

THE STATE OF TEXAS
COUNTY OF WILLIAMSON

I, Lisa Birkman (name) as a member of the Williamson County Commissioners Court make this affidavit and hereby on oath state the following:

I have a substantial interest in a business entity or real property that may receive a special economic effect that is distinguishable from the effect on the public by a vote or decision of the Williamson County Commissioners Court as those terms are defined in Chapter 171 of the Local Government Code. The business entity or real property is:

Gabriels Funeral Chapel, Georgetown, Texas

(name and address of business and/or description of property)

I, Richard Birkman (husband), Ann and Marvin Lackey (parents)

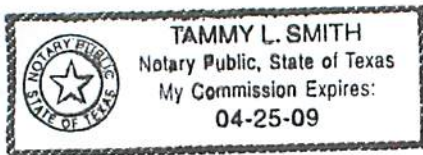
("I") or name of relative and relationship

(have/has) a substantial interest in this business entity or real property for the following reasons (circle all which are applicable):

- (1) the interest is ownership of 10% or more of the voting stock or shares of the business entity;
- (2) the interest is ownership of 10% or \$5,000 or more of the fair market value of the business entity;
- (3) funds received from the business entity exceed 10% of _____ (my/his/her) income for the previous year;
- (4) real property is involved and I, he, she (I/he/she) (have/has) an equitable or legal ownership with a fair market value of at least \$2,500.

Upon the filing of this affidavit with the official recordkeeper for the County, I affirm that I shall abstain from any discussion, vote, or decision involving this business entity or real property and from any further participation in this matter whatsoever.

Signed this 19th day of August, 2008



[Signature]
Signature of public official

Commissioner Pct. One

Title

BEFORE ME, the undersigned authority, this day personally appeared Lisa Birkman (name of affiant) and by oath stated that the facts hereinabove stated are true and correct to the best of (his/her) knowledge or belief. Sworn to and subscribed before me on this 19th day of August, 2008

[Signature]
Notary Public in and for the State of Texas

My commission expires: 4-25-09

TO THE HONORABLE CLERK OF THE
SUPREME COURT OF THE STATE OF TEXAS
AT DALLAS
FROM THE HONORABLE JUSTICE OF THE
SUPREME COURT OF THE STATE OF TEXAS
AT DALLAS

IN RE: THE APPLICATION OF
JAMES L. SMITH FOR A WRIT OF HABEAS CORPUS

THE STATE OF TEXAS, PETITIONER
VERSUS
JAMES L. SMITH, RESPONDENT

WHEREAS, the Respondent, James L. Smith, is a citizen of the State of Texas, and is now confined in the State Prison at Huntsville, Texas, under a conviction of a crime of which he claims to be innocent;

AND WHEREAS, the Respondent claims that the conviction of which he is now confined is a nullity, and that he is entitled to a writ of habeas corpus;

AND WHEREAS, the Respondent claims that the conviction of which he is now confined is a nullity, and that he is entitled to a writ of habeas corpus;

AND WHEREAS, the Respondent claims that the conviction of which he is now confined is a nullity, and that he is entitled to a writ of habeas corpus;

AND WHEREAS, the Respondent claims that the conviction of which he is now confined is a nullity, and that he is entitled to a writ of habeas corpus;

AND WHEREAS, the Respondent claims that the conviction of which he is now confined is a nullity, and that he is entitled to a writ of habeas corpus;

AND WHEREAS, the Respondent claims that the conviction of which he is now confined is a nullity, and that he is entitled to a writ of habeas corpus;

