Newsome and Walburn repeatedly told me they and the prosecutors knew that Justin had hired me to kill Danny Petrole, had linked my gun to the killing, and would pursue capital murder against either Justin or me. I denied knowledge of and involvement in everything.

50. Pickett came to see me in my first couple of days at the Prince William County Jail. He introduced himself and then immediately laid out the Commonwealth's offer that I testify against Justin and therefore be protected from prosecution for capital murder. He told me that prosecutors already knew about Justin hiring me to kill Danny Petrole and that, based on what they already knew, one of us would certainly be convicted of capital murder. The first time Pickett spoke to me, I interrupted him and told him that I knew nothing about ~~the~~ Petrole's death. He was upset with me for interrupting and

NEWSOME
William Newsome

William Pickett


snapped back at me, asking sarcastically what had happened. I started to ask him about the legal consequences if the killing had actually been self defense, but he was not interested in hearing about that. When Pickett returned to see me other times, he just repeated the Commonwealth's offer and never asked me seriously to tell him what had really happened.

51. After a couple of days, I was moved up to the cellblock. Over the next week, I was taken out of my cell at least daily by Walburn, Newsome, and various other police and jail personnel, who tried to question me and convince me to talk to them in the guise of administrative tasks, such as fingerprinting. They kept repeating that they already knew what had happened and that I needed to tell them. I continued to deny everything. Pickett was usually not with me when police questioned me.

52. The detectives, prosecutors, and Pickett were entirely focused on Justin as a suspect. All they really wanted was to get Justin and to get the shooter. They kept saying that Justin paid me and kept trying to get me to provide them with proof of an agreement or a deal between Justin and myself for murder. It was like they were beating a drum.

53. Pickett told me repeatedly that the Commonwealth's Attorney, Paul Ebert, had an almost perfect record for getting sentences of death when he sought them and that Judge Whisenant was known for being very harsh in sentencing. Pickett told me Ebert and Whisenant's track records for capital cases and advised me strongly and repeatedly to implicate Justin, saying that if I did not, prosecutors would seek the death penalty against me and would succeed.

54. My girlfriend, Jennifer Pasquaricello, was arrested and held on charges of

 M. Ebert (N.A. Attorney)

 Paul Ebert

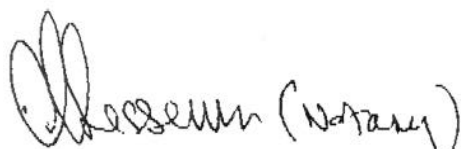
accessory to murder after the fact. Although that crime is a Class 1 misdemeanor, the police held her without bail, although bail was later reduced. While we were both incarcerated, prosecutors put Jennifer and me together in the same room so that I could see how upset she was. The Assistant Commonwealth's Attorney, Richard Conway, and other people without uniforms took me to the room in which I met her.

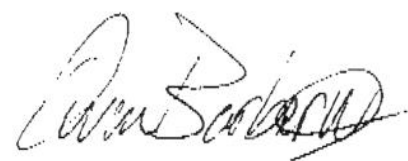
55. In the end, I agreed to testify against Justin mainly because I did not want to face the death penalty. Prosecutors threatened me that it was either do this or die. I also made this choice because I was angry with Justin for not helping me when I needed him, as explained more below, and because I wanted to help Jennifer Pasquariello, whose charges were dropped after I agreed to testify.

56. The reason I was angry at Justin was because I felt that he had let me down. After I killed Danny Petrole, I wanted to flee the country. Because Justin was my friend, I went to him and asked him for money. I did not tell Justin why I needed money, only that I was in trouble. Justin promised to help me, but then did not do so.

57. I considered Justin a good friend, and Justin and I had helped each other out in the past. Because of this, I felt he should have given me money in my time of need. Instead, shortly after Jennifer Pasquariello was released from jail, she and Justin told me that they would find me a lawyer when they had money, but then Jennifer Pasquariello told me that Justin was spending his money partying at James Madison University. I was hurt and angry.

58. In California, I told Jennifer Pasquariello that I shot Danny Petrole. She knew that I had asked Justin for money. The letter she wrote to Justin from California did not implicate Justin in Petrole's death; it merely reminded him that he had promised to

 Roseann (Notary)

 Justin Pasquariello

give me some money in my time of need.

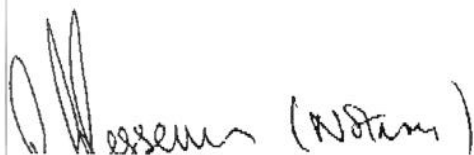
59. On April 27, 2001, I agreed to cooperate with the Commonwealth, and met with Pickett, Newsome, and Walburn at a Prince William County police station. A narcotics officer, Greg Pass, was there for part of the time. This meeting was tape recorded. I knew that they wanted to hear that I had been hired by Justin to kill Danny Petrole, so I made up a story based in part on the true events of that night, but with lies woven in to turn the story into a murder for hire. This story was very close to my testimony at Justin's preliminary hearing.

