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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

RICHARD A. LEAVITT,)	
)	CASE NO. CV-93-0024-S-BLW
Petitioner,)	
)	CAPITAL CASE
vs.)	
)	SUPPLEMENTAL AFFIDAVIT OF
A.J. ARAVE, Warden of the Idaho State)	DAVID Z. NEVIN IN SUPPORT OF
Maximum Security Prison,)	EMERGENCY MOTION FOR ORDER
)	TO SUBMIT EVIDENCE FOR
Respondent.)	TESTING
_____)	

David Z. Nevin, being duly sworn, deposes as follows.

1. I am one of the counsel appointed by this Court to represent Richard A. Leavitt, Petitioner in the case pending before this Court in *Leavitt v. Arave*, No CV-93-0024-BLW.
2. Earlier today I filed a separate Affidavit of David Z. Nevin in Support of Emergency Motion for Order to Submit Evidence for Testing (Docket No. 330).
3. Paragraph 12 of my earlier affidavit states that Mr. Andrew and Mr. Parnes in April

of 2012 discussed certain fingerprint testing which had been performed by a lab other than the state police forensic lab, and that Mr. Andrew had agreed to provide a report of this testing, but had not actually done so. This information from Mr. Parnes was in error, since Mr. Parnes has since located an email from Mr. Andrew dated April 27, 2012, which conveyed a copy of a report from a King County, Washington, latent print examiner, who states that he examined a t-shirt, and was unable to develop latent prints from it. Therefore, paragraph 12 of my earlier affidavit was incorrect when it stated that Mr. Andrew had not provided these results.

3. There is no change to the remainder of the affidavit. In particular, as of the present time, we have not received the results of testing performed at the state police forensic lab in or about 2001.

This ends my affidavit.

DATED this 21st day of May, 2012.

/s/
David Z. Nevin

SUBSCRIBED AND SWORN to before me this 21st day of May, 2012.

/s/

Notary Public for Idaho.
My commission expires: 11-8-13

CERTIFICATE OF SERVICE

I hereby certify that on this 21ST day of May, 2012, I filed the foregoing electronically through the CM/ECF system, which caused the parties to be served by electronic means, as more fully reflected on the Notice of Electronic Filing.

_____/s/
David Z. Nevin