

## AFFIDAVIT OF LARRY A. TICE

1. I, Larry A. Tice, am over the age of eighteen, am competent to testify, and have personal knowledge of the matters stated herein.
2. I am a veteran of the United States Navy. I served in the Navy from 1966 to 1970.
3. Derek Elliot Tice is my son. When Derek was born in 1970, I was stationed with my wife, Rachel, and our older son, Robert, in San Diego. We moved around the country a lot when Derek and Robert were young. We now live in Clayton, North Carolina, where we have lived for more than twenty years. Our older son, Robert, lives close by in Smithfield, North Carolina.
4. I am certain that Derek is innocent of the crimes that he's been convicted of. Derek would never would harm anyone. He has never been a violent person, and he never could have committed these crimes. Derek has always been a sensitive, caring, generous, and calm person. If you ever were in need of help, Derek would be the first to help you.
5. My wife and I love our sons very much. We instilled in them a deep respect for others, including their elders and authority figures. We taught them to always say, "yes, ma'am," or "yes, sir." Ever since he was a little boy, Derek has always been respectful and obedient. Derek never got into any type of trouble with the police or had any other problems with the law.
6. Before Derek was born, our oldest son, Robert, was diagnosed with cancer when he was two years old. Robert's illness was very serious, and he required a great

deal of attention and care. He went through chemotherapy and required regular medical attention until 1985, when he was 18. While we were living in various states across the country, my wife traveled with Robert to Duke Medical Center in Durham, North Carolina every three months. Derek never appeared resentful of the amount of attention that we and his grandparents gave Robert. Derek was always supportive of his older brother. He played with him, cared for him and protected him at school.

7. Growing up, Derek was a normal boy. He loved to play outside with the neighborhood kids. As a teenager, he served as a boy scout for several years, and he played trumpet in the band throughout high school. He also was involved in youth group activities hosted by our church.

8. In the late 1980s, when my father became seriously ill, Derek was deeply affected by his illness. My father's declining health and death was a factor in Derek's desire to become a nurse.

9. After Derek graduated from high school, he volunteered at the Clayton Rescue Squad to be an emergency medical provider. Derek volunteered at the rescue squad for nearly 2 years. Derek loved helping people in need, and he spent countless hours volunteering his time at the rescue squad saving people's lives.

10. Derek was dedicated to serving his community as well as his country. He joined the U.S. Army Reserves during high school. He later was honorably discharged from the Army so that he could join the U.S. Navy and pursue a military career as a nurse. Derek was proud to be in the military and to serve his country. I was, and still am, very proud of my son's military service.

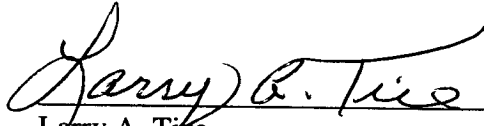
11. After he joined the Navy, Derek got married and had a daughter, Katerina. She is now 11 years old. Derek loves his daughter very much.

12. When I first learned that Derek had been arrested, I could not believe that the allegations against him were true. We raised Derek to respect others and abide by the law, which he always had done. When we first spoke with him after his arrest, he insisted that he was innocent, and I believed him.

13. Derek has always maintained his innocence whenever we have spoken with him. Derek is incapable of committing the crimes that he's been convicted of, and I do not believe that he could have been convinced to participate in any way. I have no doubt that Derek is innocent of these crimes.

14. Derek has been in jail for more than seven years, and every day is a constant struggle for me and my family. This tragedy has taken over our lives. I hope and pray that Derek is released from prison immediately.

I hereby declare, under the penalty of perjury, that the foregoing is true and correct. Executed on this the 4<sup>th</sup> day of November, 2005.

  
Larry A. Tice

### AFFIDAVIT OF RACHEL TICE

1. I, Rachel Tice, am over the age of eighteen, am competent to testify, and have personal knowledge of the matters stated herein.

2. Derek Elliot Tice is my son. Derek was born on February 13, 1970, in San Diego, California. At that time, my husband, Larry, was stationed in San Diego while he was serving in the Navy. My husband and I now live in Clayton, North Carolina, where we have lived for more than twenty years. Our older son, Robert, lives close by in Smithfield, North Carolina.

3. I have no doubt that Derek is innocent of the horrible crimes that he's been convicted of. Derek is not the kind of person who would harm anyone. He has never been a violent person, and he never could have committed these crimes. Derek has always been a sensitive, caring, tender-hearted, peaceful, and generous person. Derek always would help anyone in need, and he would literally give you the shirt off his back if you needed it.

