

CAUSE NO. 19,058-A

EX PARTE DESIREE SHAW

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

AFFIDAVIT OF CHARLIE HARRIS

STATE OF TEXAS
COUNTY OF ANGELINA

§
§

BEFORE ME, the undersigned authority, personally appeared CHARLIE HARRIS, who was sworn by me and deposed as follows:

"My name is CHARLIE HARRIS. 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."

"On reading the petition of Desiree Shaw, Petition for Habeas Corpus, there are several allegations made by Shaw against my actions on the morning of her husband's death and subsequent investigation. Many complaints are made against her attorney, Mr. John Heath. After completing my investigation and prior to trial, the Texas Ranger, Don Morris, and I met with Mr. Heath and his investigator at the office of the Angelina County District Attorney. I brought all the physical evidence and my investigation file to this meeting. Mr. Heath and his investigator were shown all of the evidence in this case and given an opportunity to ask questions about the investigation. Ranger Morris and I answered all of the questions of Mr. Heath. We were questioned about the source of the evidence, how it was obtained and the chain of custody for the evidence. My investigation file, which Mr. Heath was given an opportunity to review, contained the names of the persons interviewed in this case. I did not withhold any facts from Mr. Heath relating to my investigation and I believe he was given a fair and full disclosure of the evidence against his client prior to trial.

I would like the court to know that as the primary investigator in the Shaw case, I used basic investigative techniques to work the case from start to finish. At no time did I ever attempt to cover up any favorable evidence to the defendant in this case. As an investigation is undertaken, the evidence determines the direction of the case and is done in a logical manner. At the time of Royce Shaw's death, I was a Lieutenant in the Diboll Police Department and acted as the department investigator. I have been a peace officer since 1980 and hold a Master Peace Officer Certificate as well as an Instructor's Certificate from the Texas Commission on Law Enforcement Standards. I have attended numerous investigation schools and courses.

I was not on duty at the time of the initial call to the Shaw residence. I was summoned to the scene as the department's investigator. When I arrived, paramedics from the Lufkin Police Department as well as first responder Emergency medical technicians of the Diboll Fire Department were already on the scene. It was evident that Mr. Shaw died as a result of a gunshot wound. I observed Mrs. Desiree Shaw sitting on a couch in her home and visibly upset about her husband's death. I suggested that she be taken to a neighbor's house. I was never upset or angry with Mrs. Shaw. I asked Officer Eddie Matthews to obtain a voluntary statement from Ms. Shaw about the events that preceded the shooting.

I began to process the crime scene including bagging the hands of the victim to preserve any evidence that may be on his hands. I considered whether the gunshot was as a result of a suicide or murder by another individual. I looked for a suicide note and there was none. As the investigation progressed, it appeared to me that the death scene had been tampered with. The firearm that was lying beside the victim had been secured and wrapped in a pair of underwear. I videotaped the removal of the firearm and unwrapping of it by Officer White and found that there was not a bullet hole in the underwear, which raised a question in my mind as to who had wrapped the firearm and that it had to have occurred after it was fired. The DPS laboratory conducted exhaustive tests on the firearm, both wrapped and unwrapped, and concluded that our beliefs and findings regarding that the firearm was wrapped in the briefs after it was fired.

After the autopsy was performed, it was learned that due to the injury of the victim's spinal chord, it would have been impossible for the victim to have shot himself and then wrapped the firearm up in the underwear. This led officers to believe that the defendant had then tampered with the scene in some manner, all of which she denied at every opportunity. On having the victim's hands tested by the use of an Atomic Absorption Analysis kit, it was determined that the victim did not fire the pistol. Tests by the DPS laboratory, after firing the same pistol in test, confirmed our beliefs.

Other statements made by the defendant about her marital bliss soon evaporated in a deluge of unsolicited statements made by the victim's co-workers, friends, and a girlfriend that the victim would be filing for a divorce in the next few days. The defendant continued to stand by her statements even as officers learned of an affair between the defendant and a former patient that was ongoing up to the night of her husband's death, and immediately afterward in which she solicited her boyfriend, Jerry Hilbun, to give false testimony to an Angelina County Grand Jury. This relationship between the defendant and Jerry Hilbun was documented by phone records, utility records, bank statement, Hilbun's parents, brothers, and sisters. Photographs given to investigators by Jerry Hilbun and eventually Hilbun himself, gave officers unsolicited writings to that effect and then sworn statements to that effect. Hilbun sought out officers for this effort in an attempt to set the record straight. I at no time threatened Mr. Hilbun in any way as he was not involved in any manner in the death of the victim, but was only a peripheral witness with knowledge of the case.

During the investigation, Mrs. Shaw was requested to meet with Ranger Morris and myself at the Diboll Police Department. She voluntarily came to our office to discuss the investigation and answer our questions. She provided her own transportation to the office and was always accompanied by another person when she came to my office. The meetings were conducted at my

office. During the meetings, Mrs. Shaw was not in custody. She was free to leave at any time and was allowed to leave when she finished talking to Ranger Morris and I. After her arrest, there were no further attempts to meet with or interview Ms. Shaw. After the autopsy, I met with Mrs. Shaw and discussed the results of the autopsy and Mrs. Shaw's mother was present. She was not arrested for the offense until I felt there was sufficient evidence supported by probable cause to support her arrest.


In short, the case was worked as all cases are by doggedly pursuing the clues at the crime scene and finding out what was going on in the victim's life immediately preceding his death. These facts taken together as a whole, led officers to conclude that the defendant was responsible for the victim's death. At no time did I uncover any evidence to support any other finding.

SIGNED this 24 day of March, 2003."



CHARLIE HARRIS, Affiant

SWORN TO AND SUBSCRIBED before me by CHARLIE HARRIS, on this the 24th day of March, 2003.



Notary Public, State of Texas

