

# **EXHIBIT 25**

## Declaration of Eric Mason

1. My name is Eric Mason. I am a private investigator licensed in the State of California [P.I. 15411]. I have worked as a private investigator for over 36 years, and have been the principal of Mason Investigative Group for 22 years. I specialize in the investigation of major criminal cases and complex civil cases in state and federal court in the United States.
  
2. I have been offering my services *pro bono* to support the USF Racial Justice Clinic in the investigation of Leon Benson's case since September 2021 (State v. Benson, Cause No. 49G02-9808-PC-134837.) In March and May 2022, I went to Indianapolis to investigate this case, interviewed multiple witnesses, and am thoroughly familiar with the underlying facts. I have also driven twice to Mecca, California, to try to locate Mr. Benson's trial counsel in this case.
  
3. In August 2022, I accompanied USF RJC Professor Lara Bazelon and Supervising Attorney Charlie Nelson Kever to Jacksonville, Florida to attempt to make contact with alternate suspect Joseph Webster (a/k/a "Looney").
  
4. I obtained Joseph Webster's last known address by searching several databases using other identifying information about Webster. Prior to our visit, I made contact with a local private investigation agency and retained their services to confirm that the address was correct and that Webster appeared to be living at that address. We received that confirmation and also confirmation that a car registered to Webster was seen parked in the

attached parking lot associated with that address.

5. On Tuesday morning, August 9, 2022, we visited that address in search of Mr. Webster. A Black female opened the door and told us that Webster was working out of town and would not return until the weekend. After we introduced ourselves and explained our purpose, she briefly went inside the apartment. When she returned, she proffered a cell phone which she had placed on the speaker phone setting—the caller ID read “Zaddy.” She had called Webster and he was on the line.
6. Webster identified himself and Professor Bazelon briefly explained the purpose of our visit. Webster sounded angry that we came to his home, but told us to “call [him] tomorrow” before abruptly ending the call. I provided the woman at the apartment with my card, and we wrote down the names and phone numbers of Professor Bazelon and Charlie Nelson Keever before departing.
7. A short while later, Professor Bazelon received a call on her cell phone from a phone number with a Jacksonville area code, but the caller did not respond when she answered. A few minutes later, the same caller sent Professor Bazelon a text message identifying himself as “Joe.” Webster then called again and spoke with Professor Bazelon and Charlie Nelson Keever over the phone for approximately an hour and a half. Webster was on speaker phone and I could hear the conversation clearly.

8. I was struck by Webster's wild mood swings during the call. At certain points he would adopt a friendly, even fawning and complimentary tone, saying at one point that he wished that Professor Bazelon and Ms. Nelson Keever were *his* lawyers. At other points, he was audibly angry. Sometimes, he adopted a victimized tone. His moods switches and changes in tone were abrupt and jarring. He laughed manically and at inappropriate moments. I was also struck by how many times Webster made statements that were demonstrably false based on the information in our possession from the IMPD file and from his sworn testimony in the 2017 federal trial where he turned informant. (We did not share with Webster that we had reviewed the transcript of his federal trial testimony and we did not discuss his role in the federal case).
  
9. At the outset, Webster was angry that we had shown up at his home unannounced, and demanded that we discard his contact information and not come back. When Ms. Nelson Keever explained that the purpose of our call was to seek information about a client who had been wrongfully convicted in 1998, Webster replied, "I don't give a fuck about him either." He went on: "You don't understand—none of that shit is fucking valid, I don't know shit." He went on to repeat the substance of that statement in an increasingly loud voice with increasingly definitive language throughout the call. Toward the end of the call Webster became agitated and said, "I gave you what you want, I talked to you. Let's move forward. I don't want to have shit to do with that. I don't know NOTHING on NOTHING about it."

10. Ms. Nelson Keever and Professor Bazelon proceeded to ask Webster questions based on evidence in the IMPD file and evidence gathered during the USF RJC's post-conviction investigation. A focus of their questioning was information contained in a handwritten note written by Det. Randy West and sent to lead investigating Det. Alan Jones in August 1998, several weeks after Kasey Schoen was murdered. That handwritten note named Webster as the shooter, listing multiple sources for that information.
  
11. Mr. Webster confirmed that he was living in Indianapolis in 1998. He readily admitted that he was a "dope boy" and that he sold drugs in that area for many years. Specifically, Webster stated that he sold drugs from 16th St and Pennsylvania St (two blocks from where the murder occurred) to 34th St and Fairfield Ave.
  
12. Even though he admitted to selling drugs at 16th and Pennsylvania, Webster claimed never to have met Leon "Detroit" Benson or Dakarai Fulton, who were also selling drugs in that area and therefore his direct competition. Both Benson and Fulton have stated that they knew Webster on sight and by the name "Looney." (Fulton stated in a sworn declaration that he saw Webster in that area on the day of Schoen's murder just hours before it took place, that Webster was carrying a .380 pistol that day, and that he saw Webster shoot Schoen in the early morning hours of August 8, 1998).

