



message from Frank

Dear family and friends ,

On the 18th of December the CCA denied my subsequent application for write of habeas corpus for stay of execution .

At this time Daid Sergi and David Dow are in the process of filing a Cert off of the CCA's denial and they are also working on a successor for the 5th circuit .

As for me I am in good health and a strong state of mind and focused on my struggle for my life and freedom at this time .

I will keep you all updated on my situation as it goes so keep me in your prayers and hearts ... smile

Much love ,

Frank



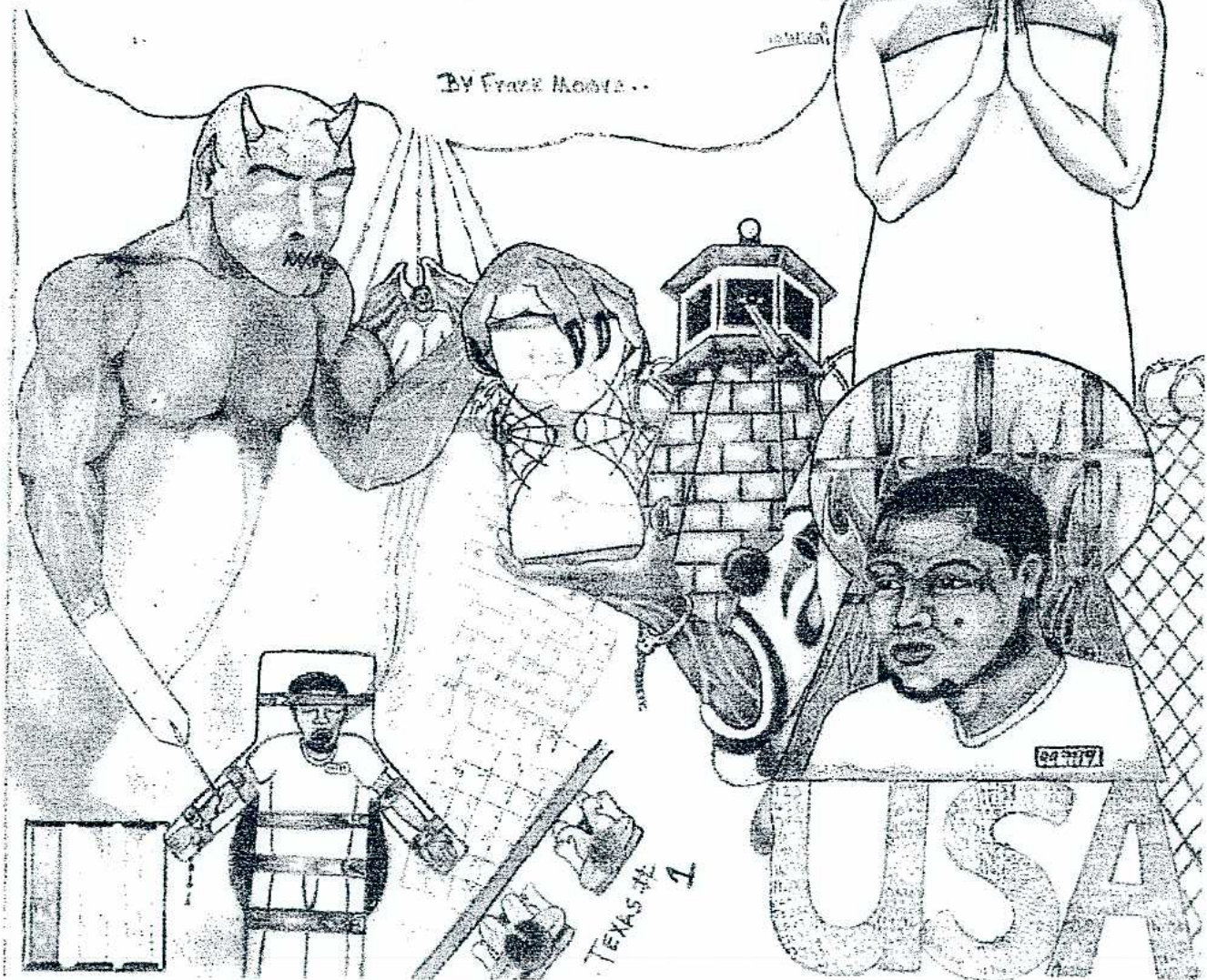
Lady Freedom

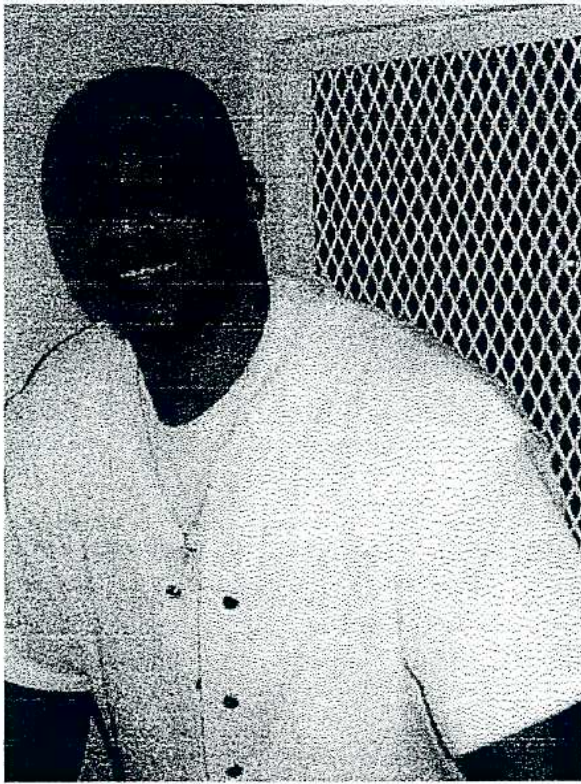
I can entertain freedom ,
In my thoughts to share my thoughts with her is to be locked in a abstract dream of
anticipation .

I reach to bring her near ,
Only to open my eyes to concrete walls and stainless stainless steel .
Placing my hands to my heart
To still the beat only she can start
Wipe away the sweat
Another day I begin
Incarcerated locked in ...

When will my innocence be seen
Freedom comes to reality making life what once was a dream come true .
She can see when we fight
Together I can be set free
Freedom is her name
And my reality ...

By Frank Moore # 999210





**BY FRANK MOORE # 999210
12/14/2008**

SELF DEFENSE IS NOT A CAPITAL CRIME.

Page 1.

In Self-Defense:

A summary of the facts of my case.

By Frank Moore.

My name is Frank Moore and I have been on Texas Death Row since November 20th 1996. I have been locked up since January 25th 1994. Caught up in this struggle and fight for my life and freedom.

At this time I would like to share my fight for my life and freedom and the story of what happened that night so many years ago on January 21st 1994.

