

SWORN AFFIDAVIT  
OF  
KENT E. GIPSON

I, Kent E. Gipson, after being duly sworn on my oath, state as follows:

1. I have been a licensed attorney in the State of Missouri since 1984, specializing in criminal defense and post-conviction litigation.

2. Since 2010, I have represented Kenneth Middleton in pursuing post-conviction challenges to his 1991 conviction in the Circuit Court of Jackson County, Missouri for the murder of his wife.

3. One of the critical issues I encountered in litigating Mr. Middleton's claims of innocence and ineffective assistance of trial counsel involve the gunshot residue test performed on Mrs. Middleton's hands. Many years ago Mr. Middleton and his agents discovered that one of the police reports ordering GSR testing on Mrs. Middleton's hands had been altered.

4. On September 15, 2015, I went to the Kansas City Crime Lab, accompanied by Mr. Middleton's son, Cliff Middleton. The receptionist at the crime lab allowed us to review the crime lab's entire file in Mr. Middleton's case.

5. At that time, we reviewed a document that was on green colored paper that was labeled an inventory report that requested gunshot residue testing on Mrs. Middleton's hands. Under the number of articles section of the report, a number had been whited out and replaced with the number 1. When I held the original report to the light, the number 2 can be read underneath the whiteout. In the following line of the report, there is writing that states "gunshot residue test for right hand." There is a space between the word "right" and "hand" where whiteout had been applied. Underneath the whiteout, I could read, by holding the document up to the light, the words "& left" underneath the whiteout.

6. A similar inventory report for GSR testing for Mr. Middleton's hands was also in the crime lab's file. Although I am no expert, it appeared that the handwriting on both documents was from the same person.

7. In my thirty-two years as a criminal defense lawyer, I have never seen this sort of police misconduct involving blatant alteration of official reports. It is



apparent to me that someone has tampered with, altered, or destroyed evidence regarding the gunshot residue testing of Mrs. Middleton's left hand.

8. In an attempt to obtain more information regarding this issue, I subsequently filed another Sunshine Law request with the Blue Springs Police Department requesting to review the actual physical evidence they still had in their property room regarding the Middleton case. After a lapse of time, I was informed by email that the Department would not honor this request by taking the position that the Sunshine law only applied to documents, not physical evidence. In a recent letter, I specifically asked Jackson County Prosecutor Jean Peters Baker to intervene and allow me, in the presence of one of her assistant prosecutors, to see what, if any physical evidence, regarding the gunshot residue tests were still in the property room of the Blue Springs Police Department. As of this date, she has not responded to this letter.

Affiant further saith naught.



KENT E. GIPSON

STATE OF MISSOURI         )  
  ) ss  
COUNTY OF JACKSON     )

On this 1st day of March, 2016, before me, the undersigned notary public, personally appeared Kent E. Gipson, known to me to be the person whose name is subscribed to within the instrument and acknowledged that he executed the same for the purposes therein contained. In witness whereof, I hereunto set my hand and official seal.

Dated: March 1st, 2016



Notary Public

