

Affidavit of J. Stephen Cooper

In the Criminal District Court No.3

Dallas County, Texas

DARLIE LYNN ROUTIER

No. F96-39973-MJ □□□□□□□□□ IN THE CRIMINAL

DISTRICT COURT

NO. 3 OF

DALLAS COUNTY, TEXAS

Second Affidavit Of J. Stephen Cooper

BEFORE ME, the undersigned authority, on this day personally appeared J. Stephen Cooper, who, being duly sworn on his oath, stated the following:

"My name is J. Stephen Cooper and I am competent to make this affidavit.

"I am the attorney of record for the Appellant in this case styled Darlie Lynn Routier v. The State of Texas under case under 72, 795 now pending in the Court of Criminal Appeals. The trial court was the Criminal District Court No. 3 of Dallas County, Texas, Case No. F96-39972-J.

"Beginning in January, 2002, I have made several requests of the Court and/or the Dallas County District Attorney's Office for access to evidence in this case, both items admitted into evidence at trial and items which were not placed in evidence.

"Pursuant to a court order, on or about February 21, 2002, I was granted access to several State's exhibits for the purpose of allowing my forensic expert, Ed Hueske, to visually inspect the items. Thereafter, I was provided by the State with photographs of a pair of bloody blue jeans in the custody of the Rowlett Police Department but I was denied by the State my request to permit Mr. Hueske to visually inspect the jeans.

"Following the receipt of Mr. Hueske's preliminary analysis of the items he inspected together with other materials he reviewed, Mr. Hueske advised

of specific scientific examinations or tests he recommended to investigate further potential claims for Appellant's writ of habeas corpus.

"I subsequently spoke to both Libby Lange and John Rolater, assistant district attorneys, and requested they permit these further tests and my requests were denied. I then filed, on May 29, 2002, Appellant's 'Petitioner Darlie Lynn Routier's Expedited Motion For Access To State's Physical Evidence.'

Following the Court's ruling on this motion 8, 2002, I spoke with John Rolater and requested that my expert be permitted to inspect in the district clerk's office State's Exhibit No. 25 (Appellant's bloody T-Shirt). My expert would only use one or more microscopes and possibly photographic equipment without causing any destruction or alteration of the exhibit. I asked that this be done on July 11, 2002, and again this request was denied by the State."

[signed]

J. Stephen Cooper

SUBSCRIBED AND SWORN to before me on this the 12th day of July, 2002

[signed]

Notary Public, State