In this article I will show you the facts of my claim of self defense and all the evidence that has been used against me, and new evidence that my lawyers now have that proves I acted in self defence that night.

As I write this article I am sitting in my cage on A-Pod-A-Section, which is death watch on Texas Death Row. As I await my execution date set for January 21st 2009. As you can see the D.A'S office in San Antonio has jokes, my execution date is set

for the same date that I killed Patrick Clark and Samuel Boyd in self defense. Me, myself, I don't see anything funny in this joke – feel me?

The evidence presented at the second trial established that I shot and killed two individuals after an altercation in the parking lot of the Wheels of Joy Club in San Antonio, Texas, around 2:00am on January 21st, 1994. The persons killed were Samuel Boyd, 23 years old, and Patrick Clark, 15 years old. The first peace officer on the scene found Boyd dead or dying in the passenger seat of an automobile and Clark lying dead next to the driver's door.

An investigator found shell casings in a location that suggested that the shots were fired from the left rear of the vehicle. This evidence comported with the deputy medical examiners testimony that the tracks of the bullet wounds were generally from back to front, and left to right. Boyd had been wounded by six bullets and Clark by five. Boyd's blood contained 0.28 grams per decilitre of ethanol alcohol. Clark's blood contained 0.15 grams per decilitre of ethanol, as well as 0.25 milligrams per litre of diazepam, and 0.33 milligrams per litre of nor diazepam. In the opinion of the medical expert, the latter two controlled substances were muscle relaxants... Both victims were acutely intoxicated at the times of their deaths.

