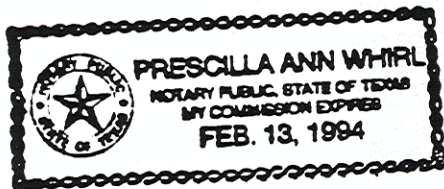


during Gary Graham's trial: Gary Graham, the man I identified in court, is the person I saw approach and shoot the victim in the parking lot of the Safeway store in Harris County on May 13, 1981. Finally, although the passage of approximately twelve years has had a normal effect upon my independent recollection, standing alone, after reading my trial testimony I recall the events of May 13, 1981 as occurring precisely as I testified to at Gary Graham's trial. This affidavit is based on my recollection of the events that occurred and that I observed on May 13, 1981, and my independent present recollection is exactly as I testified to in Gary Graham's trial.

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

Bernadine Benton
BERNADINE BENTON
Affiant

SWORN AND SUBSCRIBED before me, under oath, on this the 26 th day of March, 1993.



Prescilla Ann Whirl
NOTARY PUBLIC in and for the
State of Texas
My commission expires: 2/13/94.