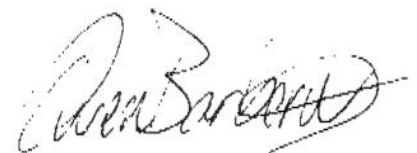
60. Walburn and Newsome asked me about when and where specifically the deal was made with Justin and the elements of the deal, and about Justin's reaction when I went to Bridges and told him that I had succeeded in the murder for hire. I made up details to answer their questions.

61. Walburn and Newsome asked me whether cellular telephone records might be helpful in piecing together the story prosecutors wanted to tell. I told them that the records might be helpful, so they later brought Justin's and my cellular phone records to me. When they showed me the records, I made up the content of the calls to fit the story that the police and prosecutors wanted to hear.

62. After I agreed to cooperate with prosecutors, Jennifer Pasquariello and I spoke every day on the telephone. I told her at least part of the story that I had told the police so that her story would not contradict it.

63. I signed a plea of guilty that included no guarantee as to my sentence. We had an oral agreement, however: prosecutors and Pickett told me that prosecutors would recommend leniency to my judge and that they were sure that the judge would be lenient

 J. Wessner (Notary)

 Paul Brennan

because of my cooperation if I testified against Justin.

64. I did not want to lie and implicate Justin. After Justin's preliminary hearing, I tried to back out of the oral agreement. I was worried because I had no concrete plea agreement regarding sentencing. Pickett convinced me that it was too late to back out and that I needed to testify at Justin's trial.

65. I tried to back out again when prosecutors told me that they wanted to meet with J.R. Martin and me together so that we could coordinate our testimony. I was angry with J.R. Martin for telling the police about my involvement in Danny Petrole's death and I did not want to see him. However, I felt forced to continue as I had started.

66. Before I met with J.R. Martin, the prosecutors showed me the transcript of my testimony at the preliminary hearing and had me review it.

67. When J.R. Martin and I met to prepare for Justin's trial, Conway, Ebert, Walburn, Newsome, and Pickett were present. I told the false story I had told the police and J.R. Martin would correct points with which he disagreed. By this time, our stories were close to each other, with only small details differing.

*add J.R.'s lawyer
OAB*

68. We changed details until the stories were consistent; usually, I was the one who changed my story to fit J.R. Martin's. Essentially, we both told lies until we had put together the story that prosecutors wanted to hear. I knew that we would have to agree in the end, so I deferred to J.R. Martin most of the time. When we could not agree on what was said when I asked him to drive me or for the use of his car that night, Conway stepped in and suggested a way for us to word our testimony: "Is it fair to say that you said..."

69. At Justin's trial, I told the story that J.R. Martin and I had agreed upon in

Walburn (Notary)

Conway

the meeting with prosecutors.

* * *

70. At the time of my arrest and the trial, I figured that I would do anything to avoid the death penalty and to try to get myself out of the situation I had got myself into. I would tell prosecutors and the police what they wanted to hear.

71. Since then though, I have begun serving a long sentence and have had time to reflect on what has happened.

72. This past summer (2005) I learned that Justin was scheduled for execution.

73. Some years ago, I told my friend and ex-cellmate, Carl Huff, about Danny Petrole's death and recently he shared the story with Justin's counsel. I am not upset with him for doing that. In fact, I have felt like my hands were tied so that I could not tell the true story about Justin, yet I wanted the story told.

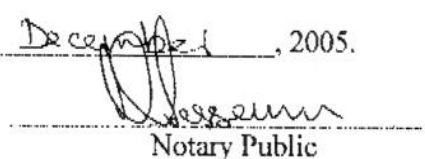
74. Justin does not deserve to die for something he did not do. I am not angry at him anymore and I feel bad about the fact that an innocent man is on death row.

75. It is my fault, J.R. Martin's fault, and the prosecutors' fault that Justin is on death row. The only blame that Justin carries is for not helping me out with money when I went to him as a friend in need of help after I shot Danny Petrole.

Further affiant sayeth naught.



Sworn to before me this 14th day of December, 2005.


