

CASE NO. 1282104

THE STATE OF TEXAS	§	IN THE DISTRICT COURT OF
	§	
VS.	§	HARRIS COUNTY, TEXAS
	§	
LATURE IRVIN	§	263 RD JUDICIAL DISTRICT

**AFFIDAVIT IN SUPPORT OF
MOTION FOR NEW TRIAL**

THE STATE OF TEXAS,

COUNTY OF _____

Before me, the undersigned authority, on this day personally appeared Abe Emerson who, having been by me duly sworn, did state under oath as follows:

"My name is Abe Emerson. I reside at 1515 Padre Boulevard, South Padre Island, Texas 78597. I am familiar with the parties in the above-entitled and numbered cause and have personal knowledge of facts relevant to that case.

I had originally been scheduled to testify at the defendant's trial but was advised at the last minute that no witnesses would be called on his behalf.

The night of the alleged incident I was babysitting the children of Shannon and Lature Irvin. Trina Guerrero was brought to the house late that evening by Shannon and Lature Irvin. Trina was extremely drunk and asleep on the rear seat of their motor vehicle. She had to be carried into the house by Mr. Irvin and I. Carrying her was like carrying dead weight.

Once in the house I stayed with her because of her drunken condition. Trina was also subject to having seizures and it was our concern that she might have such a seizure while she was in her present condition. I believe that she may have had a minor seizure while she was passed out.

In addition to being so intoxicated that she passed out, the manner in which Trina was dressed cast further doubt on whether anyone could have had nonconsensual sex with her that night. She was wearing jeans that were so tight you would have to jump up and

down and wiggle to get into them. In addition she was wearing high boots that came to above her knees. Trina is also about 5' 9" tall. Shannon and I had difficulty loosening her clothes just to put her to bed that night.

I am familiar with the outside of High Rollers, the club where this allegedly happened. The lighting outside the club is quite bright. There is usually a fair amount of foot traffic in and out of the club late at night. It is my understanding Mr. Irvin's vehicle was parked near the front door where the traffic was most likely to be the highest.

Lastly, Mr. Irvin and Trina had been in an affair in the months leading up to the alleged offense. It should come as no surprise to anyone that Trina might have clothing, bedding, and other items with Mr. Irvin's DNA on them.

This affidavit is true and correct. I understand that I may be subject to prosecution for perjury if it is not."

Abe Emerson

SUBSCRIBED AND SWORN TO before me on this _____ day of _____, 2015.

Notary Public in and for
The State of Texas

My commission expires: _____

Typed or Printed Name of Notary