

IN THE DISTRICT COURT OF LINCOLN COUNTY

STATE OF OKLAHOMA

STATE OF OKLAHOMA,
Plaintiff,
Case No. CF-95-104

vs.

JOSHUA D. STUMP,
Defendant.

**AFFIDAVIT IN SUPPORT OF
MOTION FOR CONTINUANCE**

JAMES T. ROWAN, having first been duly sworn upon his oath,

states:

1. That he is the attorney for Joshua Stump.
2. Joshua Stump is charged with First Degree Murder and the State seeks the death of Joshua Stump
3. On January 19, 1996, the defense filed the first Motion for Continuance, reciting that the homicide occurred July 15, 1995; the preliminary hearing was concluded December 1, 1995; James T. Rowan replaced David Ball as Stump's attorney December 11, 1995; the Defendant was formally arraigned December 20, 1995 and the Bill of Particulars

seeking death was filed that day.

4. The Court continued the trial date until March 25, 1996

5. On February 23, 1996, the Prosecutor, Barney Barnett, announced that the State of Oklahoma had completed its testing of the physical evidence and the State was prepared to deliver to the Defendant the physical evidence pending an agreement concerning the handling of the evidence.

6. An agreement was tendered by FAX to Barney Barnett March 5, 1996. Mr. Barnett signed a modified agreement March 6, 1996. The Court approved the agreement March 7, 1996.

7. The defense attorney was informed that the State was continuing to test the evidence and that it could not be picked up until 11:30 a.m. March 11, 1996.

8. Mary Long, a serologist, informed the defense attorney that date that she hoped to complete her blood tests that date. She refused to discuss the results of her tests with me without the permission of the District Attorney. The District Attorney withheld his permission and to this date the defense is unaware of the results of the blood tests.

9. Similarly, Keith Ferrell has refused to discuss the results of the gunshot residue tests he has performed without the consent of the District Attorney. That consent has yet to be given.

10. I am informed that the crime scene photographs are physically located at the OSBI crime lab on 36th Street. I was there on Monday, March 11, 1996, to pick them up, along with the other evidence. I was told they were not there and they must be at the main office on 63rd Street. I left word for OSBI agent, Jackie Johnson, to contact me concerning the photographs.

11. I am now told the photographs might be ready for me by Friday, March 15, 1996, at the OSBI lab. The delay was occasioned by an employee of OSBI being on leave and the OSBI was out of film. The photographs and video tapes of the crime scene are crucial to an understanding of the case. The blood spatter expert, crime scene expert can do nothing without these photographs.

12. The State's evidence is now located at a recognized crime lab. However, the lab technicians are working on a priority murder case

in Dallas, Texas, and

will be un able to complete required tests by March 25, 1996.

13. The Oklahoma Indigent Defense System is running out of money and is awaiting a supplemental appropriation by the Legislature. To date, the supplemental appropriation has not been approved and, more importantly, the chief executive officer of the Oklahoma Indigent Defense System has not authorized payment of the experts in this case. The experts are reluctant to commence work without a contract guaranteeing payment.

In short, the defense has done everything within its power to prepare for trial. The OSB performed another round of tests after the District Attorney said in open court on the record that they were through testing on February 23, 1996 at 4:00 p.m. The defense is hearing second-hand that the State's evidence tends to confirm the fact that Robert Anderson was the shooter. It is absolutely critical that the defense have an adequate opportunity to examine the physical evidence to prevent a miscarriage of justice.

FURTHER AFFIANT SAITH NOT.

James T. Rowan

Subscribed and sworn to before me this 13th day of March, 1996.

Notary Public

My commission expires:
