

1384794-A

337th District Court

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SWORN AFFIDAVIT

STATE OF TEXAS

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KNOW ALL MEN BY

COUNTY OF HARRIS

THESE PRESENTS

My name is JJ Gradoni. I am the owner of Gradoni & Associates and have operated a State of Texas licensed investigative firm since 1988 (28 years). Prior to entering the private sector I worked as a police officer for 12 years. I have a great deal of experience in investigating criminal cases and have worked with Mr. R.P. Skip Cornelius on a great number of cases over the last 20 years, with emphasis on capital murder cases. We have had great success on many of our cases.

In 2011, I was the lead investigator on the Obel Cruz Garcia capital murder case. It was at a time when Harris County was cutting back on paying mitigation experts and investigators. In the Cruz Garcia case I had an agreement with Mr. Cornelius to do both the criminal investigation and the mitigation investigation. I assigned Edna Velez, a native of Puerto Rico, as the lead on the mitigation aspect because of her background; specifically her experience as a Customs agent, her Spanish speaking skills, and her knowledge of Puerto Rico and the Dominican Republic. Edna reported directly to me and Mr. Cornelius and had Dr. Susana Rosin, Ph.D. to confer with if she chose to. I, myself and virtually all of my staff, worked on the facts and legal defenses of the case.

Edna and I went to the Dominican Republic and located and interviewed witnesses, took photographs and obtained very useful and important information for the lawyers to use in mitigation. We attempted to locate any known relatives or friends of the defendant.

Cruz Garcia was visited 7 times at the Harris County Jail by Edna Velez. I was present during two of the interviews, and Attorney R.P. Skip Cornelius was present on two of the interviews. We gave Cruz Garcia every opportunity to tell us about any person that could possibly say anything good about him, which produced negative results. Cruz Garcia was not very forthcoming about much of anything with respect to the case because, as he informed me, God and Jesus were going to deliver him and he was not really concerned about being convicted. Cruz Garcia told me, amongst other things, that God would change the witnesses' tongues into snakes and they would not testify against him. Cruz Garcia was not

IMAGED

FILED

Chris Daniel  
District Clerk

NOV 28 2016

11:20

Time:

Harris County, Texas

By

*[Signature]*  
Deputy

27/991

RECORDER'S MEMORANDUM  
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at the time of imaging  
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interested in contacting his consulate in the Dominican Republic or anyone else, to my knowledge.

Cruz Garcia never told myself or Edna Velez anything about Jose Valdez or Hector Saavedra.

Cesar Mala Rios was identified in the offense report as an associate of Diana Garcia. As a result of this documentation we conducted database searches to identify current addresses and phone numbers for Cesar Mala Rios, along with establishing his criminal history and rap photograph. Efforts to make contact with Cesar Mala Rios at addresses we developed were not successful. Attempts to make contact with Cesar Mala Rios by the phone numbers we developed were not successful. Cruz Garcia never asked us to locate and contact Cesar Mala Rios.

Because Cruz Garcia's DNA was found in the rape kit of Diana Garcia, the woman whose son was killed (she said he raped her that night), we asked Cruz Garcia if he could explain how his semen was found in the rape kit on more than one occasion. On May 2, 2013 Cruz Garcia responded by saying "the day of the alleged incident there was a lot of people in her apartment (referring to Diana's) and a lot of things happened. The truth will come out during trial." The second time Cruz Garcia was asked about the DNA, on May 20, 2013, Cruz Garcia was asked if he had had consensual sex with Garcia. He responded by saying "there was always lots of people at Diana's apartment and everyone entered every room without asking permission." When Cruz Garcia was told that his response was not acceptable he continued to avoid answering the question. Cruz Garcia then stated that when Diana testifies it will be noted that it was him that took care of the little boy when she did her thing. Everything will be revealed in the trial because God will convert their tongues into snakes and they will only be able to tell the truth.

On June 3, 2013 when asked about the DNA, Cruz Garcia answered again that the truth was going to come out during trial and Diana had to tell the truth. Cruz Garcia also questioned the reason the DNA was such a "big deal," because the rape was not one of his charges.

Each and every time members of the defense team spoke to Cruz Garcia it was with the assistance of Edna Velez, who was a certified interpreter with the Customs Service. I have no reason to believe that our questions to Cruz Garcia were not clear and concise nor were his responses to our questions not translated properly into the English language.

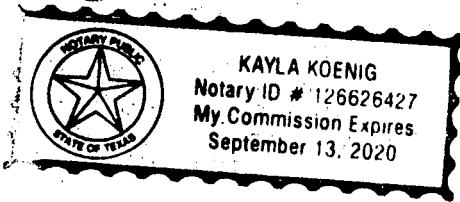
I can read and write the English language. I have read the foregoing Affidavit, which I have made and the statements are true and correct to the best of my knowledge and belief.

FURTHER THE AFFLIANT SAYETH NOT:

James Gladoni  
James Gladoni

Printed Name

Subscribed and sworn to before me, a Notary Public, in and for the State of Texas, County of Harris, on this the 16<sup>th</sup> day of November, 2016



[Signature]  
Notary Public  
Harris County TX State