

CAUSE NUMBER 764358

STATE V. LAMAR BURKS

IN THE 182ND DISTRICT COURT
OF HARRIS COUNTY, TEXAS

AFFIDAVIT

I, Mark Stelter, an Assistant District Attorney employed by the Harris County District Attorney's Office, request a writ be issued and a material witness bond be set for Kevin Scales, a material witness in a murder case styled, State of Texas v. Lamar Burks, Cause Number 764358, pending in the 182nd District Court of Harris County, Texas. I believe it is necessary to issue a writ of attachment and set a material witness bond in the amount of \$25,000.00 based on the following facts:

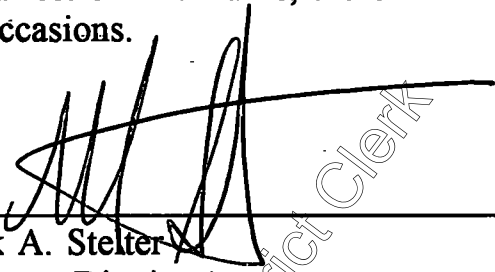
Kevin Scales is a witness to a murder that was committed on June 30, 1997. He is the only witness who has come forward and identified the defendant as the person who shot the complainant. As such, he is a material witness and vitally important to the State's case.

Mr. Scales was issued a formal subpoena by the 182nd District Court to appear in the 182nd District Court on April 13, 1998. Mr. Scales disregarded this subpoena and did not appear. Due to the fact that Mr. Scales is an absolutely critical witness to the State's case, Judge Jeannine Barr granted the State's Motion for Continuance on April 13, 1998, resetting the case until May 11, 1998.

While preparing for trial, it became apparent that Mr. Scales was making himself unavailable to the State. D.C. Wells, a Certified Texas Peace Officer and an Investigator with the Harris County District Attorney's Office, has diligently attempted to locate Mr. Scales. Investigator Wells has spoken with Mr. Scales on the telephone on a couple of occasions and in person and has made at least 3 appointments to meet with Mr. Scales. On each of these prearranged meetings Mr. Scales has failed to appear.

Mr. Wells also spoke with several friends and family members of Mr. Scales requesting that Mr. Scales contact Mr. Wells for purposes of meeting with him. Investigator Wells has also learned by speaking with individuals in Mr. Scales' neighborhood that Mr. Scales still resides in the neighborhood and has been frequently seen by the residents of the neighborhood.

Based upon Mr. Scales' lack of cooperation the District Attorney's Office sought assistance from the investigating Sergeants of the Houston Police Department who had developed a rapport with Mr. Scales over the course of their homicide investigation. Prior to the arrest of Mr. Burks, the officers had met with Mr. Scales on approximately 6 occasions.



Mark A. Stelter
Assistant District Attorney
Harris County District Attorney's Office

F I L E D
CHARLES BACARISSE
District Clerk

APR 30 1998
Time: 8:45 AM
Harris County, Texas
By _____
Deputy

Unofficial Copy Office of Marilyn Burgess District Clerk