4. My husband and I love our sons very much. We raised Derek and his older brother, Robert, to respect their elders, their peers, and the law, which they always did. Growing up, Derek never got into any type of trouble with the police or had any other problems with the law or authority figures. He has always shown a deep respect for his family, his teachers, his friends and anyone else he comes into contact with. Everyone has always told us what a kind, caring, and respectful person Derek is.

5. Before Derek was born, our oldest son, Robert, was diagnosed with cancer when he was two years old. Robert's illness was very serious, and he required a great

deal of medical attention and care until he was 18. While we were living in various states across the country, I brought Robert to Duke Medical Center in Durham, North Carolina every three months for medical checkups. Derek was born after Robert's diagnosis, and Derek grew up only knowing a brother who had a serious illness. Other children may have been resentful of the amount of attention that we and his grandparents gave Robert, but Derek never appeared resentful. Derek was supportive of his older brother. He played with him, cared for him and protected him at school.

6. As a young boy, Derek struggled academically a little bit, and he had to repeat the second and eighth grade. However, once Derek got to high school, he had no academic problems and was an average student.

7. As a teenager, Derek was involved in many community activities, including serving as a boy scout and participating in youth group activities organized by our church. Derek was always the first one to help out with any of those activities, whether it was by training younger scouts or assisting in fundraisers. Throughout his high school years, Derek played the trumpet in the band. He was committed to the band, always practicing his instrument and traveling with the band for competitions. I often helped the band with fundraising efforts and chaperoning the students to out-of-town competitions.

8. Derek has devoted much of his life to caring for others. When Derek's grandfather became seriously ill in the late 1980s, Derek was extremely saddened by his illness. When the rest of us were tired from spending a long day at the hospital, Derek would stay by his grandfather's side. Soon after his grandfather died, Derek said that he wanted to help other sick people and become a nurse. After Derek graduated from high

school, he volunteered at the Clayton Rescue Squad as an emergency medical provider. Derek loved helping people in the community who were in need, and if he wasn't asleep at home, he was almost certainly at the rescue squad.

9. In 1990, when Derek was in high school, he enlisted in the U.S. Army Reserve. He later was honorably discharged from the Army so that he could join the U.S. Navy and pursue a military career as a nurse. Derek was proud to be in the military and to serve his country.

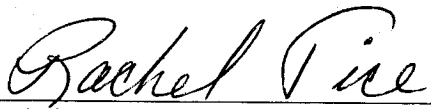
10. While in the Navy, Derek got married and later had a daughter, Katerina. She is now 11 years old. Derek loves his daughter very much.

11. When I first learned that Derek had been arrested, I was in total shock. I could not believe that my son would ever commit violent crimes such as rape and murder. When we first spoke with Derek after he was arrested, he insisted that he was innocent.

12. Derek has always maintained his innocence whenever we have spoken with him. I do not believe Derek could have committed this crime, and I do not believe that he could have been convinced to participate in any way. I am as convinced of his innocence today as I was on the first day I heard he was arrested.

13. The tragedy of Derek's wrongful conviction has devastated our family. Not a day goes by that I don't pray that my son is freed from this nightmare and able to live a normal, happy life.

I hereby declare, under the penalty of perjury, that the foregoing is true and correct. Executed on this the 4<sup>th</sup> day of November, 2005.

  
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Rachel Tice

## AFFIDAVIT OF ROBERT TICE

1. I, Robert Tice, am over the age of eighteen, am competent to testify, and have personal knowledge of the matters stated herein.

2. Derek Elliot Tice is my younger brother. I firmly believe that Derek could not have committed, and did not commit, the horrible crimes that he has been convicted of.

3. Growing up, Derek was a kind, compassionate, and caring brother. Even though I was his older brother, he always protected me. When I was two years old, I was diagnosed with cancer. Because of my special medical needs, my family spent large amounts of time and energy caring for me as Derek and I grew up. Our mother took me to Duke Medical Center in Durham, North Carolina every three months for medical checkups while we were living in various states across the country. I believe that the amount of attention I required was hard on Derek in many ways, but I could never tell from the way he treated me. Derek was caring and loving toward me. He would stick up for me at school if other children made fun of me.

4. Our parents taught both of us to have a deep respect for authority. We learned to address others with a “yes, sir” and “yes, ma’am” at an early age. Derek was always respectful towards his elders and anyone else he met, and he never got into any trouble with the law.