Notary Public

My commission expires: 10/31/2009

EXHIBIT 38

STATE OF VIRGINIA)
)
CITY OF LAWRENCEVILLE)

AFFIDAVIT OF CARL LEE HUFF, JUNIOR

I, Carl Lee Huff, Junior, do hereby swear and affirm the following under penalty of perjury:

1. The facts recited in this affidavit are based on my own personal knowledge.
2. I am currently serving a sentence of thirty-eight years imprisonment for offenses I committed when I was a juvenile, including robbery, abduction, and midnight burglary while armed with a deadly weapon, use of a firearm in the commission of a felony, and grand larceny auto in the commission of a robbery. I did not hurt anybody in the commission of these offenses.
3. While I was serving my sentence at Wallens Ridge State Prison in Big Stone Gap, Virginia, I shared a cell with Owen Merton Barber, IV, from September or October 2003 until November 2004.
4. During our time as cellmates, Barber and I became close friends. We are still in friendly contact with each other although we have both been transferred to different prisons.
5. Barber and I discussed his case at length. He asked me to help him draft and file a writ of habeas corpus and I agreed to help him on the condition that he tell me the truth about Daniel Petrole's death. Over three or four months, Barber gradually told me the story. He told me the story generally at first, then filled in the details later, in response to my questions.
6. I investigated the facts of Barber's case to the best of my abilities from prison. I wrote to Barber's trial counsel requesting a copy of his case file and received a small volume of documents. I assisted Barber in filing requests to the court and to Paul Ebert that documents be produced, but did not receive many documents.

Carl Lee Huff
12/14/2005

[Signature]
Owen Merton Barber

7. After my investigation and discussions with Barber, I filed a writ of habeas corpus, as well as several motions, on his behalf.

8. Until recently, I have taken the view that I must protect Barber, my close friend, at all costs. I have concealed what Barber told me was the truth about the circumstances surrounding Petrole's death.

9. It is clear to me that Barber does not want Wolfe to be executed when he is innocent, but Barber has felt unable to tell the truth because he fears that his sentence will be affected and of his family's reaction to his falsely blaming Wolfe.

10. No one has threatened me or offered me anything in return for providing the information contained in this statement.

11. Instead, I offer this statement as the result of much soul-searching I have done recently: considering my own circumstances, Barber's situation, Justin Wolfe's situation, and what Barber told me actually happened to Petrole.

12. I will have a parole hearing next month. I am concerned that providing this statement may hurt my chances for parole. I also care about my good friend, Owen Barber, and do not want to do anything to hurt him.

13. Nonetheless, I have concluded that I must tell the truth about what Barber told me even if offering a statement adversely affects my chances for parole or upsets Barber, because I cannot allow a man to lose his life for a crime that he did not commit.

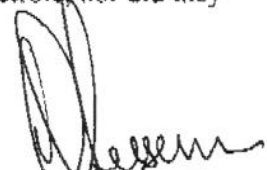
* * *

Barber told me the following:

14. Wolfe was in no way involved in the shooting of Petrole.

15. There was no deal between Wolfe and Barber about killing Petrole, nor did they

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ever have any discussion about killing Petrole.

16. Barber investigated and found out the area where Petrole lived.

17. Wolfe told Barber and other friends that Petrole would be delivering drugs to Wolfe at Regina Zeuner's apartment on the night Petrole was killed. Wolfe told his friends about the drug delivery so that they could schedule their social plans around it.

18. J.R. Martin was the only person who knew anything at all about Barber's plans prior to Petrole's killing. Martin and Barber agreed that Martin would drive Barber in his car to find Petrole.

19. Martin and Barber left Barber's car at Martin's mother's house, then drove in Martin's car to Zeuner's apartment to wait for Petrole to come out.

20. When Petrole drove away from Zeuner's apartment, Barber and Martin also drove to Petrole's house. When Petrole arrived home and parked his car outside of his house, Barber got out of Martin's car.

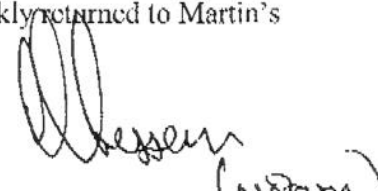
21. Barber approached the passenger side of Petrole's car, wearing a hooded sweatshirt and gloves. He concealed his gun in his pocket.

22. As Barber approached the car, Petrole reached for the glove compartment of his car. Barber assumed that Petrole was reaching for a gun, so Barber shot him.

23. Barber shot Petrole almost by reflex; he was not quite aware of what was happening until about the third shot. After the first few shots, Petrole fell against the steering wheel, then against the driver's side window. Barber fired the full round of bullets in the gun. There was a collision between Petrole's car and Martin's car, which caused some damage by the front bumper.

24. After the shooting, Barber was so frightened that he quickly returned to Martin's

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(redacted)

car. He did not try to take anything from Petrole or from Petrole's car.

25. Leaving the scene of the killing, Barber and Martin were both panicking and could not believe what had happened.

26. Barber threw the gun and the gloves out the car window as they drove away. He believed that the gun could not be traced to him because Jason Coleman, who had sold it to him, told him that it was stolen. He had bought the gun to use as protection and had not intended to kill anyone with it.

27. Later, Barber threw the sweatshirt down a storm drain far away from the scene of the murder, somewhere outside Virginia.

