

STATE OF TEXAS §
 §
COUNTY OF LUBBOCK §

AFFIDAVIT OF PHILIP WISCHKAEMPER

1. My name is Philip Wischkaemper. I am more than eighteen (18) years of age, of sound mind, and am wholly competent to sign this Affidavit. I have personal knowledge of the facts stated in this Affidavit, and they are true and correct.

2. I am an attorney licensed to practice law in the State of Texas. I was appointed by District Judge Felix Klein to represent Jesus Ramirez in a capital murder case in Lamb County, Texas. I was co-counsel with David Martinez. David was lead counsel

3. The prosecution in Mr. Ramirez's case did not disclose to me or to Mr. Martinez the fact that a State witness, Brenda Ayala, had gone to a Town and Country convenience store in Littlefield, Texas prior to going to the Jolly Roger convenience store. The prosecution also did not disclose to me or to Mr. Martinez that Brenda Ayala was recorded on a videotape in the Town and Country store or that the videotape showed Ms. Ayala to be in the Town and Country store at approximately 12:30 a.m. on the morning of the Jolly Roger robbery and shooting.

4. During Mr. Ramirez's trial, I did not know that Brenda Ayala had gone to the Town and Country convenience store just prior to going to the Jolly Roger store. I also did not know that she was at the Town and Country store and the Jolly Roger store at approximately 12:30 a.m. on the night of the robbery and shooting, not at 2:00 a.m. If I had known these facts, I would have presented this evidence to the jury at Mr. Ramirez's trial.

5. The prosecution in Mr. Ramirez's case did not disclose to me or to Mr. Martinez the fact that a state witness, Joe Medrano, had been convicted of a federal felony charge of

possession with intent to distribute 230 kilograms of marijuana in Corpus Christi, Texas. The prosecution in Mr. Ramirez's case did not disclose to me or to Mr. Martinez that at the time of Mr. Medrano's testimony in Jesus Ramirez's trial, Mr. Medrano was on federal supervised release and the United States Probation Office had sought to revoke Mr. Medrano's supervised release.

6. The prosecution in Mr. Ramirez's case did not disclose to me or to Mr. Martinez the fact that Joe Medrano had three prior state felony convictions for aggravated assault on a peace officer, unauthorized use of a motor vehicle, and aggravated assault.

7. The prosecution in Mr. Ramirez's case did not disclose to me or to Mr. Martinez the fact that Joe Medrano had provided substantial assistance to law enforcement authorities in Corpus Christi in the investigation involving his charge for possession with intent to distribute 230 kilograms of marijuana and in return for his cooperation had received a reduction in his federal prison sentence. The prosecution in Mr. Ramirez's case did not disclose to me or to Mr. Martinez the fact that Joe Medrano had also cooperated with law enforcement authorities in a federal heroin distribution investigation in El Paso, Texas.

8. The prosecution in Mr. Ramirez's case did not disclose to me or to Mr. Martinez the fact that Joe Medrano had received the minimum sentence of 5 years imprisonment with credit for time served on the aggravated rape of a child charge pending in Lamb County, Texas in return for Mr. Medrano's testimony in Jesus Ramirez's capital murder trial. During Mr. Ramirez's trial, I asked Special Prosecutor, Matt Powell, if Medrano was receiving a favorable sentence in return for his testimony in Jesus Ramirez's case. Matt Powell denied that there was any such deal.

9. The prosecution in Mr. Ramirez's case did not disclose to me or to Mr. Martinez that Joe Medrano had received psychiatric treatment in Springfield, Missouri, while he was incarcerated in the Federal Bureau of Prisons.

10. The prosecution in Mr. Ramirez's case did not disclose to me or to Mr. Martinez that Lorraine Baillie, the court-appointed psychologist in Mr. Medrano's aggravated rape case in Lamb County, Texas, had examined Mr. Medrano prior to his testimony in Jesus Ramirez's case and had documented that Joe Medrano had received prior psychiatric treatment, that Mr. Medrano had reported symptoms of going crazy, that Mr. Medrano had recounted physical and sexual abuse, and that Dr. Baillie had noted diagnoses of manic depressive and post traumatic stress disorders.

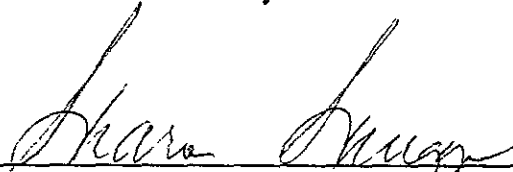
11. If I had known this information about Joe Medrano, I would have used this information at Mr. Ramirez's trial to impeach Joe Medrano's credibility.

FURTHER, Affiant sayeth not.



Philip Wischkaemper

This instrument was acknowledged before me on this 10th day of June 2002, by
Philip Wischkaemper



Notary Public in and for the State of Texas

My commission expires: 6-18-05

