

EXHIBIT 33

THE 248TH DISTRICT COURT
OF HARRIS COUNTY, TEXAS

EX PARTE

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Writ No. _____

CHARLES DOUGLAS RABY

Trial Cause No. 9407130

AFFIDAVIT



1. I, Timothy J. Ferrier, duly swear under penalty of perjury the following:
2. My name is Timothy J. Ferrier. I am over 18 years old. I am of sound mind, capable of making this affidavit, and personally acquainted with the facts herein stated.
3. My date of birth is March 19, 1984. I was 8 years old in 1992. I was in 3rd grade and attending Scarborough Elementary School.
4. I lived at 3014 Cedar Hill, Houston, TX 77093. I lived with my mother, Betty Wearstler, and Wanda Robinson, my grandmother. Charles Raby is my half-brother; we share the same mother.
5. On the night of October 15, 1992, I was at the above address in the garage, which had been converted into a bedroom, where my mother and I slept. I was, as far as I am aware, the only person awake at that time.
6. My mother was at work. I heard a knock at the side door of the house. I walked down the hall from the garage to the side door and answered it. I do not know what time it was exactly. I estimate the time to have been between Midnight and 4am. The person knocking at the door was Charles Raby. /
7. I specifically recall that Charles was wearing a light colored t-shirt. I do not recall any visible writing on the t-shirt. I do recall that there was a sweat stain on the shirt around the neck. I believe Charles was also wearing jeans.
8. I did not see any scratches or injuries on Charles.
9. I did not see any blood on Charles.
10. I did not see Charles in possession of a knife or any other cutting instrument.
11. Charles asked me why I was still awake since it was a school night and told me to go back to bed. I went back to bed.



Timothy J Ferrier

Timothy J Ferrier

12. I did hear someone knocking at the side door and I had asked who it was because it was unusual this time of night for someone to be knocking at the door, especially the side door.