13. Later in the conversation, Webster seemed to try to take back his earlier admission about where he dealt drugs saying, “I never fucked with Vietnam”—an apartment building also known as the Priscilla Apartments that is located between 13th and 14th Streets on Pennsylvania frequented by drug dealers. It is located approximately two blocks from where Webster *admitted* selling drugs. Webster stated, “I don’t even know why y’all put me down there.” In fact, it was Webster who put himself “down there.”
  
14. In the note to Det. Jones, Det. Randy West wrote that “Eddie aka Bo” saw Webster shoot Schoen in the head. Mr. Webster told Professor Bazelon and Ms. Nelson Keverer that he had never met or known anyone who went by the nickname “Bo.” This answer was obviously false. Webster testified under oath that one of his longtime “associates” in the drug trade was a man named Ezell Neville, whom Webster knew as “Bo.”
  
15. Specifically, in his sworn testimony in a federal trial in 2017, Mr. Webster was asked by the prosecutor about controlled drug buys that Webster made while wearing a wire involving one of the named defendants in the case. The prosecutor asked, “And who was the target for that controlled buy?” Webster answered, “Ezell Neville, a/k/a/ Bo.” Webster testified that he had known Bo for “probably about 12 years” and considered their relationship to be “associates” in the drug trade.<sup>1</sup>

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<sup>1</sup> A copy of the transcript of Joseph Webster’s testimony in that case can be made available for the Marion County Prosecutor’s review.

16. Professor Bazelon and Ms. Nelson Kever asked Webster if he knew anyone named Tameka. Webster said, “No.” That was false.

17. Later, the conversation turned to the Academy Apartments, which according to police reports, was a place Webster frequently sold drugs and where he had been arrested. At first, Webster denied knowing that the Academy Apartments existed. He said: “What the fuck is the Academy? ... Where is it?” After Professor Bazelon answered that the Academy was an apartment building a couple blocks from “Vietnam” (also known as the Priscilla Apartments), Webster said: “Maaaaan, if you don’t get outta here... I used to fuck with a bitch over there... It was a chick named Tameka.” Webster added—perhaps forgetting his previous false statement that he knew nothing about the Academy Apartments—that he “ha[d]n’t seen [Tameka] since the Academy.” He told us, “You wouldn’t know her. Trust me,” adding, “I was the only one that fucked with her.” He said he did not know Tameka’s last name.

18. Det. West wrote in his note to Det. Jones that his CI told him that “Eddie aka Bo” admitted to “Tameka Johnson in Apt. 109 of Academy Apartments 1350 N. Meridian,” that he saw Webster murder Schoen. Webster’s admission that he knew and “used to fuck with a bitch” named Tameka at the Academy Apartments tends to corroborate the CI’s information in Det. West’s note.

19. When asked if he knew Latasha Sheppard (who goes by the name Tasha), Webster first said “No.” Then he admitted that he, in fact, knew Latasha Sheppard and was in a

romantic relationship with her in 1998. Webster asked if we were “talking about the bitch [he] used to fuck with back in the day when [he] was 16 years old,” and added, “When I was 16 years old, she was a stripper.” He also admitted that “[he] knew Latasha had guns.”

20. Webster’s admission corroborates some of the information provided to the IMPD in two separate Crime Stoppers tips. The first tip, dated 8/25/1998 stated that Webster “lives with his girlfriend Latosha [sp.] Shepard [sp.]” and that the gun Webster used to murder Schoen was owned by Latasha. In the second tip, dated 8/26/1998, the caller stated “that Joe, boyfriend of Tashia [sp.] is the one who shot Kasey Schoen at 14th and Pennsylvania. The gun belongs to Tashia. Tashia works at the Sunset Strip as a dancer, her stage name is ‘Nasty.’”

21. After our inquiry about Latasha Sheppard, Webster asked, “[W]here are you going with this?” When we explained that we were simply trying to figure out who might have information about our case he said, “... You know what I think this is, I think someone has told you some shit that ain’t got nothing to do with nothing. Because there was a lot of hatred back then towards me, and I mean that’s it.” When we asked what he meant by that he said, “Man, it has been... it was always competitive [] a lot of people [sold] dope... people would put me in so much shit – so much *faggot ass shit* – people put me in all kind of shit.” (Emphasis added.)