5. When our grandfather became seriously ill, Derek was very saddened by his illness. Soon after our grandfather died, Derek told us that he wanted to become a



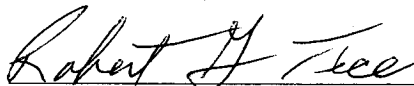
nurse. Derek joined the Clayton Rescue Squad as a volunteer emergency medical provider. Derek loved his job at the rescue squad and loved helping people in need.

6. Derek is a shy, sweet, and gentle person. I have never seen him act confrontational or aggressive. He has never been comfortable with conflict, and he generally would avoid confrontations.

7. When I first learned that Derek had been arrested for rape and murder, I could not believe it. Derek is not a violent person, and he had devoted much of his life to caring for people who need help. I could not believe that he would be capable of committing such horrible crimes. Derek has always insisted to us that he is innocent, and I firmly believe in his innocence.

8. Derek has been in prison for more than seven years, and it sometimes feels like I no longer have a brother. I miss him very much, and I desperately hope that this tragic injustice will end soon and that Derek will finally be released from prison. Derek's wrongful conviction has been a nightmare for our family, and all four of us suffer deeply from it every day.

I hereby declare, under the penalty of perjury, that the foregoing is true and correct. Executed on this the 4<sup>th</sup> day of November, 2005.

  
Robert Tice

## AFFIDAVIT OF DANA POUNDS

1. I, Dana Pounds, am over the age of eighteen, am competent to testify, and have personal knowledge of the matters stated herein.

2. I first met Derek Tice in 1991 when he volunteered as an emergency medical provider at the Clayton Rescue Squad in Clayton, North Carolina. The rescue squad provides medical services in response to 911 calls in the Clayton area. I was Derek's supervisor at the rescue squad.

3. Derek was one of the best volunteers at the rescue squad that we had. Like all newcomers, Derek started out as a basic EMT. He worked very hard and attended weekly classes for several months. Unlike many of his peers, Derek soon gained enough training and experience to become an advanced EMT. Derek was assigned to work one shift a week and one weekend about once a month. Derek always showed up for his shift, and he would often volunteer to cover for other volunteers who could not make their shifts. Even if he was not on duty, he would hang out at the rescue squad to help out in any way he could. He always did what was asked of him and more, and he never complained.

4. When Derek first started at the rescue squad, he was very shy and reserved. After awhile, he warmed up to everyone and became an integral member of the team. The volunteers at the rescue squad felt more like a family than a group of co-workers, and Derek was an important part of our family.

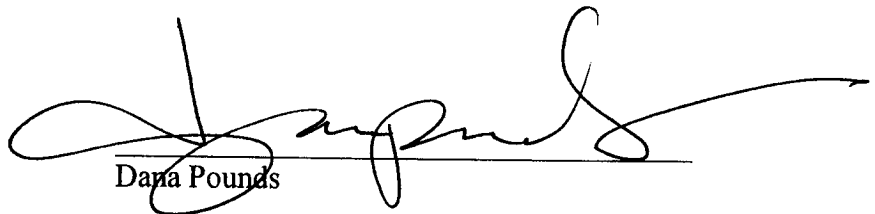
5. I spent a great deal of time with Derek during his two years at the Clayton Rescue Squad, and I got to know him very well. We often responded to emergency calls

together. Derek had a wonderful bedside manor with patients. He was extremely patient and gentle, and he did whatever he could to help them and make them feel better. Derek often went above and beyond the call of duty. For example, if a patient died, he would console the family members even though they were total strangers to him. I admired Derek's natural ability to care so tenderly for patients.

6. Derek was a kind, mild-mannered, and sweet young man with an easy-going personality. He was always respectful and deferential to his superiors and his peers. Derek was never aggressive or confrontational, and he would shy away from any type of conflict. I never heard him raise his voice or be forceful or loud. Although he did not have many close friends, he got along well with everyone.

7. When I first heard that Derek was accused of raping and murdering someone, I was stunned and thought for sure that the police must have the wrong person because Derek would never harm anyone. The violent crimes for which he was convicted are totally against his nature. I firmly believe that Derek is innocent, and I am deeply saddened that he continues to suffer in prison despite his innocence.

I hereby declare, under the penalty of perjury, that the foregoing is true and correct. Executed on this the 5 day of November, 2005.

