

CAUSE NO. 19,058-A

EX PARTE DESIREE SHAW

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IN THE DISTRICT COURT
159/217TH JUDICIAL DISTRICT
ANGELINA COUNTY, TEXAS

AFFIDAVIT OF JAMES R. BRUCE, M.D.

STATE OF TEXAS
COUNTY OF ANGELINA

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BEFORE ME, the undersigned authority, personally appeared JAMES R. BRUCE, M.D., who was sworn by me and deposed as follows:

"My name is JAMES R. BRUCE, M.D. I am over the age of 18 and of sound mind and I am not disqualified from making this affidavit. I have personal knowledge of the facts asserted below and am competent to testify to those facts."

"I am a medical doctor licensed to practice in the State of Texas. I am board certified in the specialty of pathology. I performed the autopsy on Eddie Royce Shaw, who died of a gunshot wound. I am attaching a copy of my report to this affidavit.


It is my understanding that Desiree Shaw has contended that Royce Shaw did not receive proper medical treatment from the emergency medical personnel who answered the call to the Shaw residence. Due to the nature of the injury of the gunshot, there was nothing that any of the EMT's could have done to change the result. The gunshot severed the spinal cord and damaged the brain stem. The victim, Mr. Shaw, would have been unable to breathe. His death would have resulted soon after receiving the wound. If Mr. Shaw had been in the hospital at the time he was shot, it is possible that his bodily functions could have been maintained artificially for a short period of time, but he would never have recovered from his injury.

In my opinion, Mr. Shaw would not have been able to move after he was shot. I understand that the gun with which Mr. Shaw was shot was found wrapped in a pair of underwear in which there was no bullet hole. It would have been impossible for Mr. Shaw to have wrapped the gun after he was shot.

In summary, the wound to Mr. Shaw from the gunshot produced a severe wound which in my opinion was shortly fatal. Further, there was no way in which such a wound could be successfully treated.

Ms. Shaw also complains that my testimony regarding the victim's blood alcohol content was misleading. I testified that the victim's blood alcohol content was 0.01. This is exactly the blood alcohol level that is reflected by the Texas Department of Public Safety toxicology report which is attached to my affidavit. The vitreous level tends to lag behind changes in the blood alcohol level. In my opinion, this has no significance as to my findings and conclusions or to my testimony which I consider to be accurate now as well as at the time I testified.

SIGNED this 14th day of April, 2003."




JAMES R. BRUCE, M.D., Affiant

SWORN TO AND SUBSCRIBED before me by JAMES R. BRUCE, M.D., on this the 14th day of April, 2003.



(Seal)



Notary Public, State of Texas