

STATE OF TEXAS       §  
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COUNTY OF DALLAS   §

**AFFIDAVIT OF GARY H. WIMBISH, Ph.D, DABFT**

1. My name is Gary H. Wimbish, Ph.D. I am more than 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 currently President of Forensic Toxicology Consultants, Inc. in Milford, Texas. I have a Ph.D. in Pharmacology and Toxicology from Indiana University Medical Center. I have approximately thirty (30) years experience in clinical and forensic toxicology and studied under two world recognized experts in alcohol and its effects on man. While teaching at the Osteopathic Medical Center in Fort Worth, Texas, I was an active member of the Tarrant Council on Alcoholism and Drug Abuse and taught councilors the chronic effects of alcohol abuse including effects on memory and worked with those suffering from chronic alcohol abuse and alcoholism.

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 154<sup>th</sup> 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; testimony by Mary Davila Wood in a grand jury proceeding, dated October 31, 1996; and (vi) a video tape of a hypnosis conducted on Mary Davila Wood.

4. The Texas Department of Public Safety estimated that Ms. Wood had a blood alcohol level between .30 grams percent and .26 grams percent at the time Mary Davila Wood was stopped by the police at 2:55 a.m. on August 6<sup>th</sup>, 1996


5. A blood alcohol level of .30 grams percent is three times the legal limit for intoxication and in a naive person may be fatal. Most individuals are unconscious with blood alcohol concentrations of .30 grams percent. However, individuals who abuse alcohol on a regular basis develop tolerance and may maintain some level of apparent consciousness. Their perception of events are globally clouded by the severe depressant effects of alcohol and recall may be absent, distorted or spotted.

6. Alcohol interferes with the ability to form new memories, particularly memories of events. A blood alcohol level of .30 grams percent would have a profound impairment on a person's memory. High doses of alcohol in individuals with chronic abuse on a regular basis have impaired memory of events that occur during the severe intoxication. It globally effects encoding, storage and retrieval of events and makes interpretation of memory of events that occurred while seriously intoxicated unreliable.

7. The ability of Mary Davila Wood to recall events or details of events with a blood alcohol level of .26 grams percent to .30 grams percent is inherently suspect. A blood alcohol content of this level would significantly impair her memory.

FURTHER, Affiant sayeth not.

  
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Gary H. Wimbish, Ph.D., DABFT

This instrument was acknowledged before me on this 15<sup>th</sup> day of May, 2002, by \_\_\_\_\_  


  
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Notary Public in and for the State of Texas

