

NO. CV 12,040

**THE TEXAS OBSERVER,
INNOCENCE PROJECT, INC.,
INNOCENCE PROJECT OF TEXAS
and TEXAS INNOCENCE NETWORK,**

Plaintiffs/Relators,

v.

**BILL BURNETT as SAN JACINTO
COUNTY DISTRICT ATTORNEY,
REBECCA CAPERS as DISTRICT
COURT CLERK for San Jacinto County
and SAN JACINTO COUNTY,**

Defendants/Respondents.

IN THE DISTRICT COURT

OF SAN JACINTO COUNTY, TEXAS

258th JUDICIAL DISTRICT

FINAL SUMMARY JUDGMENT

On October 13, 2009, the Court heard Defendants' Motion for Summary Judgment. The parties appeared before the court for the hearing on the motion. After considering the pleadings, the response, proof on file, and arguments of counsel, the court is of the opinion that the motion should be DENIED.

The Court, having considered the Plaintiffs' Cross-Motion for Summary Judgment, ("Motion"), the proof and pleadings incorporated therein, the response of Defendants' thereto, the proof on file, and the pleadings in this cause, hereby finds that Plaintiffs' Motion should, in all things, be GRANTED. It is, therefore, ORDERED that a permanent injunction, writ of mandamus and declaratory judgment shall issue, requiring Defendants or their successor(s) to:

- (a) Provide access to all trial exhibits admitted in the trial of Cause #6768, the State of Texas versus Claude Howard Jones ("Jones Trial") to the extent required to permit the testing ordered below;
- (b) Permit microscopic comparative examination of Jones Trial Exhibits 75A, 75B, 75C, 75D ("Jones Hair Samples"), Exhibits 76A, 76B, and 76C ("Dixon Hair

FILED
On 14th Day of June AD 20 10
Time 10:00 AM

REBECCA CAPERS
Clerk District Court San Jacinto County, Texas

Rebecca Capers Deputy

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Samples"), Exhibits 78A, 78B, and 78C ("Victim's hair Samples") and Exhibit 77, Item #13 (previously designated "Hair from counter," and collectively with Jones Hair Samples, Dixon Hair Samples and Victim's Hair Samples, "Hair Evidence") by a forensic microscopic hair analyst mutually acceptable to Plaintiffs and Defendants; and

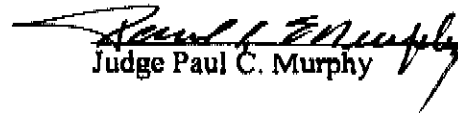
- (c) Permit the transfer of the Jones Hair Samples, the Dixon Hair Samples, Victim's Hair Samples and the Hair from counter to a forensic laboratory mutually agreeable to Plaintiffs and Defendants for mitochondrial DNA testing all within sixty (60) days from the date hereof.

It is further ORDERED that Defendants are permanently enjoined from destroying or permitting the destruction of the Hair Evidence before that evidence can be tested in accordance with the foregoing.

This judgment is final, disposes of all claims and parties, and is appealable.

Each party shall bear their own costs.

SIGNED this 11th day of June, 2010.


Judge Paul C. Murphy