

CAUSE NO. 335378-B

EX PARTE § IN THE 182ND DISTRICT COURT
§ OF
GARY GRAHAM, § HARRIS COUNTY, TEXAS
Applicant
STATE OF TEXAS § DATE: April 20, 1993
COUNTY OF HARRIS

AFFIDAVIT OF RONALD G. MOCK

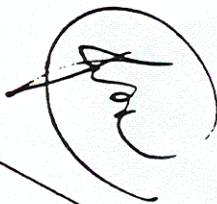
My name is Ronald G. Mock. I have been licensed as an attorney in the State of Texas since 1978. My main area of practice is criminal defense law. I have served as defense counsel in approximately fourteen capital murder trials. In 1981, I was appointed to represent Gary Graham in the capital murder trial of the State of Texas v. Gary Graham, cause no. 335378, in the 182nd District Court of Harris County. Chester Thornton served as co-counsel during the Gary Graham trial. Chester was appointed counsel before I was appointed, although I served as lead counsel.

On August 25, 1987, I filed an affidavit in response to the allegations of ineffective assistance of counsel made by Gary Graham in his first state postconviction writ of habeas corpus, cause no. 335378-A. Subsequently, in 1988, I testified at an evidentiary hearing in response to those same allegations of ineffective assistance of counsel. On April 20, 1993, I again read my August 25, 1987 affidavit and the findings of fact which the trial court made at the conclusion of the 1988 writ evidentiary hearing. I re-affirm that the statements made in my August 25, 1987 affidavit and the findings of fact which were made at the

conclusion of the 1988 writ evidentiary hearing are true and correct.

Also, on April 20, 1993, I read the affidavit of Mervyn H. West which was attached to the applicant's second petition for writ of habeas corpus, cause no. 335378-B. After reading West's affidavit, I would like to respond to the following. I do not recall showing West a list of witnesses. I did not inform West not to investigate witnesses. Although there was in existence a list of potential mitigation witnesses, that list did not contain any potential alibi witnesses. Chester Thornton and I worked closely together in this trial and I was never made aware of any potential alibi witnesses through Chester Thornton, Merv West, Gary Graham, or anyone else.

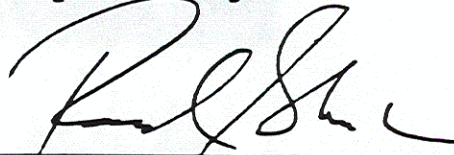
As in other cases, I formed no opinion as to Gary Graham's guilt or innocence because I believe that is a decision for the jury to make. I did not tell anyone, prior to the verdict, that Graham was guilty. Furthermore, I investigated, prepared, and



A handwritten signature, possibly "J. West", is enclosed within a hand-drawn circle. A long, thin diagonal line extends from the bottom left of the page towards the right, passing below the signature.

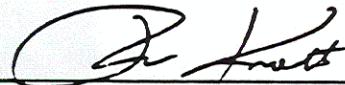
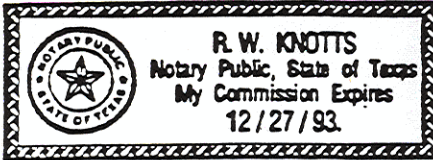
tried Graham's case as thoroughly as possible under the circumstances of the case.

I have read the statement given above and find it to be true and correct to the best of my knowledge.



RONALD G. MOCK
Affiant

SWORN AND SUBSCRIBED before me, under oath, on this the 20th day of April, 1993. A.K.



NOTARY PUBLIC in and for the State of Texas

My commission expires: 12/27/93.