

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 DAVON LYMON, ) 1:15-CR-04082  
 )  
 Defendant. )

**AFFIDAVIT OF MICHELLE CARLINO-WEBSTER**

COUNTY OF BERNALILLO )  
 ) ss.  
 STATE OF NEW MEXICO )

I, Michelle Carlino-Webster, state as follows:

1. I am competent to provide the testimony stated herein. I am over the age of eighteen (18) years and give the facts stated in this affidavit of my own personal knowledge.
2. I was married to Daniel Webster for almost six years until he died on October 29, 2015 after receiving a gunshot wound on October 21, 2015.
3. My husband was a police officer who died in the line of duty after Defendant Davon Lyman, a felon who was prohibited by law from possessing a gun, allegedly shot him during an arrest. He was shot six times, and one of the shots severed his carotid artery. This gunshot wound was ultimately fatal, and my husband died from his wound days after he was shot.
4. After being shot on October 21, 2015, my husband never regained consciousness.



5. My husband was wearing a lapel camera when he was shot as part of his duty as an Albuquerque Police Officer. The audio-visual footage from his lapel camera captured the shooting and, along with it, my husband's struggle for his life.

6. The video from Walgreens, the helicopter footage, and the recording of Mr. Lymon's post-arrest statement all provide graphic audio and visual depictions of my husband's murder and Mr. Lymon's capture and arrest.

7. These recordings show the horrific events. They show my husband's bloodied body, show his fear, show him struggling for his life, and show him losing consciousness which he would never regain. In these recordings, you can hear my husband's last words, the fear in his voice, and his struggle to breathe as he is dying.

8. This footage haunts me. It taints my memories of him. Instead of remembering his laugh or his voice as he spoke to me, I hear the fear in his voice as he called for help. I hear him desperately trying to breathe. Instead of picturing the strong, brave, vital man I married, I see images of him in pain and in fear.

9. When I see and hear this footage, I desperately wish I could help him. Primal feelings of anguish and desperation grip me. And I feel utterly helpless knowing that there is nothing I can do to comfort him, to change his fate, or to protect him. I feel extremely anxious as I watch the horrific events play out in real time. The sorrow is unbearable.

10. Seeing the audio and video footage from the crime is a revictimization. It opens the wounds I carry as a result of his alleged murder because I am literally seeing it happen. Seeing this man who I loved struggle for his life is heartbreaking. It is too much to bear. And it does not get any easier to watch.

11. I am undergoing therapy to deal with the grief and trauma of this tragedy. Having to see it again and again is very difficult for me and impedes my ability to heal. I have nightmares and repeatedly see and hear images of his death in my mind.

12. Not only does it hurt me, but it also robs Daniel of his dignity. Instead of showing the proud, strong, courageous officer he was, it shows him at his most vulnerable moments—the moments when he is afraid and struggling for life. If the general public sees this footage, they will only see the worst minutes of his life, and that is how they will know Daniel Webster. He would not have wanted that to be his public image, and I do not want that for him either. I want the public to remember the man he was.

13. It is also extremely important to me that Daniel obtains justice in any future trial. This means that any trial Mr. Lymon faces must be fair. As a police officer, I am aware of the way the criminal justice system works. I know that release of these videos has the potential to taint the jury pool and thereby hinder a trial. It is important to me that the trial is not compromised in any way, and that means keeping this important evidence out of the public.

14. Because I have a strong desire to see that justice is served, I realize that these recordings are necessary in any trial Mr. Lymon faces. However, having these gruesome recordings played in a trial for a limited audience as evidence is very different than having them to be released to the general public and aired for all to see on television, the internet, and all other forms of media.

15. When these recordings are played in trial, I know that they are serving the greater purpose of taking a dangerous man off the street and bringing my husband justice. I also know that they will only be played when necessary and will not be seen by the public at large.

16. In contrast, if they are released publicly, they can be played for any purpose as often as the public wants. They can be posted on Facebook, Youtube, and played on every media outlet. It would open my husband's murder to the venom of internet trolls and cruel commentary.


17. Additionally, I have been approached by people who want to use my husband's death to further their own political agendas. Public release of these recordings would allow these people to do exactly that.

18. Releasing these recordings to the public means that I cannot avoid seeing or hearing my husband's death. I could be driving in my car when the audio recording of Mr. Lymon's statement plays on the radio. I could be sitting in a restaurant with a television when the lapel camera footage airs. I do not want to live my life having to worry about shielding myself from these traumatic recordings.

19. I also want to preserve Daniel's dignity and his memory, and I cannot do this if the graphic imagery and sounds of his death and his pain are foremost in the public's mind.

20. Some events are personal and private, and I can think of nothing more personal than my husband's last horrible moments. Releasing these recordings would be a painful invasion of my right to privacy.

21. I sincerely hope that this Court will seal these audio and visual recordings.

  
Michelle Carlino-Webster

Subscribed and sworn to before me this 3<sup>RD</sup> day of November, 2016 by Michelle Carlino-Webster.

Carol Smith  
Notary Public

My commission expires:

5-6-18