

STATE OF TEXAS            }

COUNTY OF WILLACY        }

**AFFIDAVIT**

BEFORE ME, personally appeared Juan Angel Guerra and stated under oath that the following is true and correct and from his own personal knowledge:

My name is Juan Angel Guerra. I am competent to testify. I am over the age of eighteen (18) years and have never been convicted of any crime.

I have learned how Judge Manuel Banales has conducted himself in the hearing. There is no way that the State will receive a fair trial in the above styled and numbered cause.

I have read the allegations in the motion for recusal to which this affidavit is attached and everything stated there is true and correct and from my own personal knowledge. I saw the behavior and attitude of said judge as to how he conducted the different aspects of the indictment against me and he did not give me any of my rights and he kept postponing my trial, refused to hear any of my motions, he refused to grant hearings on the various request for writs of habeas corpus to include for myself and an employee for the district attorney's office.

Furthermore, the Hon. Banales cannot be fair and impartial in that it is apparent that he is trying to ambush the State. This Court expected the State to be ready within 24 hours of the indictments against the Defendants being handed down.

On November 19, 2008 the Non. Court signed an order requesting that affiant produce all his files, notebooks, witness, statements, offense reports, photographs, papers or others evidence -whether in documentary form, electronic form or any other tangible form. It appears on its face of the order that the Court is entertaining on examining rial, something that Defendant are not entitle to. It is also virtually impossible for Defendant be properly prepare to defend all of Defendant's motion set by this Court within 48 hours notice. There are seven Defendants and each has filed about 2 motions. This is a total of about 14 motions. Affiant has no assistant in that the Willacy County commissioners refuse to pay his salary. To this date Affiant has not recover all items seized when his office was search. This Court has yet order that all seized items from Affiant be return.

This Court has entertain exparte motions without allowing the State to present his side. This Court did not extend this courtesy to the Hon. Juan Angel Guerra when he was first indicted and after had been arrested about eighteen (18) months ago. Instead this Court said idling by refusing to set his case for pre trial hearings or just dismiss the indictments against Affiant despite the fact that said Court was aware of all the technicalities, to include but not limited to the fact that

both Gustavo Garza and Marvyn Mosbacker especial prosecutors had not taken the oath as required by law.

The Hon. Judge J. Manuel Banales was willing to send the Texas Rangers to bring the District Attorney, affiant, so that all the defendants could have their motions heard immediately. Even the 72 hours rule on motions was ignored and the no-notification excuse was finally taken into consideration. This Court on at least one occasion stated that the Affiant had embarrassed the profession by protesting in front of the sheriff's office.

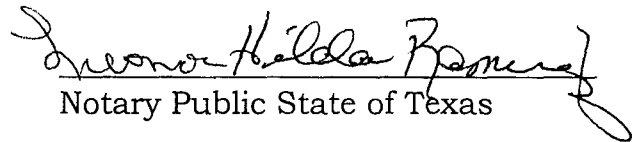
Regarding Defendant State Senator Eddie Lucio, Defendant has been responsible for many issues which the Hon. Judge J. Manuel Banales would have had a personal interest. The relationship between both may be too close-knit which would destroy the legitimacy reason for having rules for recusal.

Affiant further saith naught.



