

TEXAS BOARD OF PARDON AND PAROLES
ATTN: CLEMENCY SECTION
8610 SHOAL CREEK BLVD.
AUSTIN, TX. 78757

Re: Commutation of Sentence

Dear Board:

Enclosed is the Application for Commentation of Sentence and a written recommendation to the majority of the current trial officials (The present prosecuting attorney, judge, and sheriff of of the arresting agency from the county and court of offense), Please file with the appropriate office.

Thank you for your assistance in this matter.

Sincerely,

Christopher A. Radke

Pro Se Offender
TDCJ-ID# 806352

Radke, Christopher Aric

APPLICATION FOR COMMUTATION OF SENTENCE TO THE TEXAS BOARD OF PARDONS & PAROLES

TO THE BOARD OF PARDONS AND PAROLES OF TEXAS:

I hereby request the Board of Pardons and Paroles or its designated agent to file this application for Clemency, to investigate the statements herein made under oath and, if the facts so justify, make a favorable recommendation to the Governor of the State of Texas that a Commutation of Sentence, to which I may be entitled under the laws of the State of Texas, be granted.

A. DEMOGRAPHIC INFORMATION

| | | | | |
|--|--|---|--|--------------------------|
| Current full name | Last Name Radke | <input type="checkbox"/> Jr. <input type="checkbox"/> III <input type="checkbox"/> Sr. <input type="checkbox"/> IV | First Name Christopher | Full Middle Name Aric |
| Name(s) convicted under | Radke, Christopher Aric | | | |
| Race and sex | Race <u>White</u> Sex <u>Male</u> | | | |
| Date and place of birth | Date of birth <u>12-28-1971</u> Place of birth <u>Hillsboro, TX</u> | | | |
| Driver's license | State <u>Texas</u> License Number <u>11368669</u> | | | |
| Alias names (including maiden name, name by former marriage and nicknames), birth dates, social security #'s, etc. | NA | | | |
| Current marital status | <input type="checkbox"/> Married - Spouse's Name: _____ | | | |
| | <input type="checkbox"/> Divorced | <input type="checkbox"/> Separated | <input checked="" type="checkbox"/> Single | |
| Children / support / alimony | I have <u>NA</u> children under the age of 18 years. | | | |
| | I am supporting the following named children under the age of 18 years: <u>NA</u> | | | |
| | I currently pay \$ <u>NA</u> / month in child support. | | | |
| | I currently pay \$ <u>NA</u> / month in alimony. | | | |

(Last Name, First and Middle Name)

Radke Christopher Aric

B. ADDRESSES

| Current Mailing Address | | Current Physical Address | |
|---|----------------|---|----------------|
| <i>Indicate your current mailing address.</i> | | <i>Provide information even if the physical and mailing addresses are the same.</i> | |
| 2661 FM 2054 | | 2661 FM. 2054 | |
| Number and street | Apartment | Number and street | Apartment |
| Tennessee Colony, Tx 75884 | | Tennessee Colony, Tx. 75884 | |
| City | State Zip Code | City | State Zip Code |
| Home phone number [NA] _____ | | County of residence Anderson | |
| Work phone number [NA] _____ | | Years resided at physical residence 1½ _____ | |
| Email Address _____ | | | |

Previous Addresses

List all previous physical addresses since age 18. Do not use post office boxes. If you lived in an apartment complex, list your apartment number. All time periods must be accounted for. Include complete dates (months and years of residence), addresses, city, state and zip codes. Complete this page before attaching any additional page(s). Place attachments behind this page.

| | | | |
|--------------------|-------------------|-----------|----------|
| From (month/year): | Number and street | Apartment | |
| 1978 | 2514 Big Ben Ln. | | |
| To (month/year): | City | State | Zip Code |
| 1991 | Garland, Tx. | Tx | 75041 |

| | | | |
|--------------------|-------------------|-----------|----------|
| From (month/year): | Number and street | Apartment | |
| 1992 | 3012 Warm Springs | | |
| To (month/year): | City | State | Zip Code |
| 1993 | Richardson, Tx. | Tx. | 75082 |

| | | | |
|--------------------|----------------------------------|-----------|----------|
| From (month/year): | Number and street | Apartment | |
| NA | Don't know or remember the rest. | | |
| To (month/year): | City | State | Zip Code |
| NA | NA | NA | NA |

| | | | |
|--------------------|-------------------|-----------|----------|
| From (month/year): | Number and street | Apartment | |
| NA | NA | NA | |
| To (month/year): | City | State | Zip Code |
| NA | NA | NA | NA |

