

Exhibit K

CAUSE NOS. 1181910, 1289188, 1289189

THE STATE OF TEXAS	§	IN THE 337th DISTRICT COURT
	§	
V.	§	OF
	§	
OBEL JULIAN CRUZ-GARCIA	§	HARRIS COUNTY, TEXAS

AFFIDAVIT OF ELIZABETH JOHNSON

“I, ELIZABETH JOHNSON, do solemnly say under oath that the following statements are true. I am also a witness in this matter and affirm that the statement provided below is based on my personal knowledge of the facts referred to:

Personal Background:

1. My name is Elizabeth Johnson.
2. I am of sound mind, over the age of 18, and capable of making this affidavit.
3. I received a B.S. degree in chemistry in 1982 from Wofford College in Spartanburg, SC and a Ph.D. degree in immunology in 1987 from the Medical University of South Carolina. My formal education also includes four years of post-doctoral training in the field of molecular biology and DNA analysis at the Medical University of SC and at MD Anderson Cancer Center in Houston, Texas.
4. I have been a forensic scientist for over nineteen years. I was hired to establish the DNA laboratory within the Harris County Medical Examiners Office in Houston, Texas in 1991, and I was the director of that laboratory. I also assumed supervision of their serology laboratory in 1996. I personally implemented and validated both RFLP-(chemiluminescent detection) and PCR-based DNA analysis in this laboratory. I was a Senior Forensic Scientist at Technical Associates, Inc., Ventura, California from February 1997 until May 2003 and performed and supervised both RFLP and PCR-based testing including DQA1, Polymarker, D1S80 and various STR multiplex systems. I have performed evidence examinations in hundreds of cases and performed DNA analyses on several thousand samples. I am currently in private practice performing forensic science consultation.

Statement of Facts:

1. Obel Cruz Garcia is charged with capital murder and aggravated sexual assault.
2. I have been communicated with defense attorney Steve Shellist about the facts of the case.
3. I have asked Mr. Shellist for specific DNA discovery in order to properly consult. He included my discovery language in a Motion requesting said DNA discovery from the State.
4. It is my understanding that Mr. Shellist has not yet received from the State what was requested.
5. Once it is received by me, I will need 8 weeks from the time of receiving all discoveries to work in a review and consultation. If I see a need for retesting that will take additional time as we will have to contract separately with a DNA testing lab.
6. Contingent upon prompt production of discovery from the State, I will be available to consult and testify for the Defendant beginning in May of 2011.

I declare under penalty of perjury that the foregoing is true and correct and that those matters stated upon information and belief are true to the best of my knowledge.

Executed on this 10th day of January, 2011, at Ventura County, California



Elizabeth A. Johnson, Ph.D.