

The State of Texas, County of Angeline Trinity

BEFORE ME, the undersigned, a Notary Public in and for said County, State of Texas, on this day personally appeared Debra L. Sumrall

to me well known, and who, after being by me duly sworn, deposes and says that

My name is Debra L. Sumrall, I reside at Route 1, Box 106 E, Applesprings Texas 75926, my phone number is 409-831-2568. I am self employed as a book-keeper and income tax preparer.

I've known Desiree Ann Shaw since 1964 when we started first grade together at Hudson School. We have been best friends for thirty-five years. We grew up together and we had two sets of parents, hers and mine.

We went through twelve years of school and graduated together and have stayed in touch all through our lives. We've been together when all our children were born, thru all of our joys and sorrows, like when my dad passed away, during the last ten months of his life, I wouldn't have made it without Desiree, she was there as a best friend and a nurse. I remember one occasion when three nurses tried and failed to put in an IV needle in dad and I asked them to please stop and then called for Desiree, she came immediately. Daddy told her to go ahead and put it in that he was use to the pain. Desiree softly patted his arm and said its already in, pa pa.

Desiree had put the IV in without any trouble or pain. She was there both on and off duty at Memorial Hospital supporting us. Then one year later my dads sister went into Memorial also with cancer, Desiree was there as always doing every thing she could to help. Desiree is a person that saves lives and eases lifes pains; not a person to cause or to take a life. Desiree and I spent a lot of time together after Royce's death and I could see the pain and loss in her eyes and I could hear it in her voice, because I've been there. When you've lost someone you love you can connect with another persons loss. Then when Desiree fell under suspicion, her pain and grief was doubled. I was with her, so I know. Desiree was puzzled that anyone could believe that she would do such a horrible thing, and so was I. I was with her through the trial.

The law, John Heath, the investigation, and the trial was all a terrible injustice. First it was the picking of the jury. Desiree called and said John Heath told her he was going to be late and that he asked would Johnny and Sharon Weaver, and I make notes on the perspective jurors and that he didn't want Desiree there until he arrived. John Heath's brother Jimmy Heath, I suppose, was to represent Mr. Heath in his absence, Jimmy sat in the jury box, he didn't take one note; how could he without a pencil, pen or paper. We looked over at Jimmy and he had fallen asleep with his head resting on his elbow, after a long while, suddenly the elbow slipped and he woke up. We were trying the best we could to get the potential jurors numbers and when we failed to get their numbers we wrote the lady in the red dress and the man in the blue shirt, things of that nature to be able to remember who said what. Mr. Heath arrived and guided Sharon, Jimmy, Desiree and I into a room and said, "well what do you think? Read me what you have". After lunch Mr. Heath asked us to continue to take notes and he explained he wanted to compare notes again. I was in shock because Desiree was charged with murder, and the most important thing in my mind was the selection of the jury. This is her life we're talking about and I just couldn't believe the lack of professionalism Mr. Heath was exhibiting.

The trial started and things went wrong from the beginning, Mr. Heath did nothing to show she was innocent; during the trial he was confused and called people by the wrong names and at recess I went to express my concern and he replied, "mind your on business" and I told him this was my business, this is serious, she's my best friend, she's charged with a murder she didn't commit, then Mr. Heath kept saying over and over Desiree was innocent, there is nothing to worry about. Desiree is innocent.

I never saw or talked to Mr. Heath or any one from his office prior to the day the trial started.

There was a witness for the state that I new personally as a friend of my first husband, his name is Steve Smith. When I was pregnant in 1979 he came to our home while my husband was away with the intentions to rape me, my neighbor knocked on my door and saved me, he left but not before threatening me. I was young and afraid. Mr. Smith has a very sadistic opinion of women, he said that God put women on the earth for men to use. He was a bad influence with his drinking and gambling on my

Exhibit "Z"

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husband, and our marriage ended in divorce. On the witness stand Mr. Heath could have destroyed his credibility. Mr. Smith fumbled in his testimony and had to be prompted by assistant district attorney David Wilson III, I know Mr. Smith as a liar, a thief, and an immoral man. It was hard for me to understand how this man's testimony could be given as the truth of the matter. If Mr. Heath would have investigated him before the trial began, I do not believe he would have been aloud to testify. Mr. Smith violated the rule and discussed the case with other witnesses about their statements.

There was another witness by the name of Ruth Oates testified in the court transcript on page 244 line 8 (Her hair was combed. She looked like I thought she had makeup on personally, then line 21 (Looked like she had mascara on and just very neat looking. Her hair was well combed.), then on page 245, line 2, (I took my gloves off at the time and I was trying to comfort her but her hair was dry underneath. I was patting her on the back and the hair was dry underneath. It was wet on top but so was her top) Line 9 (Her hair was very —had a perm in it, so it was very thick and long, you know, I could tell that underneath was dry and I just thought that was unusual for just washed hair.)

Desiree did not have a permanent and she did not wear makeup or mascara and more important one of the two first officers on the scene, Officer White testified on page 26 line 12 (Desiree's hair was up and it was damp.) Mr White also testified on page 26 line 25 and on page 27 line 1 and 2, (I noticed her several times running her hand, like a nervous type reaction, running her hands through her hair.) and on page 26 line 4 (he was asked how long after he got there had you checked the shower?) line 6 (It was probably within twenty or thirty minutes.

There would be no conceivable way Ruth Oates could have patted her hair underneath or known how long and thick or permed because Desiree's hair was (up) and damp. Desiree's running her hand or fingers on the top of her wet head surely wouldn't look combed, besides she's had that habit when she was upset ever since I've known her. When we were kids taking tests in school, I would plink her on the head with a pencil and say stop that. Desiree's children knew she didn't wear makeup and had this habit.

Ruth Oates also violated the rule and was discussing the case with other witnesses,

Mr. Prodan the States expert from California suggested to the jurors, that Desiree running her hands through her wet hair would have been able to wipe off gun powder residue. Why would there be powder burns or residue on the palms of her hand; isn't the palm closed around the gun handle? Desiree would have had to turn her hand upside down to wipe the back of her hand or hands free of residue.

Desiree had an atornic absorption test given and it was negative. The most important thing in Mr. Prodan's testimony to me was his subconscious mind trying to answer Mr. Wilson honestly when he said (the wound in and of itself is just consistent with suicide or accident), then Mr. Prodan corrected himself and said (I mean, suicide or homicide, not an accident.) page 187, line 12 & 13.

John Heath, with the states own witnesses, especially the four drinking buddies could have answered the untruths that created many of the doubts in the jurors minds. He didn't know what half of the witnesses were going to say because he hadn't done his homework. If Royce had wanted a divorce, Desiree would have told me and she didn't.

This is scary to know that this injustice could happen to anyone of us at any time; and now makes me wonder how many more innocent are in our prisons today. I pray that this court will have mercy and make the right decision and send Desiree back into our lives.

Further the affiant says not.

Sasha Sumrell

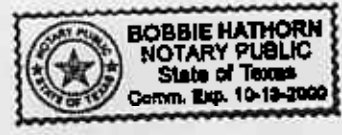
SUBSCRIBED AND SWORN TO BEFORE ME, this 29 day of November, 1999

Bobbie Hathorn

My Commission Expires 10-13-2000 Notary Public in and for the State of Texas

Notary's Printed Name

Bobbie HATHORN



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