

AFFIDAVIT OF WENDY P. ROUDER, ESQ.

I, Wendy P. Rouder, of _____ do hereby aver under the penalty of perjury that:

1. I am an attorney licensed to practice law in the states of California and New York and in the Ninth Circuit federal courts. I was admitted to the California State Bar in 1979 and to the New York State Bar in 1980.

2. Since 1984, my practice has been exclusively civil. From 1984 to 2000, I worked as a deputy city attorney for the City of Oakland (California) where I headed the labor and employment law unit of the office. Since 2000, I have been a labor arbitrator and neutral workplace investigator. I am on the ADR panel of neutrals for the United States District Court for the Northern District of California.

3. Upon graduating from law school in 1979, I was offered a position as a clerk to attorney Bernard Segal, chief defense counsel for Jeffrey MacDonald. My primary responsibility was law and motion work in regard to the case *United States vs. Jeffrey R. MacDonald*.

4. I was involved in the subsequent filing of the first trial appeal brief in the above-referenced case. Following that filing, I had no professional involvement in the MacDonald case.

5. In August, 2005, I was contacted by Jeffrey MacDonald's wife, Kathryn MacDonald. She told me she was working on her husband's behalf, in a paralegal capacity. Kathryn MacDonald asked me if I could recall any further details about my interactions with witness Helena Stoeckley, during her time in Raleigh, in August of 1979. I related to her the information I recite below.

6. I was present, assisting Bernard Segal, and other members of the defense, during Jeffrey MacDonald's trial in the summer of 1979. It was at that time that I first met the key witness in the case, Helena Stoeckley.

6. On a weekend morning (I believe the weekend of August 18, 1979) I was alone in our counsel office, when Mr. Segal asked me to investigate a complaint allegedly made by the management of the motel where Helena Stoeckley had been registered to stay during her time in Raleigh. The complaint by motel management was that Ms. Stoeckley was being assaulted by someone the motel manager did not identify, and that Ms. Stoeckley was causing trouble for the motel.

7. Upon arrival at the motel, called the Journey's End, I found Ms. Stoeckley in a room with a person I understood to be her boyfriend. I recall his first name was "Ernie" and I believe his last name was Davis. I inquired of Ms. Stoeckley as to her well-being, and informed her of the motel manager's complaint. She indicated she wanted Mr. Davis gone from her presence, and eventually he did leave. At that time I was alone with Ms. Stoeckley in the motel room.

8. I have testified, previously, in *voir dire* as to comments Ms. Stoeckley made to me after Ernie Davis's departure from the room, about her involvement in the MacDonald family murders- that she had seen a hobby horse in the MacDonald home, that she was there the night of the murders, and that she could name the people who killed Dr. MacDonald's family.

9. Kathryn MacDonald informed me that a new witness had come forward- a United States Marshal- to whom Helena Stoeckley had made remarkably similar statements. She told me this same United States Marshal had sworn that, also in his presence, one of the prosecutors, James Blackburn, had threatened to indict Ms. Stoeckley for murder if she were to make the same admissions regarding her involvement in the MacDonald murders in the courtroom.

10. My first statement to Mrs. MacDonald was “*Now it all makes sense.*” She asked me what I meant, and I said that after Helena Stoeckley had made her statements to me –totally unsolicited – I had asked her why she was making admissions to me in private when she had made public denials at the courthouse, and why she did not testify in court as to what she was telling me. She had then responded: “I can’t. I’m afraid.” I asked her what she was afraid of. I *fully expected* her to say that she was afraid of the people with whom she was involved the night of the MacDonald family murders, or the person or persons who the motel manager had reported as having assaulted her. Thus, I was very surprised when Ms. Stoeckley responded that she could not testify as to what she was sharing with me because of “*those damn prosecutors sitting there.*” And she added words to the effect of “*They’ll fry me*”.

11. Helena Stoeckley may have said “*burn me*” or “*hang me*” instead of “*fry me*”. My specific recall, after 26 years, is that the words she used expressed, in the vernacular, her fear of the prosecution imposing adverse consequences on her, were she to testify truthfully.

12. When Kathryn MacDonald told me of the United States Marshal’s statements, Helena Stoeckley’s unexpected response to my questions in August of 1979 then made sense to me.

13. I also recalled that, upon my arrival to Ms. Stoeckley’s room, the phone rang and the hotel operator had asked for me specifically. The call was from Judge Franklin Dupree. He addressed me by name, and asked me why I was there with Helena Stoeckley, and warned me not to ask her any questions. For years afterward, I had wondered how Judge Dupree came to know that I had arrived on a weekend to see about Ms. Stoeckley’s well-being, and why he was concerned about what she might be saying or being asked. Now, in August of 2005, hearing of Mr. Britt’s statement, this bizarre occurrence also made sense to me.

13. My memory of Ms. Stoeckley's statement about the prosecutors is distinct and sharp now, some 26 years after the statement was made, because I was surprised to hear her express fear of the prosecution, given that I was aware she had made criminally inculpatory statements over a decade prior to the trial about her involvement in the MacDonald family murders.

14. Prior to August of 2005, I did not know of former U.S. Marshal James Britt's sworn statement that then U.S. Attorney James Blackburn – just a day or two before my conversation with Ms. Stoeckley at the Journey's End Motel - had threatened Stoeckley with severe adverse consequences. I had never spoken to Kathryn MacDonald prior to August of 2005.

15. Further, I did not even realize that Mr. Blackburn had met with Ms. Stoeckley, as I had thought he would have had to Mirandize her, and that if he did so, she would refuse to speak with him, or if she pleaded the Fifth Amendment in court, this alone would raise reasonable doubt regarding her involvement in the MacDonald murders.

16. After sifting through further recollections of my time with Helena Stoeckley, I recalled a United States Marshal coming to move Ms. Stoeckley from the Journey's End motel to another motel, because of the trouble she and Mr. Davis had caused. I did not know then (or now) how the court knew of the trouble. I recall also going to the second motel, and that Ms. Stoeckley eventually needed assistance because her nose was broken or injured during the assault she had endured.

17. The fact that Helena Stoeckley's admissions to me were discounted after *voir dire* has always troubled me, and I felt compelled to bring my further recollections to the court's attention, given the testimony of Mr. James Britt.

Wendy P. Rouder, Esq.

Signed and sworn to this _____ day of _____ 2005.

Notary Public

My commission expires _____.