

AFFIDAVIT OF DAVID MCKENZIE

STATE OF OKLAHOMA)
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COUNTY OF OKLAHOMA)

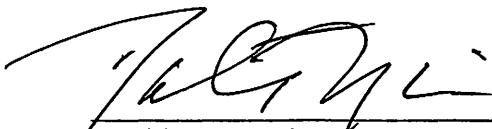
Mr. David McKenzie, a person of lawful age, being duly sworn, under penalty of perjury do state as follows:

1. I am an attorney licensed by the State of Oklahoma since 1988 and have specialized in criminal defense trial work.
2. In January 1997, my law office was located at 228 Robert S. Kerr, Oklahoma City in downtown Oklahoma City. My law office was in close proximity to the Oklahoma City Police Department station.
3. On January 9, 1997, Richard Glossip and his girlfriend came to visit me at my law office for an appointment to discuss his interview with the police and a scheduled appointment with the police for a purported polygraph to be given later that day.
4. Prior to this in-person meeting on January 9, 1997, I had spoken with Mr. Glossip via telephone and informed him I would need a retainer of \$1500.
5. The January 9, 1997 meeting with Mr. Glossip and his girlfriend in my office lasted approximately 30-45 minutes.
6. During this meeting, Mr. Glossip told me that he did not have anything to do with the death of Barry Van Treese. He informed me that the police told him they wanted to give him a polygraph at a scheduled time that afternoon.
7. I advised Mr. Glossip to not take the polygraph or talk to police anymore without an attorney present. Mr. Glossip asked me to call the police and let them know he would not be making the scheduled polygraph appointment. I agreed.
8. While Mr. Glossip was sitting in my office, I called the Oklahoma City Police Department and spoke with a Police Detective. I later found out that it was Detective Bill Cook that I spoke with. I advised Detective Cook that Mr. Glossip had a lawyer and the police were not to speak with him, and that I was recommending that Mr. Glossip not take any polygraph examination.
9. When I called the Oklahoma City Police Department and spoke with Detective Cook, it was before the time the police scheduled for the purported polygraph appointment.

10. When I spoke with Detective Cook, I was acting on behalf of Mr. Glossip.
11. Mr. Glossip did not show or give me any money for the retainer during the January 9, 1997 office visit.
12. Before Mr. Glossip left my office, I wrote on a business card what he should tell the police should they confront him again. The business card stated "I will not speak to you and demand the presence of my lawyer now." I gave this business card to Mr. Glossip. Mr. Glossip and his girlfriend then left my office.
13. I was not aware that upon exiting the office building, two Oklahoma City Police officers confronted Mr. Glossip and his girlfriend, and took them into custody to the police station.
14. I did not find out that Mr. Glossip was arrested for murder until someone mentioned to me weeks later that they saw it in the newspaper.
15. I have refreshed my recollection of the January 10, 1997 newspaper article where I was named as Glossip's attorney and that I "could not be reached for comment." I was never contacted by any news reporter or someone acting on behalf of The Oklahoman.
16. I went to the Oklahoma City Jail approximately in late January/early February 1997 to visit Mr. Glossip. I found Mr. Glossip to be housed in deplorable conditions. Mr. Glossip had been left in a cell for at least a few weeks with no shower or running water. He was not even in an orange outfit but in the same clothes he had been arrested in. It was awful what they did to him and I had not seen anything like it. I was shocked and it was obvious he was not being cared for.
17. I do not know if any polygraph was ever administered to Mr. Glossip. I have never seen the results of any polygraph.
18. No one ever approached me to take Mr. Glossip's case after that initial January 9, 1997 meeting. Though at the time I had taken murder cases, I had not done capital murder cases. I was not involved in Mr. Glossip's defense or case and do not have any firsthand knowledge of the facts beyond what I personally observed on January 9, 1997.
19. I was contacted in May 2022 by Reed Smith investigators for an interview. I have never testified or submitted any affidavit prior to this one regarding my January 9, 1997 meeting with Mr. Glossip or my subsequent visit and observations in late January/early February 1997 to the Oklahoma City Jail.

I swear upon penalty of perjury that the statements in the foregoing three pages are true and accurate to the best of my knowledge and recollection.

Further, Affiant sayeth naught.



David McKenzie



Subscribed and sworn before me on this 14th day of November, 2022.