

AFFIDAVIT

STATE OF TEXAS

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COUNTY OF TARRANT

BEFORE ME, the undersigned Notary Public, on this 18th day of OCT., 2003, personally appeared JAMES COREY ADAMS, who being sworn by me on his oath, deposed and said the following:

I am the Barton Gaines' stepfather; I have known Bart for 12 years. Bart has never shown any hostility, violent actions, attitude, or disposition "what so ever". Because I am a Fort Worth Fireman, the police called me the night they arrested my son. I was in shock and in disbelief. I keep asking them, are you sure, it is my son!

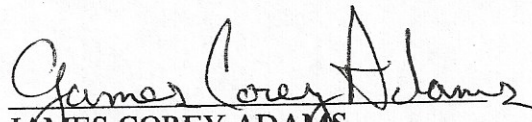
Bart has been known to be slow mentally by close family and friends, but never violent. A little over 2 weeks before this incident, Bart's mother, and grandmother was finally able to get him into Texas Rehabilitation Commission. Were Bart was given a serious of test by doctors. He was then put on a Prescription Paxil, an SSRI drug.

Saturday, before he this happened through the Sunday he was arrested, I noticed Bart exhibiting a different behavior. Some peculiar and silly behaviors, I asked Bart if he felt all right. He replied, "I feel great", but I was still very confused about the behavior I was seeing. Bart was sleeping less, everything seem to be in high gear, just wired and could not sit still or carry a conversation for any link of time. Once Bart was arrested, his mother and the attorney drew up a Power of Attorney, because we could see he was not competent to handle his own affairs or make decisions for him self. His mother, grandmother, and I then went to Texas Rehabilitation Commission to see what was in the records from him having been sent to a Psychiatrist, and had a psychological test done. We all 3 were sat down with the manager of that office. as she explained the results of the testing in layman's terms, so that we could understand, we were told that his IQ was on the low end 84, he had dyslexia, ADHD, major depression, and that this person was not even employable at the moment and should not even live alone, that he was not capable of making decisions in his best interest, for not fully understanding everyday issues and consequences. This saddens us tremendously, not only was he arrested for something horrible, but to learn that our son had so many issues to deal with on top of this. I might have paid more attention to his behavior more, especially after being put on a new drug.

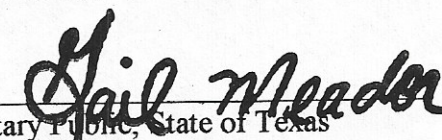
The bizarre behavior continued while he was in jail at Tarrant County awaiting trial. The family informed our concerns to the attorney, but he always seem to blow them off, saying things to excuse the behavior. But the behavior did stop once my son winged himself off the meds. This was not until it was too late and he had already been sentenced. When he came back on the appeal, it was like looking into very different persons eyes. The change from coming off the drug was shocking. This leaves me only one conclusion. I believed the doctors testimony at court when he said, my son had a psychotic manic episode. Bart will always be slow, but he in my opinion should have been able to understand what was happening to him at his own trial, been able to play a part in defending himself. This includes having an attorney that should have believed the family, when others and we said he did not understand what was happening, all the way until the night before the trial. Bart's attorney even talked to the family, to see if we could

convince Bart to plead guilty just a few days before the trial. Then visited him and told him the family and I talked and agreed for you to plead guilty. At the trial, he had his assistant attorney nod his head when to answer and say what he had been rehearsed to say.

I truly believe my son should have been evaluated to see if he was competent to stand trial.


JAMES COREY ADAMS
1081 Edgewood Trail
Benbrook, Texas 76126

SWORN TO AND SUBSCRIBED BEFORE ME, this 12th day of OCT.,
2003, to which witness my hand and seal of office.


Notary Public, State of Texas