The State called Angela Wallace, who lived in Houston and was visiting San Antonio to attend the funeral of her uncle... Prior to the night of the shootings, Wallace did not know anyone involved in the offense. She testified that she and a friend, Lisa, had gone to an ice house across from the club called the Wheels of Joy Club. Lisa was Boyd's girlfriend.

Boyd met Lisa at the ice house and the two verbally argued. Wallace left her friend and walked to the Wheels of Joy Club where she spent several hours in the nightclub, Boyd entered the club after Wallace had told her that Lisa had gone home. During the evening Wallace saw Petitioner in the club and at one time Petitioner and Boyd shook hands and the two spoke and laughed. She also saw Clark in the club, but did not see him have any contact with the Petitioner. Wallace testified that she did not see Boyd or Clark acting drunk or argumentative. Through out the evening, Petitioner came and spoke to Wallace and flirted with her. At one time, Wallace observed two women with Petitioner look at her strangely and she momentarily left the club to deposit her jewellery in her car. As the club prepared to close, the Petitioner asked Wallace to save him the last dance and to give him her telephone number. Wallace refused to give Petitioner her number, but he offered to give his to her. As the club was closing Petitioner was interrupted by a man who stopped and whispered to him, the two men then left the club.

Wallace failed to identify this other man from photographs as Ivory Sheffield, but later testified at Frank Moore's trial that Ivory Sheffield tossed the rifle to Frank. Robert Perry Smith admitted to police that he handed the rifle to Frank... So once again, Ms. Wallace has contradicted her statements. * See Robert Smith's statement attached.

When the club closed, Wallace left and went to the parking lot. She testified that Petitioner, Boyd, Clark and another man "had a confrontation.. (an) exchange of words and someone pushed somebody.. It just broke up.. Just everybody started scattering a little bit"

Wallace saw Clark's car come into the parking lot and stop. She stated that the car did not come close to striking the Petitioner and it did not back up. While Boyd must have at some point gotten into Clark's car, Wallace did not see him do so. Wallace testified that she saw the Petitioner walk towards the back of Clark's car. Sheffield got a rifle from the trunk of a Cadillac and tossed it to Petitioner, who started shooting into Clark's car. Petitioner handed the gun back to Sheffield and left in a Cadillac. Sheffield said, "Who else wants some of this?" and walked around with the gun. Wallace left the scene with an individual by the name of Edmond to notify the family of Boyd and Clark.

At the second trial, petitioner called Robert Mays, Jr. whose testimony contradicted that of Wallace. May's was a friend of Petitioners who was at the Wheels of Joy Club on the night of the shootings. (RR:V15pp 5-6) Mays did not know the victims, but did observe a scuffle outside the club around closing time. Someone yelled they were going to get their stuff, (meaning guns) and two or three black males ran across the street and got into a white car. Mays also testified they were going to shoot him. They had guns in the car and the white car came across the street into the parking lot at a high speed and tried to run over Mays and others including Petitioner who tried to get out of the way. The car hit some bushes preventing it from striking Mays and the car backed up and tried to come at Mays again. Mays made a quick getaway and heard shots as he fled the scene.

Page 2.

Now let me show you how ineffective my attorneys were in my first two trials:

During the Bill of Exception, trial counsel presented evidence of Boyd's prior criminal history which consisted of multiple unlawful carrying of weapon charges along with six aggravated robbery with deadly weapon charges. (RR:V21:pp-9) Counsel, in his offer of proof of evidence, which the court denied upon objection by the State, requested that he present evidence of Boyd's reputation for violence in support of Petitioners claim of self defense. (RR:V21:pp-5-9)

Because the trial court, after objection from the State's prosecutors, denied Petitioner the opportunity to present essential evidence to the jury on his self-defense claim, Petitioner was deprived of due process and denied a fair and impartial trial under the Fourteenth Amendment to the Constitution of the United States. In effect the trial court's failure to allow evidence that the victim was the aggressor denied the right to due process guaranteed by the Fourteenth Amendment to the U.S. Constitution because it prevented Petitioners from receiving a fair trial. See *Duncan v. Henry*, 513 US364. 366 (1995)

It is axiomatic that the state cannot keep critical testimony from the witness stand. *Washington v. State of Texas*. 388 US 14 (1967) In this case, it is a denial of the due process clause of both the Fifth and Fourteenth Amendments to preclude character evidence of Boyd.

