

EXHIBIT 30

County of Harris §
§
State of Texas §

AFFIDAVIT OF FELIX CANTU

My name is Felix Cantu. I am a resident of Harris County, Texas. I am over the age of eighteen and I am competent to make this affidavit. All the facts stated here are within my personal knowledge.

1. I was appointed to represent Charles D. Raby at trial by the 248th District Court in Harris County and acted as lead counsel during his trial for capital murder, at the conclusion of which, on June 17, 1994, he was convicted and sentenced to death.

2. During the course of that trial, on June 8, 1994, Joseph Chu, a DNA analyst with the Houston Police Department ("HPD") Crime Lab, testified on direct examination about having collected various hair samples and other biological evidence from Mr. Raby at the time of his arrest. On cross-examination, I questioned him about whether blood typing had been performed on the victim's fingernails, and he responded that it had been done, but the result was "inconclusive." I did not press further.

3. At the time of trial, the State had produced to the defense the offense report pertaining to the case, and on page 1.002 of a supplement within that report dated December 17, 1992, appeared the only reference to blood typing analysis of any kind. Again, the report called the results from the fingernails "inconclusive."

4. I understood "inconclusive" to mean that the typing had not produced a definitive result as to what blood group substances were present, or that the result was ambiguous in some way. I had no other materials from the State bearing on the blood typing analysis.

5. I recently received from Mr. Raby's current counsel a copy of the HPD Crime Lab report issued in the case. On page 00072 (Chapter 64 proceedings appellate record reference), it shows a worksheet in the form of a chart, a portion of which relates to the blood typing. It shows that blood group substance B, Mrs. Franklin's blood type, was present in the nails from both hands. But in addition, blood group substance A was found in blood cells from nails on the right hand.

6. I knew or could have easily learned that Mr. Raby's blood type was O. I would have known that the presence of blood group substance A therefore pointed to a potential attacker other than Mr. Raby.


7. That report was either never produced to me at trial, or it was produced in the midst of a witness examination; in either case, I had no opportunity to incorporate the contents of that page into my examination, much less submit it to someone with the expertise to explain

what the notes on that chart meant. I am told that the report was not within the trial files I forwarded to Mr. Raby's current counsel in about 2001, and that is what I would expect.


8. If I had known about the presence of blood group substance A in the blood typing findings before trial, I would have asked Mr. Chu about it further and made sure the jury understood the significance of the finding. In fact, this exculpatory fact would likely have altered both the way I saw the case and my trial strategy. I would certainly have investigated the analysis further and attempted to obtain whatever further analysis of the fingernails was possible. I would have then argued the issue during closing.

9. I want to add that to my mind when Mr. Chu called these results "inconclusive," which was an inaccurate finding, this caused me as well as the jury to be misled.

Executed on this 20th day of March, 2009.


Felix Cantu

Subscribed and sworn to before me, the undersigned authority, under oath duly administered, on this 20th day of March, 2009.


Notary Public in and for the State of Texas

My commission expires: 6-1-2010

