

EXHIBIT D

AFFIDAVIT OF WILLIAM ACOSTA

Affidavit of William Acosta

1. My name is William Acosta. I am a licensed private investigator. I am retired from the New York City Police Department.

Bullet Casings

2. On November 21, 2012, I reviewed spent bullet casings that were recovered from the April 28, 2012 crime scene located at 305 W. Market Street, Greenwood, Mississippi.
3. The members of the Greenwood Police Department, including Detective Jeff Byars, represented to me on November 21, 2012 that the spent bullet casings I was reviewing were all of the bullet casings that were recovered from the crime scene.
4. Based on my education, training and experience, the weapon that Keaira Byrd allegedly fired in Lee Abraham's office on April 28, 2012 uses a 9mm cartridge.
5. My November 21, 2012 inspection of the spent bullet casings recovered from the crime scene revealed that there was not one single 9mm spent casing provided to me for inspection at the Greenwood Police Department.
6. In the April 29, 2012 "Statement of Underlying Facts and Circumstances", Detective Jeff Byars claims under oath that on his information and belief, there was an exchange of gunfire after Keaira Byrd fired at the officers.
7. Based on my education, training and experience, and based on the representations made to me by the Greenwood Police Department on November 21, 2012, it is my opinion that Keaira Byrd did not fire a shot in Lee Abraham's office on April 28, 2012.

"Speakerphone" Claim

8. In the April 29, 2012 "Statement of Underlying Facts and Circumstances", Detective Jeff Byars claims under oath that on his information and belief, Derrick Lacy overheard a phone conversation over a speakerphone between Dr. Smith and Keaira Byrd.
9. In the alleged speakerphone conversation, Detective Byars claims under oath that on his information and belief, Derrick Lacy "...overheard a phone conversation, on speakerphone, between Byrd and Smith, in which Smith offered Byrd \$20,000 to kill Abraham."



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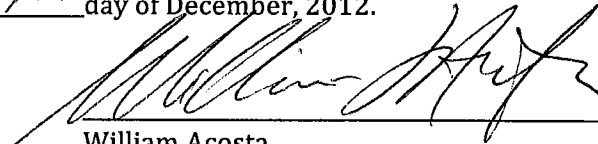
10. I reviewed the transcript of Derrick Lacy's April 28, 2012 statement that he allegedly gave at the Greenwood Leflore Hospital. According to the transcript of Derrick Lacy's statement, Mr. Lacy never claims to have overheard a conversation between Dr. Smith and Keaira Byrd over a speakerphone.

11. Based on my education, training and experience, if Derrick Lacy told law enforcement officers that he overheard a conversation on a speakerphone, the purported statement by Lacy would appear in the transcript of that interview.

12. Based on my education, training and experience, it is my opinion that, based on the transcript provided to the defense, Derrick Lacy did not make the "speakerphone" claim that is set out in the April 29, 2012 "Statement of Underlying Facts and Circumstances".

13. If the state provides additional evidence relevant to my opinions, I will review that evidence and, if necessary, inform the court of any changes in my opinions as set out in this Affidavit. If I have overlooked and later discover anything in the discovery provided to the defense that changes my opinions, I will inform the court of any changes in my opinions.

Sworn and subscribed, this 17th day of December, 2012.



William Acosta
Licensed Private Investigator

State of New York

County of New York

Personally appeared before me, the undersigned authority, the within named William Acosta, who stated on his oath that the matters, facts and things in the above "Affidavit of William Acosta" are true and correct as therein stated.



Notary Public

My commission expires:

2/22/15

CHANNAH R. SOLOMON
Notary Public, State of New York
No. 01SO6236162
Qualified in New York County
Commission Expires 02/22/2015