Applicant was deprived of the right to due process and a fair and impartial trial under the Fourteenth Amendment to the US Constitution when the trial court denied applicant the right to offer evidence of Boyd's reputation for violent acts in support of applicant's claim of justification in the use of deadly force.

Argument and Authorities

The testimony by Robert Mays, Jr. raised an issue of self defense, and although the trial court included self defense instructions within the jury charge (CR:1V.pp-525-30), the trial court denied Petitioner the opportunity to introduce Reputation evidence of Boyd's character for violence, (RR:V21.pp5-19). In fact, the State convinced the trial court that evidence of Boyd's criminal record was not relevant and was prejudicial to Petitioner's self-defense claims...

As you have read in the above evidence, the D.A. was able to convince the judge that Mr. Boyd's criminal history and criminal record was not relevant and was prejudicial to my self defense claims... First off it amazes me as how the State was able to convince the judge that Mr. Boyd's criminal history of multiple unlawful carrying of weapon charges along with six aggravated robbery with deadly weapon charges were not relevant and were prejudicial to my self defense claims.

I will tell you why the D.A.'S office did not want the jury to hear of his or Mr. Clark's criminal history's because there is no way they would have found me guilty. But if my attorneys would have been on top of there jobs and just read the supplementary Police report from the San Antonio Police Department by Detective T. Matjeka badge # 2353 and Sergeant E. Well of homicide. And called, Knowles Edward Ray, as a witness on my behalf, this is what the jury would have heard about 15 year old Patrick Clark. Also he would have been able to open the door on Samuel Boyd and his criminal history as they were friends. Here is what Mr. Knowles had to say in his statement to Detective T. Matjeka:

Statement:

1.) Knowles, Edward Ray B/M 09/05/75
240 Longview. This person was with Patrick Clark before the shooting and was at the club with the complainant before the shooting and witnessed a disturbance between the complainants and the actor. He was not at the club at the time of the shooting.

At 2330 hrs.. I received a call from Night CID. They informed me that Eddie Ray had been contacted by Sutton Homes Security and had agreed to come to the station to give me a statement. I returned to the station and contacted Eddie Rav..Eddie Rav's real name is Eddie Ray Knowles and he agreed to give me a statement about what he knew about the complainant's murder. He told me on the night of the murder he had been in the Sutton Hones with Patrick Clark, Shane Clark, Tridell Robinson, Eddie Cruz and a girl named Mary. He stated he left with Eddie Cruz and went to Randy Davis' house. A short time later Clark came over claiming the police had beat him up and he asked Knowles for a gun. Knowles refused and Clark left with a girl named

Marian, going back to Sutton Hones Knowles returned to Sutton Hones and again spoke with Clark. It was Clark's idea to go to the Wheels of Joy Club. Knowles stated they went to the club and while they were there he saw Frank Mackey (Also know as Frank Moore) talking to some girls. Knowles knows Mackey and claimed they talked about the old times and he shook hands ith him. He said Mackey also shook hands with Clark and Ernest Bedford, who was also at the club. Knowles said that Clark was getting gin from some guy in the club and he saw Clark inside talking to Boyd. He said that Clark started talking crazy and getting aggressive, but they calmed him down. Clark became aggressive again and Knowles said he decided to leave and get something to eat. He stated that he and Tridell Robinson and Chuck Rhodes left and went to Taco Cabana on Walzem. After eating Rhodes asked Knowles to go back by the club because he was worried. As they arrived they saw the shooting had occurred. Knowles said that Tridell Robinson spoke to two guys in a car and one of the guys told him that Frank Mackey had shot the complainants. I asked for the name of the man who told this to Robinson and he told me it was Edmond Davis who said it.

Page 3.

At neither trial were Mr. Knowles called, so the jury's were never able to hear of Mr. Clark's actions leading up to me killing him that night or his actions before coming to the club that night. And how he was acting at the club and the way he was being aggressive with me at the club before the shooting took place.

