State of Minnesota)
) S.S
County of Rush City)

Affidavit of Philip Randall Vance

I, Philip Vance, declare under penalty of perjury pursuant to Minn. Stat. 358.116 that the following is true and correct to the best of my knowledge and belief.

- 1. My name is Philip Randall Vance. I am submitting this affidavit in support of my petition for postconviction relief in Dakota County Case No.: 19-K6-04-00736.
- 2. I am innocent of each offense for which I was charged, convicted, and sentenced in this case
- 3. I expected my trial counsel to present an alibi defense. When I was discussing the facts of the case with them, I told them that I was with Darlene Jones when the murder happened. I also told them that Dominick and I were driven to the bar after leaving Darlene's place by Demetrius O'Connor. I told my attorneys that Kentrell Anthony was in the car with us when we were driven to the bar by Demetrius.
- 4. When I initially told my attorneys about my alibi, I also gave them the phone number, address, and full name of Darlene Jones so that they would contact her and develop her as a defense witness. I also gave my trial counsel the address for Jacqueline Ezell, the grandmother of Kentrell Anthony, and told them that Jacqueline was Kentrell's grandmother, and that Kentrell lived next-door to Jacqueline. I also gave my trial counsel sufficient information to be able to locate and contact Demetrius O'Connor. This interaction occurred during an in-person attorney-client visit at the jail.
- 5. Every time we talked about the case and where I was, I told my trial attorneys that I was with Darlene and that I was dropped off at the bar by Demetrius and Kentrell after leaving Darlene's place.
- 6. When I received my phone records in discovery, I highlighted a phone call for my attorneys that Darlene made to Illinois from my phone and told my attorneys that this proved I was with Darlene on the evening of December 22, 2002.
- 7. I do not know why my attorneys did not call my alibi witnesses. I was not consulted about this decision. My attorneys never told me that they failed to notice an alibi defense.
- 8. I also expected my lawyers to introduce alternative perpetrator evidence at trial to the extent allowed by the judge.
- 9. I did not know until my attorney stood up and said that the defense rests that he would not be calling any alibi or alternative perpetrator witnesses in my defense. He had told me shortly before this occurred that I needed to say I did not wish to testify when the judge asked me. I fought him on this and was unhappy with his decision, but he told me to say it

and I listened to my attorney. He did not tell me, however, that he would not call any other witnesses either. If he had told me that he was not going to be presenting any defense or calling any witnesses, I would have distrusted his advice regarding my own testimony and would have been less willing to listen to his instructions about waiving my own right to testify.

Dated: February 26, 2025 Signed: /s/ Philip R. Vance

MINNESOTA JUDICIAL BRANCH