

EXHIBIT 3

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AFFIDAVIT OF CLAYTON BROWN

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, on this day personally appeared Clayton Brown, who after being duly sworn by me, did depose and say:

“My name is Clayton Brown, date of birth February 10, 1975. I served a five-year sentence for the murder of Earl Perry, Cause No. 858778 in the 208th Judicial District Court, Harris County, Texas. I now understand that none of the shots I fired on the night in question actually hit the decedent Earl Perry.

I am giving this affidavit knowingly and voluntarily, without any threat or consideration. I have no personal stake in the outcome of this case. I am of sound and competent mind; I don't have any mental disabilities. I have not been and am currently not under the influence of any drug or substance that could affect the accuracy of this affidavit.

On June 30, 1997, around 2:00 or 3:00 a.m., I drove to T's restaurant on Calvacade in Fifth Ward to play dice. A dice game was typically going on in the parking lot outside T's after A's club closed at 2:00 a.m. People would go across the street to T's to order food. When I drove up to T's, I had with me my 9mm pistol that I had bought off the street some time before.

I have known Derevin "Lil D" Whitaker for years because we grew up in the same neighborhood and attended school together. Whitaker was a hothead. He always carried a gun.

As I pulled up and parked along the street in front of T's, I saw that another vehicle with Louisiana license plates had pulled into the driveway of T's, in front of me. At least two individuals, one of whom I now know was Early Perry, got out of that vehicle. Perry said something to the effect that the game was over. Perry slapped Whitaker and called him a liar in response to an allegation that the dice that were being used in the game were loaded. There was a lot of shoving. Whitaker then pulled his 38 revolver and shot Perry.

Perry had a few guys with him. One, an individual who was approximately 7-feet tall with a very dark complexion, several gold front teeth, and a Cajun or Louisiana accent, was holding a gun. Concerned for Whitaker's safety, I pulled out my 9mm and let off a few rounds to help Whitaker out. None of my shots hit anyone.

Whitaker and I worked for Lamar at the time at his recording studio. Perry's family and friends always blamed Lamar for Perry's death because we (Derevin and me) worked at Dollar Bill Records, Lamar's company, and they believed he should be held accountable for our actions.

A year later, in approximately 1998, Whitaker was arrested on a state drug charge and received a 15-year sentence. That same year, Whitaker was indicted on federal drug conspiracy charges and received a 160-month federal sentence. It was then that Whitaker became an informant for Chad Scott, as I understand it. For this reason, I have been afraid to come forward and tell the

whole truth about what happened that night and to identify Whitaker as the one who fired the shot that must have killed Perry.

It is my understanding that it was when Whitaker became an informant that Whitaker and Scott hatched a plan to frame Lamar for Perry's murder. Whitaker was released early with the help of Scott for his role in framing Lamar.


I want to make it clear that Lamar had nothing to do with Perry's death. He was never at the scene and never fired any weapon.

When I was charged in October of 2000 for the murder of Earl Perry and arrested, law enforcement officers brought me to the Harris County Jail. An officer told me that I had a choice between a visitor's pass and an inmate's pass. One of the officers told me that I could get the visitor's pass if I would testify against Lamar Burks, specifically that Lamar Burks was one of the shooters who killed Earl Perry. I refused to testify at Lamar Burks's trial and refused to say Lamar Burks was the shooter because Lamar Burks was not there and was not a shooter. I do not recall discussing this matter with my defense attorney Arthur Washington.


In my July 28, 2003 affidavit, I said I did not recall seeing Derevin Whitaker at the scene. That was a false statement. I made the false statement because I feared for my life. I understood Whitaker was working as an informant for Scott and Schumacher.

In my February 11, 2011 affidavit, I indicated that the individual who was approximately 7 feet tall with a very dark complexion and several gold front teeth and a Cajun or Louisiana accent had shot Perry. That was incorrect. While that individual, who got out of the vehicle bearing Louisiana plates with Perry, did hold a firearm, I did not see him shoot Perry. I did not tell the truth in the February 11, 2011 affidavit for the same reason – I feared retribution from Scott and Schumacher if I were to identify their informant Whitaker as the other shooter.

I have reviewed this affidavit carefully, which is correct to the best of my knowledge as my signature evidences below.


Clayton Brown

SWORN TO AND SUBSCRIBED before me on this 24th day of June, 2019 by Clayton Brown.


Notary Public, in and for
The State of Texas

3-7-23
My Commission Expires