Now let's get to Ms. Angela Wallace, the State's star witness who testified at both of my trials for the State. She stated that she did not see Mr. Clark or Mr. Boyd drinking at the club that night, but we know both of them were acutely intoxicated that night at the times of their deaths. From reading the deputy medical examiners testimony at my trial, and from reading (page one) of this story, also that Mr. Clark was getting (gin) from some guy in the club that is from Mr. Knowles statement. So she lied about them being drunk. She also lied under oath at both trials not only about them drinking and acting crazy at the club that night. She also lied to the court and jury about Ivory Sheffield, giving me the riffle that night. Because on page 12 of 26 in the supplementary police report Ms. Wallace states to Det. T. Matjeka Badge # 2353 and homicide Sgt Ewell as reads in her interview below.

San Antonio
Police Department

Supplementary Report
SAPD form 3=L rev. (9-90)

Interview with Angela Wallace:

After the shooting the actor handed the gun to the black male who tossed it him and then fled in a dirty brown Cadillac with a leather top. She stated that she and Davis left and picked up the complainant's relatives and brought them back to the scene. I showed Wallace the photo line up containing the actor's picture and asked her if she recognized anybody. She pointed to the actor's picture and told me that was Frank, the ma who had shot the complainants. I showed Wallace the photo line up containing the picture of Ivory Sheffield and asked her if she recognized any of the men. Wallace was unable to identify anyone in the line up. Wallace signed, dated, and placed the time on the back of the actor's picture at my request.

San Antonio
Police Department

Supplementary Report
Page 12 of 26

Offense Classification
Capital Murder

Now that you have read her testimony from page one and now her statement to Det. T. Matjeka and Sgt. Ewell, along with Mr. Knowles, and also Robert Mays testimony at my trial which contradicts what she said that happened that night. And let me ask you this, she states she new no one at the club that night, that she was in San Antonio to attend the funeral of her uncle. But in her testimony she testified that she and a friend named Lisa went to the ice house across from the Wheel of Joy Club. Now follow me on this, Mr. Boyd was Lisa's boyfriend so who's side to you think she is going to take in this situation? She also testified that Ivory Sheffield threw the riffle to me, but once again we know she is lying because Robert Perry Smith also gave a statement to Det. T. Matjeka and Sgt. Ewell in the supplementary Police report that he handed me the guri.

7. Smith, Robert Perry: B/M 06/20/77

8726 Five Palms... this witness admitted to handling the rifle to the actor, at the actor's request, before the shooting. He denied seeing the shooting but heard the shots. He positively identified the actor in a photo line up. (Statements taken).

After reading pages one through three, I would like to state again that the 12 people on my jury never heard any of this information or any of these statements that was made to the police, which would have contradicted everything Ms. Wallace got up on the stand and under oath to tell the truth and nothing but the truth.

But what did she do? She lied and now I sit on death row because my lawyers didn't do their job. Where is the justice in that? And also think about this, Ms. Wallace has been able to get up in front of a jury and tell these same lies not once, but twice.

After a lot of research and hard work by people who support me in this fight for my life and justice, I was able to find these statements that would have helped me win this case if my lawyers had done their job, but they didn't do a pre-trial investigation into these men or other potential witnesses, need I say more? No, but I will leave you with these last words, "How can a lawyer whose job it is to defend your life and freedom and bring you justice in a court of law, not know of these police reports"? Were they withheld by the state? I don't know because it was eight years after my first trial that I learned these statements were made because I would have made sure these people were called to my trial.

At the moment, three new witnesses have come forward and once again contradicted Ms. Wallace's testimony. You will be able to read each sworn statement as they were given they will be attached to my story for your reading.

Let me tell you a little about myself, by no stretch of the imagination am I a choirboy of a human being. This is what the state used to convict me. Yes I was a drug dealer and a gang member also when I was younger, but none of this had any thing to do

with me killing those two young men, it was a case of do or die that night. The state made sure that the jury new I was a drug dealer and gang member and of my past criminal history, but at the same time as you have read, they made sure the jury didn't hear of their criminal history.

Page 5.

