

Johnny Weaver
219 ACR 467
Palestine, Texas 75803

US District Court
Eastern District
104 North Third
Palestine, Texas 75901

RE: Shaw vs Dretke, No. 09:05cv32

Honorable Judge Guthrie:

I am the brother of Desiree Ann Shaw, TDC # 769352, whose post conviction petition is before your court to address equitable tolling of the Antiterrorist Effective Death Penalty (ADEPA) statute of limitations.

I am an eye witness to incidents, prior bad acts, facts, proceedings, and requests and processes related to this case. I can attest to the fact that my family attempted to retain a post conviction writ attorney, in good faith, who failed to fulfill his professional obligations to prepare a writ timely, present it to the court timely, and failed to follow its process according to statutory law after it was filed. Little did we know that Mr Burns wasted three years of my sister's precious statutory time to file her petition in federal court. We relied on the experience and expertise of Mr Burns. Desiree used substantial diligence to communicate with Mr Burns, requesting reasonable information, and asked us to call him to follow-up, but he failed her miserably.

Further, I can attest to Desiree's reports and evidence of her attempts to obtain records and evidence from Angelina county for almost a decade that would have made a difference in the case, such as resolving factual disputes and developing the record.

Thank you for your time and consideration,



903-549-2975
12/12/05