28. After leaving Petrole's neighborhood, Barber and Martin went back to Barber's apartment, where they tried to clean the marks off of Martin's car.

29. Next, Barber and Martin went to Bridges. Barber called Wolfe to assist them in bypassing the line to get into Bridges and Jason Coleman helped them to do so.

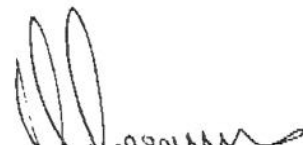
30. When Barber and Martin entered Bridges, Barber greeted Wolfe with a hug, but that was not an unusual form of greeting for them.

31. Barber did not explain to Wolfe where he had been.

32. Barber told me that he did not know that Wolfe owed Petrole any money until long after Petrole's death, when he saw the owe sheet during trial preparation. Additionally, the letter that Barber's girlfriend, Jennifer Pasquaricello, wrote to Wolfe asking for money for Barber actually referred only to the promise Wolfe made to Barber to help him out when he was in trouble.

33. The police questioned Barber, Coleman, and Martin. They executed a search warrant on Coleman's house and found some marijuana. They also confiscated Barber's money.

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34. Martin and Barber were both worried about how the confrontation with Petrole had turned out. Barber gave Martin money to fix his car and buy new tires.

35. After Barber's money was taken by the police, Barber was scared to death and desperately wanted money so that he could leave town. He called Wolfe, his close friend, for help. He met with Wolfe and told him that he was in trouble and that he needed money. Wolfe told him that he had not yet sold the drugs from Petrole's delivery, so he did not have money to give him. Wolfe promised to give Barber money as soon as he could.

36. Barber wanted to escape to another country. He was depending on his friend, Justin Wolfe, to keep his promise to help him out with money.

37. Wolfe gave Pasquariello, \$1000, but that was not enough money to get her to California to meet Barber and then to get them both out of the country.

38. Barber was angry with Wolfe for not giving him more money.

39. Barber was arrested by the Federal Marshals in California, then eventually extradited to Virginia and held in a Northern Virginia county jail.

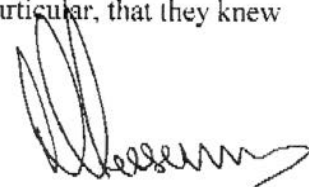
40. Later, when Barber was counting on Wolfe's promise of money, which he then hoped to use to hire an attorney, Pasquariello told Barber that Wolfe was partying at James Madison University. Barber was furious that Wolfe was wasting money on parties while telling Barber that he did not have sufficient money to help him.

* * *

41. Barber decided to blame Wolfe for the murder in part because he feared the consequences to himself and to Pasquariello if he failed to testify against Wolfe.

42. When the police and detectives interrogated him in the county jail, they told him that they knew there were other people involved in the murder, and, in particular, that they knew

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that Wolfe had hired him to kill Petrole. They also threatened Pasquariello with charges of accessory after the fact to murder. They told him that it was in Pasquariello's best interest to provide a statement against Wolfe and that if he did not do so, prosecutors would follow through on prosecuting her for those charges.

43. Barber's attorney, William Pickett, also acted as a tool for the prosecutors. Pickett told Barber that the prosecutors had told him that they knew that he and Wolfe were involved in the murder and that they would seek the death penalty against one of the two. Pickett told him that Libert had never lost a capital murder case and that Judge Whiscnant was well known for issuing harsh criminal penalties. Pickett told him that if he did not testify against Wolfe, Libert would seek the death penalty against him and he would certainly be executed. Pickett just repeated the prosecutors' offer and threats whenever Barber tried to tell him what really happened or to ask about defense options.

45. Prosecutors held a meeting with Martin and Barber shortly before Wolfe's trial to coordinate their stories and straighten out any inconsistencies. Prosecutors were present at that meeting and helped to straighten out the stories.

46. Barber also decided to cast blame on Wolfe for Petrole's murder because his friend let him down on his promise to give him money to help him escape from police after the murder. Barber felt that, had Wolfe given him the money he promised, Barber could have left the country and not been arrested.

47. Barber told me that Wolfe had no knowledge of the murder of Petrole or any events connected to it until after they occurred.

48. Barber made clear to me that he implicated Wolfe and testified against him only because of his fear of being sentenced to death based upon statements of police, prosecutors, and

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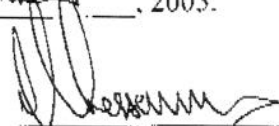


his attorney; because of threats to his girlfriend; and because he was angry and hurt at Wolfe for letting a friend down in a time of desperate need.

Further affiant sayeth naught.

Carl Lee Huff / 12/14/2005

Sworn to before me this 14th day of December, 2005.



Notary Public

My commission expires: 10/31/2009