With the three new witnesses coming forward and giving sworn statements to what happened that night. David K. Sergi & Associates, along with David Dow of Texas Innocence Network have filed a subsequent Application for Writ of Habeas Corpus and requested for Stay of Execution. On my behalf as of the 18th November, 2008 at this time the Court of Criminal Appeals of Texas has not ruled on it.

Before I end this I would like to thank Mr. Flowers and Mr. Neal, along with Ms. Sullivan for coming forward and telling what they saw that night. And I would also like to give thanks to god for answering my prayers in giving these people the strength to do what they felt was right after reading about my pending execution.

I also would like to say God bless you to all the special people who have supported me in my struggle for my life and freedom over the years starting with my moms – Mom-Z as we call her, you know you are loved and appreciated by me always. To my wife Danielle Moore, for you're love and support as I sit in this cage 22 hours a day. To Ann for the love and support she gives. To Roxanne and family. To my uncle Mox, for keeping it real at all times. Also, to Lillian and Ruby along with the cat family, lol...

My sister Alison ad her family, love you... To my brothers and sisters and kids who have kept it real with me, I love you, you know who you are. And finally all the supporters I didn't mention.

Yours truly

Frank Cash Moore.

p.s. Anyone interested in joining my struggle and fight for my life please contact me at:

Frank Moore #999210
Polunsky Unit,
3872 FM 350South,
Livingston, Texas 77351,

Or e-mail me at frankmoore999210@voiceforinmates.com

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is PMG.

PRIVACY ACT STATEMENT

AUTHORITY: Title 10, USC Section 301; Title 5, USC Section 2951; E.O. 9397 Social Security Number (SSN).
PRINCIPAL PURPOSE: To document potential criminal activity involving the U.S. Army, and to allow Army officials to maintain discipline, law and order through investigation of complaints and incidents.
ROUTINE USES: Information provided may be further disclosed to federal, state, local, and foreign government law enforcement agencies, prosecutors, courts, child protective services, victims, witnesses, the Department of Veterans Affairs, and the Office of Personnel Management. Information provided may be used for determinations regarding judicial or non-judicial punishment, other administrative disciplinary actions, security clearances, recruitment, retention, placement, and other personnel actions.

DISCLOSURE: Disclosure of your SSN and other information is voluntary.

1. LOCATION: Houston c Rio Area
2. DATE (YYYYMMDD): 10/15/08
3. TIME
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME: Sullivan, Margaret Ann
6. SSN: H60-37-5990
7. GRADE/STATUS
8. ORGANIZATION OR ADDRESS: 30901 Kayser San Antonio TX 78222

9. Margaret Sullivan, I WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
To whom it may concern, I Margaret Sullivan saw some guys come wheelzoy. I came up to frank. They start shooting at him. I saw when I saw that I took off running.

NOTHING Follows MS
E.C.H.

10. EXHIBIT
11. INITIALS OF PERSON MAKING STATEMENT: MS
PAGE 1 OF 3 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

Blank PAGE MS

Margaret Sullivan

AFFIDAVIT

I, Margaret Sullivan, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE _____. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

Margaret Sullivan
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 15th day of October, 2008 at W. Commerce

EVARESTO C. HERNANDEZ

Evaresto C. Hernandez
(Signature of Person Administering Oath)

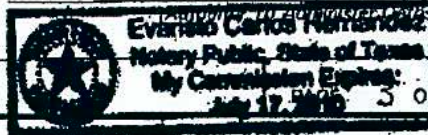
ORGANIZATION OR ADDRESS

8626 Sweet Meadow Dr.

EVARESTO C. HERNANDEZ
(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT



3 PAGES

Statement

Tuesday, August 26, 2008, 13:10hours

RF My name is Rowland Earl Flowers. I am 57 years of age and live at 1502 North
RF Center Street in San Antonio, Texas 78207. I am a painter. I have no immediate
RF family and currently live alone. My children are grown.

RF I am making this statement to Carl Deal, a representative working for David Sergi,
RF an Attorney. Mr. Deal is trying my statement as we speak. I don't write very well and
RF I cannot type, although I read pretty well.