  
Dana Pounds

## AFFIDAVIT OF JAMES BARBOUR

1. I, James Barbour, am over the age of eighteen, am competent to testify, and have personal knowledge of the matters stated herein.

2. I have known Derek Tice since we went to Clayton High School together in Clayton, North Carolina. During high school, Derek and I played in the band together. After we graduated from high school, we both volunteered as emergency medical providers at the Clayton Rescue Squad. Derek was a good friend, and we would often spend time together outside of school and the rescue squad.

3. Derek was a very nice, kind, quiet, shy, and good-hearted person. He always respected others and obeyed the rules and authority figures. Derek was never aggressive or confrontational, and I never saw him get into any trouble or fights. If there was ever a fight or conflict, Derek would withdraw and not get involved.

4. When Derek and I were volunteers at the rescue squad, we attended training classes together and often responded to local 911 calls together. I came to see the deeply caring side of Derek when we tended to patients. He was patient and gentle and always provided good medical care. It was obvious to me that Derek had a sincere desire to help other people in times of need.

5. As a volunteer at the rescue squad, Derek was not paid for his work, but he nevertheless was strongly committed to helping people. When other volunteers had to miss their shifts, Derek was often the one who stepped up to take their place.

6. When I learned that Derek had been arrested for rape and murder, I did not believe it. I did not believe that there was any way that Derek, who was always so kind

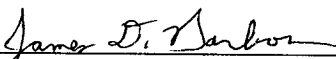
and caring to others, including complete strangers, would ever harm anyone. Violence is simply not in Derek's nature.

7. When I heard that the prosecutors alleged that Derek was one of the leaders of the crime, I did not believe that either, because Derek was never a leader-type. Derek was more of a follower, but he would never do anything that he thought was wrong.

8. Derek has always been timid, non-confrontational, and extremely respectful of authority. When I heard that Derek had confessed to the crime after a high pressure, aggressive, and lengthy interrogation session with detectives who were threatening him with the death penalty if he did not confess, I was not surprised that Derek eventually told the detectives anything they wanted to hear just to make the abuse stop. Derek strongly disliked confrontation and aggression, and I believe he would have been scared for his life and done anything to end the interrogation.

9. I do not believe that Derek committed the crimes he's been convicted of. It makes me sad to think how devastating this experience has been for his family. I hope he is released from prison immediately and allowed to put his life back together again.

I hereby declare, under the penalty of perjury, that the foregoing is true and correct. Executed on this the 6<sup>th</sup> day of November, 2005.

  
James Barbour

## AFFIDAVIT OF M.L. MINTER

1. I, M.L. Minter, am over the age of eighteen, am competent to testify, and have personal knowledge of the matters stated herein.
  
2. I was Derek Tice's band director when he was a student at Clayton High School in Clayton, North Carolina. Derek played the trumpet in my band throughout his high school career.
  
3. Band class at Clayton High School was an elective, not a required course, and any student who chose to be in the band had to have a strong commitment. Because Derek was so committed to the band, he was one of the few students to stay in the band for all four years of high school.
  
4. In my band class, I was not focused solely on teaching music. I was primarily concerned with preparing students for adulthood. I therefore demanded a great deal of discipline, effort, and respect from my students, and Derek never disappointed me in that regard. He was extremely respectful of me, other teachers, and his peers. He always addressed me with a "yes, sir" or "no, sir." Derek showed up for class and band competitions on time and prepared. Even though he was not the best trumpet player in the class, he was very disciplined and always tried hard. When I told him one day that he could not play the lead trumpet part because the band would be better served if another student played it, he accepted it without complaint or discussion because he wanted what was best for the band.
  
5. Derek was a quiet, shy, and mild-mannered student. He was never a leader, but he worked well with other students.

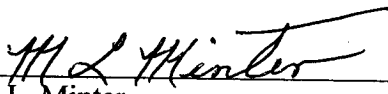
6. I never had any behavioral or disciplinary problems with Derek. He always followed instructions and obeyed the rules.

7. When I heard that Derek had been arrested, I was stunned and could not believe that Derek could be involved in such a horrible crime. He was never aggressive or violent, and he did not seem capable of hurting anyone.

8. Derek comes from a good family. His mother used to help with fundraising and chaperoning for the band when Derek was in high school. I cannot imagine how devastated his family must be that Derek is in prison for a crime he did not commit.

I hereby declare, under the penalty of perjury, that the foregoing is true and correct.

Executed on this the 6<sup>th</sup> day of November, 2005.

  
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M.L. Minter