## **EXHIBIT 32**

## Cause No. 9407130

STATE OF TEXAS

§ IN THE 248TH DISTRICT COURT

V.

§ OF

CHARLES DOUGLAS RABY

§ HARRIS COUNTY, TEXAS

## **AFFIDAVIT**

STATE OF TEXAS

DATE: March 31, 2009

HARRIS COUNTY

Before me, the undersigned authority, a peace officer, on this day personally appeared Eric Benge, who being by me duly sworn, upon his oath deposes and says:

"My name is Eric Benge. I am the grandson of Edna Franklin, the complainant in the instant cause, and I testified during the capital murder trial of State of Texas v. Charles Douglas Raby, cause no. 9407130.

I have reviewed Sarah M. Frazier's March 25, 2009 letter intended as an offer of proof regarding my anticipated testimony during a January 16, 2009 hearing in the instant cause. Ms. Frazier's March 25, 2009 letter does not accurately report the testimony that I would have given during the January 16, 2009 hearing.

I have read the above statement and find it to be true and correct to the best of my knowledge."

ERIC BENGE

**Affiant** 

SWORN AND SUBSCRIBED before me, the undersigned authority, while engaged in, and related to, the performance of my duties as a peace officer on this the 31st day of March, 2009.

DONALD COHN, INVESTIGATOR

Harris County District Attorney's Office

03/31 /2009 2:35 Pm