RF I was brought to San Marcos to speak to Mr. Sergi by Zenodia Coverson. She found
RF me and convinced me to come up here and talk with Mr. Sergi. I have never met Mr.
RF Sergi before and have never heard of Mr. Sergi before. Had he called me and asked
RF me to talk to him or to give him a statement, I would have refused.

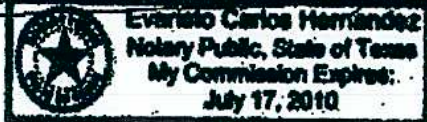
RF Back in 1994 I was a much younger man. I lived in the lower East side of San
RF Antonio, Texas. This was a bad part of town with drug dealers and violent crime. I
RF was a drug dealer. I have been arrested three times, charged with Forgery, Organized
RF Crime and Cocaine possession. In 1994 I was a convicted felon and had I been found
RF in possession of a gun, it would have been a problem. I think I was convicted in
RF 1990.

RF Sam Boyd, Little Bubba and a guy named Little Ernie were well known. I knew
RF everybody. They had the reputation of being stick up men - they'd rob people, kill
RF people. They'd just dog people - both women and men.

RF About a month earlier, they killed this soldier. He was trying to score some drugs
RF and they beat him to death with a baseball bat and took his money. I can't remember
RF his wife's name, it was Ertha Johnson - maybe Tony Johnson.

RF I think it was a Friday or Saturday night. I'd gone to the Will of Joy, on Houston at
RF Rio Grande. I used to sell drugs there. On this night I went down there to party.
RF When I was inside, Little Bubba came up to me and said that he was going to get me
RF outside. Sam Boyd and Ernie sicked him on me. I saw them standing behind him.
RF He had a 22 in his hand and he said, "I'm gonna jack you, I'm gonna jack you." I'd
RF heard from people that they'd planned on hitting me. They wanted my money, my
RF drugs, maybe my life. They liked to stick up and shoot drug dealers. I sure was gonna
RF put them to sleep.

RF When they threatened me inside, I knew I had to get outside. So I went across the
RF street from the club. I went in my trunk and got my gun and a lady friend gave me
RF her gun - so I had two guns, standing across the street. My intention was to shoot
RF them. I wasn't afraid of them, I just wanted to protect myself. I wanted to get them
RF off me.



Flowers

R.F.

RF So when they came out about 30 minutes later, they got in their car. They were
RF laughing and cutting up - and they had their guns. Sam Boyd had two - one in his
RF hand and one in his belt. When they came out the club, their car was right in front of
RF the club. I yelled at them, "here I am over here". I had both of my guns cocked and
RF ready. They must not have heard me cuz the club was letting out. There was noise
RF and music and people and cars cranking up.

RF Frank, to me was a good person. He didn't bother no body. He was in his own
RF world. I never seen him bother nobody. I didn't know his last name. She told me,
RF Ms. Coverson, it was Moore. I'd seen Frank at the club a lot of times.

RF When Frank came out of the club, Little Bubba was driving the car. I remember it as
RF a little bitty white or beige car. Frank had made it to the street - a car length and a
RF half. Little Bubba slammed on the gas, tires screeching and tried to run over Frank.
RF They pulled the car into a parking space pushing and pinning Frank against the wall.
RF I saw Frank run around the car and ran past the passenger window as Sam Boyd
RF reached out the window of the car and started bustin. Bubba shot too. I think it was
RF three or four rounds. Frank didn't get hit. They was picking on everybody that night.
RF I just figured they were in it with him too - going to rob him or shoot him.

RF Frank ran around the passenger side of the car running toward his car, about two car
RF lengths away. Some dark skinned fellow was at the trunk of Frank's car and opened
RF the trunk. He pulled out a rifle from the trunk and handed it to Frank. People were
RF running all over the place after Boyd and them started shooting.

RF With the gun, Frank walked up on them and shot four or five times. Little Bubba and
RF Sam Boyd got hit. Ernie ran down the street like a chicken. Frank went back to his
RF car - everyone was running so I don't know where he put the gun, whether he was
RF driving, who was driving but he drove off.

