

State of Texas, County of Anderson

BEFORE ME, the undersigned Authority, a Notary Public in and for said Anderson County, State of Texas, on this day personally appeared **Norban Gene Godwin** to me well known, and who, after being by me duly sworn, deposes and says that : I am Norban Gene Godwin a Sixty- five year old male. I live at Route 6, Box 6619 Palestine, Texas, Phone 903-549-2591. I was born in Brownboro in Henderson County Texas. I have lived between Athens and Palestine since 1953. I am a Farmer- Rancher.

My stepdaughter is Desiree Ann Shaw. The first time I saw her was when I walked into the old Bowers grocery store in Hudson, west of Lufkin, asking directions to her mothers residence. Out of the corner of my eye I was watching the reactions of a young girl that resembled my future wife at the dairy case. She came up to the counter and said, (you must be Norban Godwin.) Desiree was the first stranger that had ever pronounced my name correctly. Desiree has been impressing me ever since that day in 1975.

She finished school after marriage and worked at night to pay for nursing school. She had pride. She worked very hard for everything she had and over came many hardships to become a nurse, then rapidly advanced to become an oncology nurse. She has been commended many times. She inspires those around her to do there best. She always took time for her husband and her children. She taught her children manners, to achieve and do good.

In the middle of the night she answered calls to administer medical aid that others were incapable of. Most of the time this was without financial reward. She was the most dedicated skilled nurse in Angelina County. I could never have had a daughter that I would have loved as much as I love her.

I may be biased in many ways but at the moment we are stating facts. Desiree is a protector of life, she believes in saving lives not taking them. So therefore this is incomprehesable to me, mainly because of a patient named Jerry Hilbun in her home care unit that was intimidated and harassed and under duress made false statements about Desiree. This mental patient testified as the main witness on the grand jury that indited her. Detective Charlie Harris and Texas Ranger Don Morris went to his apartment many times to accomplish this goal.

I believe the death scene was destroyed by the Diboll Police Department.

My son-in-law Royce Shaw brought his firearms when he came to visit. Guns have been my hobby for well over thirty years and I have reloading equipment. He was proud of his guns and he loved to talk about them. He kept them well oiled and maintained and kept his hand guns wrapped in oily discarded underwear and rags in order to ward off finger prints that can cause rust. Fingerprints leave salt. This is a good method to prevent rust.

During the trial, Mr. David Wilson asked Mr. Russell Johnson, who was employed as a firearms and tool mark examiner for the D.P.S. Crime Laboratory in Austin, were you ever able to reproduce the phenomenon of a spent shell casing being left inside the weapon? Yes sir. Anything that would provide some resistance to that slide, enough resistance to that slide to impede it going backwards all of the way.

If you have ever owned an automatic weapon you will find it will jam sooner or later. The reason being is that it operates on pressure and pressure varies in factory ammunition because of automatic loading procedures. Therefore it is not a phenomenon, when an automatic jams. It was a short load in the cartridge because it did not exit Royce's neck plus it did not eject the cartridge case from the gun. Being that bullet was just lead, not jacketed, means that it was from a cheaper line of ammunition.

Mr. Heath was reading and not paying attention to Mr. Johnson's testimony. To have read the witnesses statements prior to the trial would have produced a valid defense. He made no objections thus allowing Mr. Wilson to put this phenomenon several times in the record and as a fact to the jury.

The jury asked for the gun report in their deliberation.

Royce Shaw shot himself with a 9 MM RUGER P85 Automatic Pistol. This weapon has been recalled from Sturm, Ruger & Co, Inc. because of a broken firing pin, which caused the pistol to fire as a result of decocking. Sturm Ruger & Co. is prepared to eliminate the potential danger by installing a new safety / decock system free of charge. If the firing pin had to be broken for it to fire when decocking this would mean the gun could not fire again without first replacing the firing pin. This is not the case or they would not be replacing the complete safety /decock system, instead of just replacing the firing pin. This crucial information was never brought up during the trial.

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Mr. Heath was over confident and to me he was talking way over the jurors

heads. I Never talked to Mr. Heath before the trial other than being introduced and have not since. After the State rested, he ushered Desiree, my wife and myself to the back of the courtroom. He said I don't want any outbursts, this is what I propose to do. The State has not proven it's case and I am going to rest. My wife immediately spoke up and said (no, absolutely not, you need to put on witnesses to straighten out all these lies.) That wasn't what he wanted to hear. He seemed to be in a hurry to get it over with. Desiree looked stunned, she was quietly shaking her head no. He ushered her out of our presence and when they returned he rested.

Dr. Bruce could not decide between suicide or homicide, the California expert Mr. Prodan, came to the same decision with the exception of saying if the alcohol level of the victim was higher, that accidental could be a possibility. The fact that these two men could not come to a decision of Suicide or Homicide proves that it could just as easily been suicide or accidental not homicide. I have never saw a picture of a wrapped gun. The pictures in the statement of facts clearly show a gun lying on top of a pair of shorts.

The fact that he was on pain medication along with his high alcohol content was never given in evidence. Floyce was under a lot of stress during the last few years of his life and he had just undergone another surgery.

I ask this court to do what is right and find that Mr. John Heath was ineffective The evidence in this case was not legally or factually sufficient to warrant Desiree's conviction. Therefore this non defense, this non investigation by Mr. Heath and his unethical conduct compel's us to find that this injustice must be reversed. Further the Affiant saith not.

John Gene Gadsorn

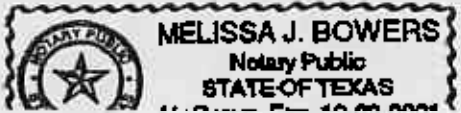
Subscribed and Sworn To Before Me, this 17 th of September 2001

My Commission Expires: 10-23-2001

Melissa J Bowers

Notary Public in and for the State of Texas

Notary's Printed Name



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