

EXHIBIT 264

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DECLARATION OF MARIBEL YANEZ

I, Maribel Yanez, do hereby declare as follows pursuant to 28 U.S.C. § 1746:

1. I am a staff investigator with the non-capital habeas unit of the Federal Public Defender, District of Nevada.
2. Assistant Federal Public Defender Jeremy C. Baron represents Rickie Slaughter in his federal habeas proceedings. *Slaughter v. Baker*, Case No. 3:16-cv-00721-RCJ-WGC (D. Nev.). I've been assigned to assist with the investigation of this case.
3. I understand Mr. Slaughter has raised claims involving the photo lineups the police created in this case. I understand some of the claims involve a "second photo lineup" that included a picture of Mr. Slaughter along with a picture of an alternate suspect. I understand Mr. Slaughter deposed the lead prosecutor, Marc DiGiacomo, who testified at least one eyewitness told him he recognized Mr. Slaughter in the second photo lineup. Mr. Baron instructed me to make all reasonable efforts to locate and interview a series of witnesses who may have relevant knowledge regarding Mr. DiGiacomo's testimony.

Ivan Young and Jennifer Dennis

4. Mr. Baron and I went to an address I believe to be Ivan Young and Jennifer Dennis's home. Ms. Dennis answered the door. We explained we represented Mr. Slaughter in his federal habeas proceedings. Ms. Dennis let us in but soon stated she wasn't willing to talk to us unless she received a subpoena. She said she spoke for Mr. Young, who would tell us the same thing. We ended the conversation and left at that point.

Ryan John

5. Mr. Baron and I went to an address I believe to be Ryan John's workplace. Mr. John was present when we walked in. We explained we represented Mr. Slaughter in his federal habeas proceedings.
6. Mr. John recalled he had identified Mr. Slaughter from a photo lineup. Mr. Baron showed him a copy of a lineup referred to in Mr. Slaughter's federal petition as the "first photo lineup." Mr. John said he recognized the document as a photo lineup he'd previously seen and proceeded to point out Mr. Slaughter's photo in that lineup.
7. Mr. John recalled the police showed him a second photo lineup. Mr. John said he hadn't identified anyone from that lineup. Mr. Baron showed him a copy of the second photo lineup. He said he didn't recognize the second

photo lineup. He didn't say or do anything indicating he recognized Mr. Slaughter's photo in that lineup.

8. Mr. John didn't recall meeting with the prosecutors, including Mr. DiGiacomo, before trial.

Jermaun Means

9. I went to an address I believe to Jermaun Means's home on multiple locations and eventually left a card with my telephone number. A man who identified himself as Jermaun Means called me back on that number. Mr. Baron was present for the phone call. We explained we represented Mr. Slaughter in his federal habeas proceedings.
10. Mr. Means said he remembered the police coming to his house and showing him a lineup. He said he recognized the suspect in that lineup. He said he was hesitant to identify the picture to the police, but the police officer told Mr. Means if he identified the suspect in the lineup, Mr. Means wouldn't have to do anything else with respect to the case. Mr. Means said that turned out not to be true.
11. Mr. Means didn't recall being shown any other lineups by the police.
12. Mr. Means said he went to the District Attorney's office on a few occasions. He said he didn't remember specifically with whom he met. He said he would've gone once right before the first time the trial was set, and another time shortly before the actual trial. He said the person he spoke with at the DA's office didn't ask him any questions about photo lineups, although the person asked him question about his ability to identify Mr. Slaughter.
13. Mr. Baron asked whether Mr. Means would be willing to meet with us in person to discuss these issues. Mr. Means declined.

J.P. and A.D.

14. I went to an address I believe belongs to the individual referred to in the federal proceedings as "A.D." The man who opened the door said A.D. had moved to Texas and gave me his phone number. I called this phone number on two occasions and left messages, but A.D. never called back.
15. I attempted to locate an address for the individual referred to in the federal proceedings as "J.P." The search suggested J.P. lives in Oregon. I located a number associated with J.P. I called the number on two occasions and left messages, but J.P. never called back.

Osvaldo Fumo and Dustin Marcello

16. I was present for an in-person meeting between Mr. Baron, Osvaldo Fumo, and Dustin Marcello. I have reviewed the declaration Mr. Fumo signed. The declaration is consistent with the statements Mr. Fumo made during this meeting. His declaration is also consistent with the statements Mr. Marcello made during this meeting.

Craig Retke

17. I was present for a phone call between Mr. Baron and Craig Retke. Mr. Baron asked Mr. Retke whether he recalled anything regarding the second photo lineup. Mr. Retke said he didn't. Mr. Baron asked whether Mr. Retke spoke with the eyewitnesses before trial. Mr. Retke said he prepared memoranda for the witness interviews he conducted in this case, and he forwarded Mr. Baron a set of those memoranda. I have reviewed those documents, and none of them involves any of the eyewitnesses.

Susan Bush

18. I was present for a phone call between Mr. Baron and Susan Bush. Ms. Bush recalled Mr. Slaughter's case but stated she didn't remember any issues regarding the photo lineups.

Patrick McDonald

19. I was present for a phone call between Mr. Baron and Patrick McDonald. Mr. McDonald said he vaguely recalled litigating an issue regarding the second photo lineup. He said he wouldn't have had any off-the-record conversations with Mr. DiGiacomo about that issue.

Paul Wommer

20. I was present for a phone call between Mr. Baron and Paul Wommer. Mr. Wommer didn't recall issues involving the photo lineups in the case.

Michelle Fleck

21. I was present on two occasions when Mr. Baron left voicemail messages for Michelle Fleck on her work phone number. Mr. Baron explained he represented Mr. Slaughter in his federal habeas proceedings and requested a call back. To my knowledge, Ms. Fleck hasn't returned Mr. Baron's messages.

Susan Krisko

22. I was present for a phone call between Mr. Baron and Susan Krisko. Ms. Krisko said she didn't remember anything about the second photo lineup.

Ms. Krisko also said she didn't remember anything about lineups in the case generally.

23. Ms. Krisko said she did recall Mr. Slaughter's case and recalled testifying in connection with Mr. Slaughter's ultimately successful attempt to withdraw his guilty plea.

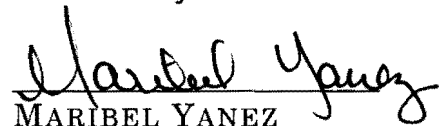
Jessie Prieto

24. I called Jessie Prieto and asked whether he would be willing to meet with me and Mr. Baron informally. Detective Prieto initially said he would be willing to meet with us. Shortly after, I was present for a phone call between Detective Prieto and Mr. Baron. Detective Prieto asked us to contact the city attorney's office for North Las Vegas before speaking to him further. Mr. Baron said he would do that.

25. Shortly after that call, Detective Prieto called me directly and stated he was unwilling to speak with us further.

I declare under penalty of perjury that the foregoing information is true and correct to the best of my knowledge.

Executed on this 24th day of October, 2019, in Las Vegas, NV.


MARIBEL YANEZ