

STATE OF MINNESOTA
COUNTY OF DAKOTA COUNTY

STATE of Minnesota,

AFFIDAVIT OF MELISSA STITES

v.

Phillip VANCE,

I, Melissa Stites, first being duly sworn, do depose and state that:

1. I am 44 years old, and I currently reside in the State of Pennsylvania.
2. I made certain statements and gave testimony in connection with the above-referenced case. I write this affidavit to retract these statements and testimony and provide a truthful account of the events of December 22, 2002 and the investigation that followed.
3. I am writing this affidavit of my own free will. No one has given or promised me anything in exchange for the statements that I am making in this affidavit.
4. In 2002, I was the head bartender at the Radisson Hotel located in downtown St. Paul. On or about October 5, 2004, I testified at trial that: (1) I contacted Police Officer John McManus on December 23, 2002 to report on a conversation that I had with Phillip Vance the day before; (2) I interpreted Phillip's comment about "getting his plan on" to be mean "planning to commit a robbery"; (3) Phillip was "more secretive than usual;" and (4) when I later wore a wire, I asked Phillip if he ever shot anyone, and he said "I shot a guy two weeks ago over south side five times in the back." This testimony was false.

5. The following is a true and accurate account my interaction with Phillip Vance on December 22, 2002 and my subsequent interactions with law enforcement:

- a. On some date on or around December 23, 2002, Police Officer John McManus and other officers came into the Radisson Hotel and asked me questions about Phillip Vance, who was also known as "Florida." During the course of my conversation with Officer McManus, I was asked to make false statements about Phillip Vance. I was also pressured by the officers to wear a wire and engage in future conversations with Phillip. I did not reach out to these officers; they came to me.
- b. I was familiar with Phillip and his friends because they came into the bar fairly regularly. Phillip did come into the bar on December 22, 2002, and I recall having a conversation with him. However, I did not think he was "more secretive than usual," or that he was planning to commit a robbery. Officers instructed me to say this.
- c. Officers placed me in a potentially dangerous situation more than once by having me wear a wire to buy a gun from Phillip and question him at the jail. At no time during the conversation did Phillip tell me that he committed a robbery or that he shot anyone, and I have no reason to believe he did.
- d. I agreed to say and do these things, because during that time, I had gotten into some legal trouble. The officers told me that they would not charge me with any crimes and I would not face any jail time if I said what they told me to say and did what they told me to do. I did not feel like I had a choice. At the time, I was a 26-year-old woman, and I was spending time with the wrong people. I was

vulnerable and scared of getting in trouble. I was also struggling with chemical dependency. I agreed to give false statements about Phillip Vance in an effort to protect myself.

- e. Today, I am five years sober, and I help other women stay on the right path. I am coming forward now to correct the statements I made about Phillip, because it is the right thing to do. Back then I did not feel like I had a voice or a say in the matter, but now I do. I never wanted to lie, wear a wire, or be involved in this case.

I declare under penalty of perjury that everything I have stated in this document is true and correct.

Melissa Stites

Melissa Stites, Affiant

Dated: 1/22/2021

SUBSCRIBED AND SWORN to before me this 22 day of January, 2021 at *Hornbeck Chevrolet Susq. County*. I HEREBY CERTIFY that I have personally examined the herein affiants and I am satisfied that they voluntarily executed and understood their given affidavit.

Margaret Wilkins

Notary Public
 Commonwealth of Pennsylvania - Notary Seal
 Margaret Wilkins, Notary Public
 Susquehanna County
 My Commission Expires July 14, 2021
 Commission Number 1178931