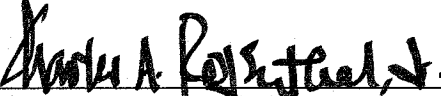


SUPPLEMENTAL DECLARATION OF CHARLES A. ROSENTHAL, JR

1. My name is Charles A. Rosenthal, Jr. I am over twenty-one years of age. I have never been convicted of a felony, and I am competent to give the testimony below. The matters of fact set forth below are within my personal knowledge.
2. I submitted a Declaration on December 18, 2007 (“Declaration”) filed in Civil Action NO. H-04-0186, *Erik Adam Ibarra, et al. v Harris County, Texas, et al.* in the United States District Court for the Southern District of Texas, Houston Division. While I believed the Declaration to be correct when I signed it, I now understand that I am unable to rely on my memory regarding the steps I took to manage the contents of my desktop and need to rely on reconstructing events from available documents and records. I have now consulted a medical specialist and am informed by him about conditions that have affected my perception and recollections over the past months. While I am seeking treatment to address these matters currently, I am concerned and wish to ask the Court to take into account that my prior testimony and Declaration must be considered in this context.
3. I was asked during the evidentiary hearing on plaintiffs’ motion involving me, if the following language in my Declaration was false: “I have checked and I deleted emails older than May 3, 2007 from my inbox ...”. I recall agreeing, based on the email tracking information on emails dated September and October 2007 that Mr. Kelley showed me. I want to clarify this testimony. The statement in the Declaration would not be incorrect as to emails more recent than May 3, 2007, such as the emails Mr. Kelley showed me, unless the emails were in my inbox at the time they were deleted. *In Camera* Exhibit 1, the list of my emails that Mr. Durfee created, shows the Outlook email folder in which each of the “tracked” emails was placed at that time. I believe plaintiffs’ exhibits 14, 15, 16, 17, 18, 19, 20, and 21 appear on pages 60, 77, 56, 56, 28, 17, 2, and 34 of *In Camera* Exhibit 1; and each was in my deleted folder according to that list. For example, plaintiffs’ exhibit 21 is an email with the subject: FW: Prosecutor of the Year, offering me congratulations. On page 34, it is listed as being in the deleted folder. I simply did not think clearly about the folder that the emails were in when they were deleted, and that information was not apparent from the emails or the tracking information when I responded to Mr. Kelley.
4. During the evidentiary hearing, I recall telling Mr. Kelley that I needed to check on the portion of my Declaration that states that I deleted emails “older than July 24, 2007 from my deleted folder”. I now believe that this portion of my Declaration is incorrect. I cannot specify the date range of emails that I deleted from my deleted folder. I therefore withdraw that portion of my Declaration.

5. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on this 12<sup>th</sup> day of March, 2008.

  
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Charles A. Rosenthal, Jr