

Exhibit 5: Affidavit of Greg Davis

DUANE LEE DAVIS

AFFIDAVIT

COUNTY OF DALLAS
STATE OF TEXAS

BEFORE ME, the undersigned official, on this day appeared **Greg Davis**, who is personally known to me, and first being duly sworn according to law upon his oath, deposed and said as follows:

My name is Greg Davis. I am over 18 years of age, and I am fully competent to make this affidavit. I have personal knowledge of the facts stated herein, and they are all true and correct.

I am an assistant district attorney in the Dallas County District Attorney's office. I was assigned as lead counsel in the prosecution of *State v. Darlie Lynn Routier*, cause number F96-39973-J (Dallas County) and cause number A96-253 (Kerr County), with prosecutors Toby Shook and Sherri Wallace Patton.

I have read a copy of Volume 10, pages 1 through 53 of Sandra Halsey's original reporter's record. I have also read Volume 10, pages 1 through 53 of Susan Simmons' "red-lined" copy of the reporter's record. Volume 10 of the reporter's record covers proceedings in this case that occurred on Monday, October 21, 1996.

I recall that day because, that morning, Judge Tolle granted the defendant's motion for substitution of counsel and substituted the defendant's retained counsel, Doug Mulder and his associates, for the defendant's appointed counsel. I also remember that day because, at the end of the morning proceedings, the judge dismissed the defendant's family members and the press to go to lunch, but the defendant's family members did not return that afternoon. I remember thinking it was interesting that the defendant's family did not return to the trial.

I was present during all the morning courtroom proceedings. Volume 10, pages 1 through 53 of Simmons' "red-lined" reporter's record reflects substantively what occurred that morning. The pertinent pages of Simmons' "red-lined" record do not contain any material omissions.

Greg Davis

SUBSCRIBED AND SWORN TO BEFORE ME, on the 20th day of January, 2000, to
certify which witness my hand and official seal.

SEAL

Notary Public in and for

Dallas County, Texas

Willie L. Richardson
Signature

Willie L. Richardson
Printed Name

My commission expires: 7-30-2003

DUPPLICATE