

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 CHARLES EDWARD MATTHEWS

STATE OF TEXAS

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COUNTY OF ANGELINA

Came unto me this day, CHARLES EDWARD MATTHEWS, a person known and upon oath swears as follows:

"My name is CHARLES EDWARD MATTHEWS. I am over the age of 18. I have personal knowledge of the facts asserted below and am competent to testify to those facts."

"On August 11, 1996, I was working as a patrolman for the Diboll Police Department. At 0711, I was called respond to the residence of Eddie and Desiree Shaw. The initial call was that there was a gunshot victim. I arrived at the Shaw residence at 0712 and Officer Gary White arrived at the same time. The front door was standing open, we entered the home and heard a female screaming for help from the master bedroom. When I first entered the master bedroom, the victim, Eddie Shaw, was lying on his back on the right side of the bed as if he were sleeping and we could see a semi-automatic pistol beside him and a picture. The pistol was partially covered with underwear. His wife, Desiree Shaw, was on the right side of the bed, holding a towel to the victim's chin and stating "I need an airway". Officer Gary White went to the victim and began checking for a pulse on the victim's neck and later his arm. There was no pulse. I escorted Mrs. Shaw out of the bedroom with the assistance of Officer Fred Blakemore, who had arrived on the scene. About the time I escorted Mrs. Shaw out of the bedroom, a first responder EMT from Diboll Volunteer Fire Department was walking into the bedroom. Tony Holman was the first EMT on the scene and several other EMTs arrived shortly thereafter. In noted in my report relating to this incident that the EMTs arrived at 0713, a minute after I arrived, based on the dispatch log. Desiree Shaw was acting hysterical and did not appear to be in any condition to provide any assistance to her husband. I knew Ms. Shaw worked in the medical profession however she was not needed due to the presence of the EMTs. In her affidavit, Mrs. Shaw alleges that I forcefully removed her from the scene. I did not use "force" to remove her from the bedroom. Due to the fact that emergency medical personnel had arrived at the scene it was necessary to remove all unnecessary persons from the room. Because Ms. Shaw was the victim's wife and was extremely upset, I insisted that she leave the room which is consistent with standard procedures in such situations. Mrs. Shaw never told us to leave at any time or voiced any objection to the presence of the police or emergency personnel. After leaving the bedroom, I tried

to calm down Mrs. Shaw and assured her that her husband was being cared for by emergency personnel. Even though Desiree Shaw was visibly upset, she was able to respond to questions and directions and was fully in touch with reality.

I took Mrs. Shaw into the living area of her home and she began telling me that she had gone into the bathroom to take a shower because she was feeling ill. She said that her son Eddie, Jr. was in the bed with her and her husband at the time she woke up. She told me that she commented about the rain that was falling and the victim responded "We need it". She said she was in the bath tub trying to get it to drain after showering when she heard a noise like a tree limb hitting the house. Mrs. Shaw said it was thundering loudly and she thought the noise was storm related. She said it was dark in the bedroom and she asked her husband twice about the noise. Mrs. then went around the right side of the bed and again asked what was the noise. She then heard a strange noise like water running, she touched her husband and he felt clammy. She notice his nose was bleeding and took the towel from her hair and placed it on his nose. She said she ran her hand down his arm and felt his arm was wet. She then turned on the bedroom lights and blood is everywhere. She saw a hole in the victim's chin and the gun laying beside him. She screamed for her daughter to call 911. Her daughter, Candy, came toward the room and she told her daughter to get her brother and sister and to go to the neighbors house and call for help. She kept the towel on his chin to stop the bleeding. This information was voluntarily given by Desiree Shaw in her living room minutes after we arrived.

Lieutenant Charlie Harris, the Diboll Police Department Investigator, arrived at 0738 and took over the scene. The Diboll Chief of Police, Danny Ray, arrived soon thereafter. Around the time Lieutenant Harris arrived at the scene, I escorted Desiree Shaw to her neighbor's house, Johnny Archer, at 408 Birdsong, where her kids were located. I went back to the scene and Lieutenant Harris asked me to get a statement from Mrs. Shaw about what had happened that morning. I walked back to the Archer residence and asked Desiree Shaw for a voluntary written witness statement regarding the events prior to the shooting. Desiree Shaw agreed and wrote out a statement which is attached to this affidavit. I was beside her while she wrote her statement. I did not force her write the statement or tell Ms. Shaw what to say. The purpose of the statement was to determine the events prior to the shooting. Her written statement begins when she was in the bathroom, however while she was writing her statement, she also told me about taking a trip to Houston the day before with her children to visit someone in the hospital and her husband, Eddie Shaw, staying in Diboll. She returned from Houston around 0230 that morning and Eddie and her had a brief visit about her trip prior to going to bed.


At the time of this incident, I had been a peace officer for over ten years. Several things appeared to be a miss. When we first arrived on the scene, the victim was not bleeding or breathing. The blood around the victim's neck and body had started to coagulate. If the gunshot had been recently inflicted, I would have expected the blood to be flowing and no coagulation. Both Officer White and I had been trained in CPR and First Aid and there was nothing we or Ms. Shaw could have done to revive the victim. He was not breathing or bleeding due to the gun shot. Additionally, Desiree Shaw stated that she had been taking a shower and draining the tub at the time she heard a loud noise. Officer Gary White checked the tub that morning and the tub was dry. Officer White also checked the sink in the master bathroom and went through the house and checked the other bathroom and the kitchen and determined that the sinks were also dry and did not indicate any recent usage.

During the investigation, I listened to the 911 tape and Mrs. Shaw stated to the 911 dispatcher that she had to turn on a light. This statement was inconsistent with the written statement given to me that morning that stated she had already turned on a light to see her husband's condition before calling for her daughter to go next door with her children or calling 911."



CHARLES EDWARD MATTHEWS

SUBSCRIBED AND SWORN TO before me, the undersigned Notary Public, on this the
17th day of March, 2003.



Notary Public in and for the State of Texas

