

AFFIDAVIT

STATE OF TEXAS

COUNTY OF FANNIN

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BEFORE ME, the undersigned Notary Public, on this 10th day of Oct., 2003, personally appeared JASON TUCKER, who being sworn by me on his oath, deposed and said the following:

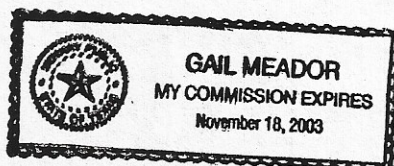
Before BARTON RAY GAINES was put on Paxil for depression, he was a very quiet person; he was also very shy around people. However, he was also kind hearted and generous to all. Most important he was a loyal friend. Barton would have never done anything to hurt anybody intentionally.

After he started Paxil, I noticed he seemed to very irritable. He was agitated most of the time. Everything seemed to set him off. On the day of the shooting, he was acting very crazy! He could not seem to focus on reality, as if he had lost it or something. He was not thinking or caring about any of the consequences of his actions.

For the seven years I have known Bart, I have never seen him in that state of mind. Therefore, I believe that the drug Paxil played an efficient part in this crime. Had Barton not been under the influence of Paxil I believe this would have never happened.

Jason Tucker
JASON TUCKER, Affiant
#1155249
Choice Moore Unit
1700 North FM 87
Bonham, Texas 75418

SWORN TO AND SUBSCRIBED BEFORE ME on this 10th day of Oct., 2003, to which witness my hand and seal of office.



Gail Meador
Notary Public, State of Texas