RF I was across the street - a two lane road while I watched it. After the shooting, I put
RF my guns up under my car and walked across the street and looked down in their car.
RF Both of them were slumped over, eyes open, dead. When I got to the car, Coco - a
RF crack head, dope fiend, was taking their guns. I saw him take three guns. I'm gonna
RF find out his real name. I haven't seen him since that incident. Sam Boyd's mother
RF was Coco's girlfriend. Her name was Evelyn Boyd. They lived about five blocks
RF down. Sam Boyd's mother arrived before the cops, crying, hootin and hollering. I
RF just laughed and said something like "he got both ya'll mother fuckers." I was very
RF happy about it. I was angry that I didn't get them They was doing a lotta harm to the
RF folks in the neighborhood. They were robbing and shooting a lot of people. I'm still
RF angry now that I'm not the one to get them.

RF The cops showed up about fifteen minutes after the shooting. Coco was long gone
RF with the guns. Everyone was standing around watching. The cops put up their



Evaristo Carlos Hernandez
Notary Public, State of Texas
My Commission Expires:
July 17, 2010

Nothing Follows R.F.

RF yellow tape and told everyone to leave. I'd say 50 percent of everyone there was dirty
RF anyway and they wanted to leave.

RF In that part of San Antonio only the snitches talk to the cops. Very few people do.
RF It's not that black folks don't trust the cops, it that 9 of 10 times it will come back on
RF you. I didn't talk to the cops because I was on parole at the time, that I had guns, had
RF guns in the club - and if you got crack, you dealin any kind of drugs, the cops don't
RF believe you anyway. I thought if I went to the cops, they'd investigate me and I'd end
RF up locked up. I thought about telling my parole officer what happened, but didn't
RF think he'd believe me, and I wasn't going to tell him about having a gun. I'll bet 75
RF percent of the people on the East side are already on parole. Even back then, had
RF Frank or one of his attorney's asked me to make or statement or to testify, I would
RF have made myself scarce.

RF I Rowland Flowers have turned around my life. I have committed crimes in my life.
RF Now I'm living the life of my grandchildren. I knew that one day I had to step up
RF and tell the truth about what I was involved in. I would hate from Frank to lose his
RF life for what was self defense.

Rowland Flowers
Rowland Flowers

8-26-08
3:15 P.M.

RF - This a true statement and
RF - correct to the best of my
RF - knowledge.

X Evaristo Hernandez
NOTARY PUBLIC



SWORN STATEMENT

For use of this form, see AR 180-45; the proponent agency is PMG.

PRIVACY ACT STATEMENT

AUTHORITY: Title 10, USC Section 301; Title 5, USC Section 2951; E.O. 9397 Social Security Number (SSN).
PRINCIPAL PURPOSE: To document potential criminal activity involving the U.S. Army, and to allow Army officials to maintain discipline, law and order through investigation of complaints and incidents.
ROUTINE USES: Information provided may be further disclosed to federal, state, local, and foreign government law enforcement agencies, prosecutors, courts, child protective services, victims, witnesses, the Department of Veterans Affairs, and the Office of Personnel Management.

DISCLOSURE: Disclosure of your SSN and other information is voluntary.

1. LOCATION: Commerce Bowie
2. DATE (YYYYMMDD): 10/18/08
3. TIME: 5:10pm
4. FILE NUMBER: JN
5. LAST NAME, FIRST NAME, MIDDLE NAME: James Lee Neal
6. SSN: 246-19-4453
7. GRADE/STATUS: JN
8. ORGANIZATION OR ADDRESS: JN Antonio 1502 N. Center San Antonio TX 78202

9. I, James Neal, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

I was at the Wheels of Joy Club on Jan. 21, 1994 I was playing Pool with Frank Moore I got a call and I went out side to meet my girl friend accross the Street I saw Frank Moore come out the Club and this car pull up fast it looked as though it was going to smash Frank against the club wall then the men's side started shooting at Frank he went down and rolled under the Car and came out the other side, my girl friend and I got back into the car and left that area before we got shoot. End of Statement.

10. EXHIBIT
11. INITIALS OF PERSON MAKING STATEMENT: [Signature]
PAGE 1 OF ___ PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF ___ TAKEN AT ___ DATED ___
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

Melvin White
Notary Public of TEXAS
18 October 2008