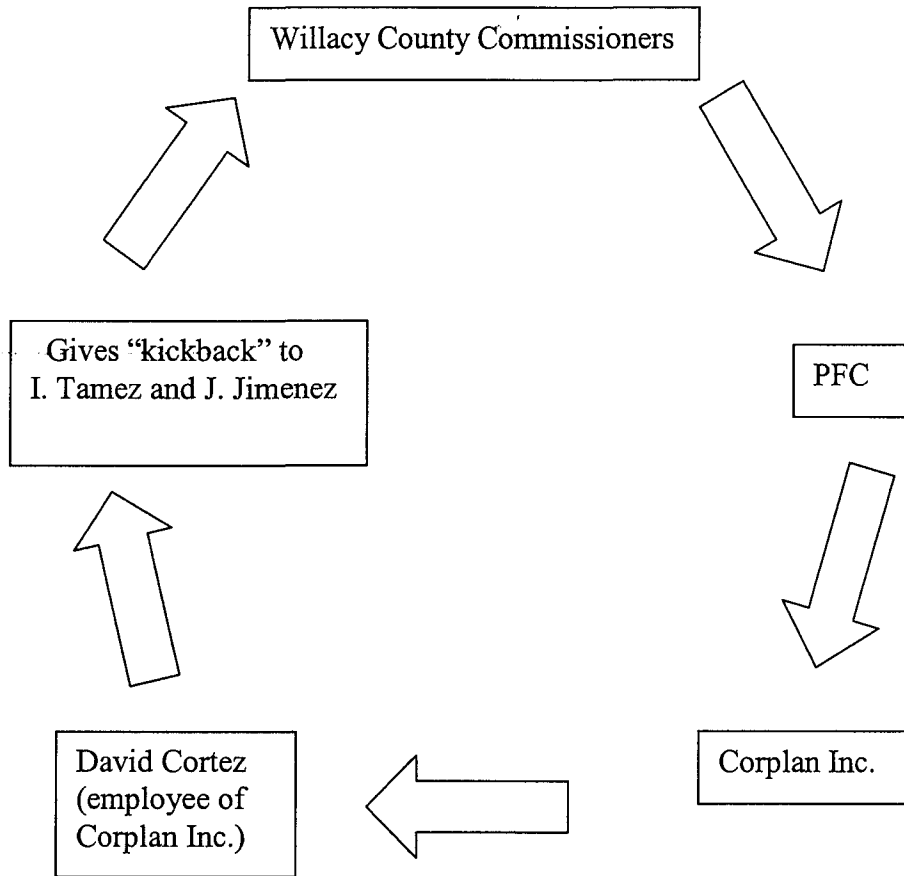
Juan Angel Guerra

SWORN AND SUBSCRIBED TO BEFORE ME, the undersigned notary, on this the 21<sup>st</sup> day of November, 2008, which witness my hand and seal.

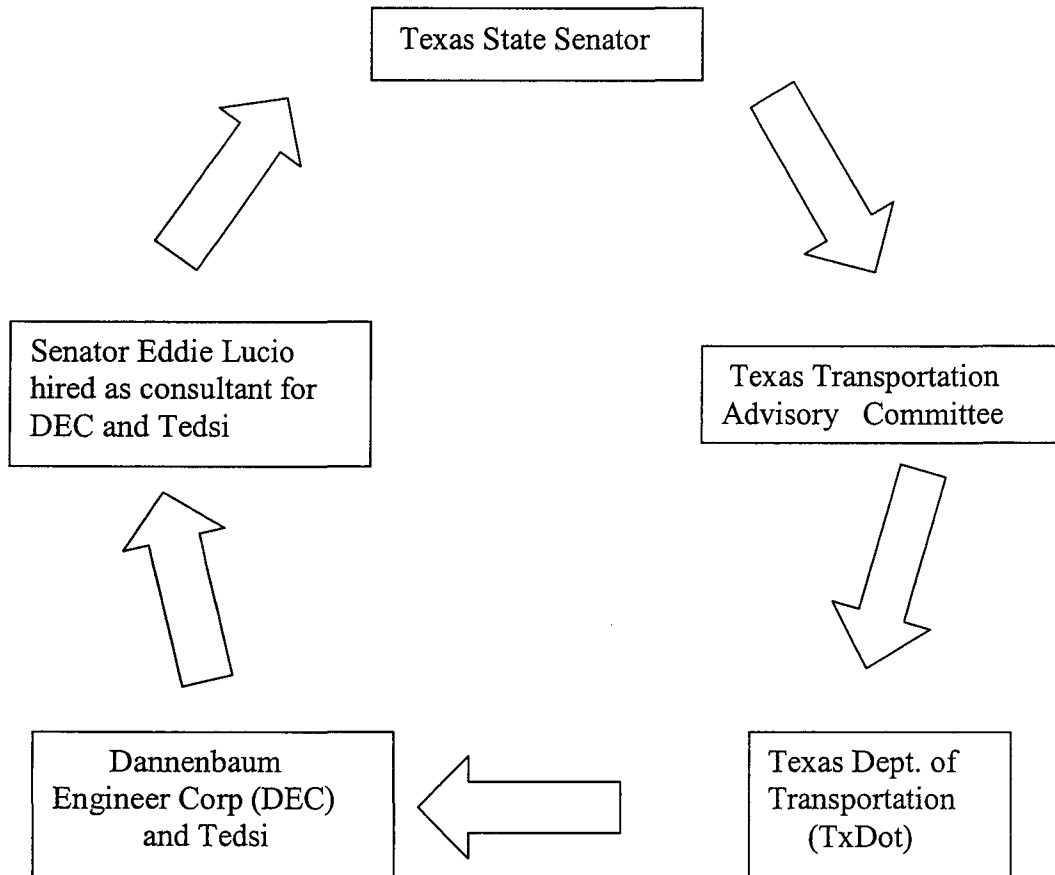


Notary Public State of Texas

Willacy County Commissioners money trail



Senator Eddie Lucio the money trail



Vice President Dick Cheney Money Trail