22. At that point in the call, we had not specifically spoken about the victim in Leon Benson’s case or mentioned the police theory or any of the rumors that the victim might have been



gay. Webster denied that he used the phrase “faggot ass shit” intentionally to refer to the shooting of Kasey Schoen, saying instead that he “sa[id] ‘faggot ass shit’ because it’s dumb to me [that people were accusing me].” Later in the conversation, Webster claimed to be “an advocate” for the LGBTQ community. He stated that his brother was gay and “I love my brother to death.” He said that he learned his brother was gay when he was 2 or 3 years old, which would have been in the 1982 or 1983 (Webster was born on July 9, 1981). When Professor Bazelon expressed surprise that Webster’s brother would have come out of the closet at a time when homophobia was rampant and “it was a big deal to come out” back then, Webster replied “No it’s not.”

23. Unprompted, Webster told Professor Bazelon and Ms. Nelson Keever that he has been accused of committing three separate murders, including the murder of Kasey Schoen. Webster mentioned a woman whose body was found in a dumpster, a second murder near 21st St and Bellefontaine Street, and a third murder “down on 16th or some shit,” which we took to mean the murder of Kasey Schoen (since Webster made clear that he knew he was a suspect in that crime).
24. Webster stated that he knew about these murders, including the murder of Kasey Schoen, because he “was a very known guy down there. I always know [*sic*] what was going on there even when I wasn’t down there [near 16th St and Pennsylvania St].” Then, moments later, he backtracked, saying, “...I don’t know nothing about all that other shit. I really don’t. I wasn’t down there. I heard about the shit, [but] I wasn’t down there. It is what it

is.”

25. Professor Bazelon asked him, “Why do you think people keep accusing you of murder?”

Webster answered, “Maybe because I’m a non-likeable kinda guy, maybe I’m somebody you can pawn something off on because I don’t say shit.” Webster turned federal informant following his arrest in 2016 and testified against Neville to work off his own drug case, which belies his assertion that “I don’t say shit.”

26. Webster recalled that he was questioned by police in connection with one or more of these

murders. He said: “I don’t remember [the detectives’] names; it was so long ago. They came to Westfield and told me about some shit. They knew I didn’t have nothing to do with this. That’s when they asked me about the murder over on Bellefontain [*sic*] and they knew that I didn’t have nothing to do with it. They wanted me to get a lot of time—I got eight years or some shit—and they asked me if I had information about the shit on Bellefontain and they showed me some pictures and I said, ‘I wish I could help you, but I don’t have any information.’ Then they came to me about this shit on Timex [phonetic] with the hitman. ...”

27. Webster also denied knowing Sherretta Smith, Kenneth Brookings, Donald Brooks, or

“Jamie” at the Academy Apartments.

28. When asked why he had the nickname “Looney” he said, “I’m silly. I’m funny. That’s a

part you will never get to know. I’m funny.” Webster alleged that there were three or four

“Looneys” in the Indianapolis area in 1998, but no one who went by the nickname Bo. Other people we have asked about Looney’s nickname, including his admitted longtime “associate” Ezell “Bo” Neville told us that he got the nickname because he “a lil young wild dude” who was “always fighting.” Carol Knight, who lived in the St. Regis apartment building at 14<sup>th</sup> and Pennsylvania, also said substantively the same thing.

29. Webster initially stressed that he did not “have no knowledge about no guns at all... I was scared as fuck of guns. I’m still scared as fuck of guns right now... I was shot [back] then, but I have never fucking shot anybody.” When Professor Bazelon mused that “Latasha had a couple .380s around that time,” Webster replied, “Man, what the fuck... what the fuck [would] I look like carrying a .380?” When Ms. Nelson Keever pointed out the Webster had been arrested in July 1998 carrying a .380, Webster paused and said “Damn, how did y’all know that? I got locked up pl . . . daaaaamn that lil Jennings .380.” He also said he had an AK-47.

30. Webster stated that he did not know that Latasha Sheppard reported her .380 handgun stolen in August 1998.

31. Webster stated that he was not concerned about losing legal custody of his children in the event that his estranged wife Rodneisha McMillan (Webster) serves him with divorce papers, in fact he was happy to “get rid of” his family. He said: “Listen, I don’t care if you do [give her my address], please, because like I said, I’m about to get rid of her and them

kids.” He also said, “I’m gonna hand over my kids and divorce my wife.”

32. Approximately 30 minutes after ending the first call with Mr. Webster, he called back. He sounded angry again and reiterated that he was troubled by the fact that we had shown up at his home unannounced. He demanded our names and addresses. Professor Bazelon and Ms. Nelson Keever told Webster that he already had our names and phone numbers, including my business card, and that we would not be providing our addresses.

I swear under penalty of perjury that the foregoing is true and accurate to the best of my knowledge and belief.

Date:

8/22/22

A handwritten signature in black ink, consisting of a stylized 'E' followed by a long horizontal line that ends in a small flourish.

Eric Mason