

State of Texas)
)
County of Harris)

In Re Linda Carty

AFFIDAVIT OF CHARLES MATHIS

I, Charles Mathis, state that the following is true and correct to the best of my knowledge:

- 1) I am over 18 years of age.
- 2) On October 5, 2005 I signed an affidavit in relation to this case. I hereby confirm all that I stated in my October 5, 2005 affidavit and attach it to this affidavit. The entirety of my October 5, 2005 affidavit remains true.
- 3) I make the following additional statements today.
- 4) Since my last affidavit, I have attempted to avoid speaking to Linda Carty's defense team because I have serious and on-going health complications and because this case is a source of stress and difficulty for me. However, I make this statement today because I feel that it is important and I want this additional information to be considered at this point.
- 5) From September, 1973 until January, 2003, I worked as an agent for the Drug Enforcement Administration (DEA). As an agent for the DEA, my duties included recruiting and maintaining contact with confidential informants (CIs) to help investigate possible criminal activity. I retired from the DEA in January 2003.
- 6) I was first introduced to Linda Carty around 1991 as a possible confidential informant, but she had to be properly documented before she could begin work.
- 7) As part of this documentation process, Linda was subject to a background check which was kept highly confidential, but to which I had access.
- 8) Over the next few years, Linda Carty worked as a confidential informant for me, gathering information and tips and, when authorized, taking a more active role in an investigation, such as making authorized "buys" of narcotics.
- 9) As a CI, Linda was effective and helpful. Though Linda was officially taken "off the books" around 1996, Linda still called me semi-regularly with tips on various cases and also just to talk in general. Had one of these tips warranted it, I would not have hesitated to put Linda back "on the books" as a CI. This was generally how CIs were employed, and it was not uncommon for a CI to come on and off official CI status as circumstances warranted.

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- 10) I believe Linda also worked as a CI with the HPD.
 - 11) In May 2001, I was called by an officer of the Houston Police Department regarding Linda Carty. I was asked to come down and speak to Linda regarding her possible involvement in the abduction of Joanna Rodriguez.
 - 12) When I arrived at the HPD station, before I started speaking to Linda, I asked Lieutenant Smith of the HPD if Linda had been advised of her Miranda rights. Lieutenant Smith advised me that she had not because she was not under arrest, and he did not want her to "lawyer up" and stop talking. It was clear to me that Linda was a suspect and was the focus of the HPD investigation and this was why she was being detained.
 - 13) Linda was initially interviewed in a room with audio and video equipment, padded walls and a one-way glass. I believe she was being video taped for some or all of this initial interview.
 - 14) After Linda disclosed the possible location of her missing car, I urged HPD to go to the location and see if they could recover the mother and the child. I understand now that it was not known at this time whether either the mother or child were alive.
 - 15) HPD refused to go to the location at this time, and instead insisted upon riding Linda and attempting to extract a confession from her. They took Linda into another room; a smaller room. The officers were shouting at Linda, screaming at her face just a few inches away from it. I had been a DEA Agent for a long time and seen some aggressive tactics, but I had never seen anything like this.
 - 16) At this point, I wanted to get out of the case and leave HPD. I could not condone the tactics they were using. I knew that what they were doing was not appropriate or within the rules and I did not want to be involved in something like this. Especially as Linda had not been given her Miranda rights.
 - 17) Shortly after the initial investigation I was contacted by DA Connie Spence.
 - 18) Spence called me on the telephone and I told Spence that I did not want to testify against Linda. I told her that Linda was still actively involved providing tips to the DEA. I also told her of an incident Linda had called me about in May 2001 when she said two men had threatened her at gun point. I told Spence that I had known Linda for a long time and I knew that Linda did not have it in her to kill anyone.
 - 19) Spence provided me with no option to testify against Linda: Spence threatened me with an invented affair that I was supposed to have had with Linda.
 - 20) When I told Spence that I did not want to testify, I remember very clearly what Spence said in response. She said to me "you don't want me to cross examine you about any inappropriate relationship with Linda Carty do you?"
 - 21) I was shocked when Spence said this. I was (and still am) in a very happy marriage. Moreover, DEA Agents should not have such relationships with their Confidential Informants. But beyond this, I was (and still am) very proud of my reputation as a law enforcement officer with integrity and who did things right. When I took the oath

of office in 1973 at the age of 23 I took that oath seriously and as something to live by. I still live by that oath today.

- 22) I never had an inappropriate relationship with Linda Carty. Spence entirely invented the whole concept.
- 23) I felt Spence was threatening and blackmailing me into testifying.
- 24) Prior to testifying I spoke to Connie Spence several times on the phone and met her in person at least once before trial. I met her at my building and I remember her interviewing me. She seemed to care very little about the truth and what I had actually seen and heard and was far more interested in her story for trial.
- 25) Connie Spence may have recorded me in these interviews. I do recall seeing that she took notes during our in-person interview.
- 26) In my various conversations with Spence, I told her everything that had happened when Linda Carty was interviewed by HPD. I told Spence that I wanted to testify about the misconduct during the investigation and the fact that Linda was not read her Miranda rights. However, Spence limited my testimony and wanted me to testify only to a very tight set of facts.
- 27) I told Spence that I believed Linda had some mental issues regarding pregnancies and this explained her strange statements about babies but I told Spence clearly that Linda was not a murderer. I told Spence I did not believe Linda was a danger to society. However, it became very clear to me that Spence wanted a death conviction at any cost. It struck me that Spence wanted a death sentence as a feather in her cap. She was far more interested in a death conviction than the truth.
- 28) I also told Spence that I felt Linda would struggle to convince the co-defendants, who I understand were seasoned criminals, to do a dangerous and risky robbery like this. It became clear to me while I spoke to Linda at HPD that she was, in fact, afraid of the other men involved in this case. I believe Linda would have struggled to gain the trust of men who did not know her and would be naturally suspicious of her. In my experience as a DEA Agent for 29 years, I believe it would be very difficult for her to convince men such as Christopher Robinson to do something as risky and dangerous as stealing a lady and a baby.
- 29) I told Spence that it didn't ring likely to me that Linda would be able to persuade these men to put their lives on the line purely on the word of someone they did not know.
- 30) I did not want Linda to get the death penalty, and I do not think she deserves the death penalty. The Linda I know is not a violent person, let alone a cold-blooded murderer.
- 31) Though Linda might have been capable of exaggeration, I do not believe her to be a compulsive liar.
- 32) I would have been willing to testify about all the things I told Spence as described in this affidavit. Also, I would have been willing to testify that Linda should not have

gotten the death penalty and also would have been willing to testify that I do not believe her to be a future danger. I would also have testified that she is not a violent person, let alone a cold-blooded murderer and that she is not a compulsive liar. Additionally, I would have testified that I do not believe that Linda is capable of killing another human being.

33) I would not have employed someone like Linda as a CI if I had felt they were a compulsive liar or capable of intentionally murdering someone, nor would I have maintained contact with such an individual. It would have been detrimental both personally and professionally to attempt to utilize such an individual.

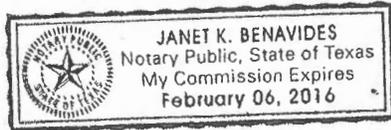
I have read this affidavit. I affirm that it is true and correct to the best of my knowledge, and I so state under penalty of perjury.

SIGNED this 8th day of September 2014.

Charles Mathis
CHARLES MATHIS

SUBSCRIBED AND SWORN TO BEFORE ME on this 8th day of SEPTEMBER 2014.

Janet K. Benavides
Notary Public, State of Texas



Printed name: JANET K. BENAVIDES

My commission expires: 02/06/2016