

STATE OF TEXAS §
 §
COUNTY OF DALLAS §

AFFIDAVIT OF J. DOUGLAS CROWDER, M.D.

1. My name is J. Douglas Crowder, M.D. I am over twenty-one (21) 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. I have never been convicted of a felony or a misdemeanor involving moral turpitude.

2. I am an Assistant Professor and Chief of the Forensic Psychiatry Division at the University of Texas Southwestern Medical School in Dallas, Texas. I am certified in general psychiatry with added qualifications in forensic psychiatry by the American Board of Psychology and Neurology. I am licensed to practice medicine in Texas and in Virginia and have extensive experience in Texas capital murder cases.

3. I have reviewed the following information concerning Mary Davila Wood, a witness in the case styled, *State of Texas v. Alberto Sifuentes*, No. 3083, in the 154th District Court, Lamb County, Texas: (i) Mary Davila Wood's testimony at the trials of Alberto Sifuentes and Jesus Ramirez; (ii) the Case Investigation Report by Greg Parrott of the Attorney General's Office, Prosecutor Assistance Division; (iii) a written Statement of Mary Davila Wood dated August 8, 1996; (iv) a Texas Department of Public Safety, Voluntary Statement of Accused, dated August 13, 1996; (v) a written transcript of an interview with Mary Davila Wood by Jesus Ramirez's attorneys; (vi) testimony by Mary Davila Wood in a grand jury proceeding, dated October 31, 1996; and (vii) a videotape of a hypnosis conducted on Mary Davila Wood on

July 24, 1997, conducted by Marx Howell.

4. The Texas Department of Public Safety estimated that Ms. Wood's blood alcohol level when questioned by police at 2:55 am. on August 6, 1996, was between 260 and 300 milligrams per deciliter (.26-.30).

5. A blood alcohol level of 300 milligrams per deciliter (.30) is three times the legal limit of intoxication at that time and more than three times the current legal limit of intoxication. Alcohol can interfere with consciousness, perception, judgment, and attention.

6. Alcohol intoxication at these levels is likely to exert a pronounced effect on memory. As alcohol consumption increases, the corresponding memory impairment increases as well. Many alcohol intoxicated individuals who also suffer from alcohol dependence experience "blackouts" in which they may behave normally but cannot recall events which occurred during the blackout.

7. Ms. Wood's ability to recall events while intoxicated with a blood alcohol level of 260 to 300 milligrams per deciliter (.26 to .30) is suspect. It is likely such a blood alcohol level would significantly impair her memory.

8. It is well known that memory is malleable over time and even persons who are not intoxicated as well as those who are may "confabulate" (fill in memory gaps) out of a subjective need to remember. Various personal agendas, such as avoiding criminal responsibility in this case, may be incorporated into such confabulation.

9. The materials listed in Paragraph 3 render Ms. Wood's memory/veracity and testimony suspect on other grounds as well. Ms. Wood appears to suffer from alcohol dependence as noted above. More often than not, such individuals suffer from personality


disorders and commonly resort to manipulation and/or untruthfulness to attain their goals. Ms. Wood's behavior and history are consistent with histrionic personality disorder. Such persons are manipulative and suggestible. Their cognitive style is characterized by impressionistic as opposed to strictly logical thought process, predisposing them to individual and objectively incorrect interpretations of events. Histrionic individuals are also rather self-centered, leading them to feel the ends justify the means in difficult circumstances. Ms. Wood's forgery conviction shows she is no stranger to prevarication when it furthers her wishes. Therefore, on purely psychological grounds beyond any consideration of her alcohol intoxication, I must again conclude that Ms. Wood's statements and testimony are highly suspect. In simple language, Ms. Wood was motivated to lie and/or unconsciously distort her memory in an effort to protect herself.

10. Ms. Wood has a history of negative interactions with law enforcement personnel and was clearly fearful she might be prosecuted for her conduct in relation to the events of August 6, 1996. It appears considerable pressure was exerted on her to recall details of the night in question which would aid law enforcement in prosecuting Mr. Sifuentes and Mr. Ramirez. Thus, Ms. Wood had apprehension about contact with law enforcement officers in general and was concerned about the legal consequences to which she might be subjected if she failed to cooperate. The techniques employed to help her recall the presence of herself and the defendants at the scene of the crime were suggestive in nature inasmuch as she was transported to the Jolly Roger convenience store in the clear expectation that she would identify it as a location they all visited. No line-up like measures were taken to ensure that she could recall this specific location when confronted with others which might be similar. Law enforcement also approached her in a wittingly or unwittingly intimidating manner at times. In the context of her suggestibility,

alcohol intoxication, expressed fears of incarceration which would separate her from her children, and characterological predisposition to dishonesty/distortion, such suggestive questioning and intimidation could easily produce unreliable accounts of the events in question. Indeed, her ultimate testimony was at variance with earlier statements, indicating some or all of these issues must have impacted her capacity/willingness to offer a true report of her experiences.

II. The radical change in Ms. Wood's account of events on the night in question demonstrates conclusively that some phenomenon adversely affecting the reliability of her testimony must be at work.

FURTHER, Affiant sayeth not.



J. Douglas Crowder, M.D.

This instrument was acknowledged before me on this 3rd day of May, 2002, by
MARCIA OLIVER





Notary Public in and for the State of Texas

MARCIA OLIVER