Radke, Christopher Aric

C. EMPLOYMENT

Please give a comprehensive adult (since age 18) employment history, beginning with your present employment and working backwards. Include employer's name, address, your job position working title, description of job duties, salary, dates employed, and reason for leaving. Complete this page before attaching any additional page(s). Place attachments behind this page.

| | |
|------------------------------------|--|
| From (month/year): 1994 | Employer name interceramics |
| To (month/year): NA | Employer address NA |
| Job position (working title) NA | Description of your work duties NA |
| Average monthly salary NA | Reason for leaving to work for another employer |

| | |
|------------------------------------|--|
| From (month/year): NA | Employer name Evans Pontiac & GMC Trucks |
| To (month/year): NA | Employer address NA |
| Job position (working title) NA | Description of your work duties NA |
| Average monthly salary NA | Reason for leaving To work for another employer |

| | |
|------------------------------------|---------------------------------------|
| From (month/year): NA | Employer name NA |
| To (month/year): NA | Employer address NA |
| Job position (working title) NA | Description of your work duties NA |
| Average monthly salary NA | Reason for leaving NA |

| | |
|------------------------------------|---------------------------------------|
| From (month/year): NA | Employer name Medifest |
| To (month/year): NA | Employer address NA |
| Job position (working title) NA | Description of your work duties NA |
| Average monthly salary NA | Reason for leaving NA |

Radke, Christopher Aric

D. STATUS

| | |
|--|---|
| <p>Are you currently incarcerated in a Texas penal institution? <i>If "yes," list your (TDCJ-CID) identification number.</i></p> | <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No ID number: <u>806352</u></p> |
| <p>Were you ever incarcerated in a Texas penal institution? <i>If "yes," list all (TDCJ-CID) identification numbers.</i></p> | <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Prior ID number: <u>NA</u> Prior ID number: <u>NA</u></p> |
| <p>Are you currently serving a term of probation? <i>If "yes", identify the county of current residence, name and phone number of your probation officer.</i></p> | <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No County: <u>NA</u> Name: <u>NA</u> Number: <u>(NA)</u></p> |
| <p>Are you currently on parole, annual report status, or serving a term of mandatory supervision? <i>If "yes," identify the county of current residence.</i></p> | <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No County: <u>NA</u></p> |
| <p>Do you have any pending criminal charges? <i>If "yes," attach an explanation page. Place the attachment behind this page.</i></p> | <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> |
| <p>Have you been incarcerated in a federal or non-Texas state institution? <i>If "yes," list all identification numbers. Include the facility name and location.</i></p> | <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No ID Number: <u>NA</u> Institution: <u>NA</u> Location: <u>NA</u></p> |

COS-10 (R-01/11/2010)

Date: _____

(Last Name, First and Middle Name)

Radke, Christopher Aric

CRIMINAL HISTORY INFORMATION

Provide information on all criminal convictions for which you are requesting a Commutation of Sentence (list one offense per page) and the disposition of each conviction. All blanks must be completed for each conviction. Included in this application are two (2) blank "Criminal History Information" pages provided in the event that you have multiple convictions.

Photocopy as many of these blank pages as needed to list additional convictions.

Criminal Offense: MURDER
List the offense as it appears in the court documentation.

Are you requesting a Commutation of Sentence for this offense? Yes / No

Additional Information about the Criminal Offense

County: Dallas State: Texas

Cause Number: F96-02380-UN

Court of Adjudication: 195th District Court

Disposition/Sentence Date: Life Sentence
Date of sentencing.

Court Disposition/Sentence: Life Sentence

Examples of possible responses that you may modify to reflect your circumstance:
 5 years TDCJ
 2 years State Jail Felony
 2 years probation

Fine ordered in the Sentence? Yes No If "Yes", indicate the amount: \$ NA
 Was the fine paid in full? Yes No

Restitution ordered in the Sentence? Yes No If "Yes", indicate the amount: \$ NA
 Was the restitution paid in full? Yes No

Radke, Christopher Aric

E. JUSTIFICATION FOR CLEMENCY CONSIDERATION

- (1) State the reasons and circumstances for requesting a commutation of sentence.

I believe that I was represented poorly by my defense attorney Cathrine Shelton. Also I believe that Garland Police Department handling of my case was a miscarriage of justice along with the handling of my case by the prosecuting attorneys who withheld valuable evidence from my defence team that helps shows my innocence. I believe if the judge would have seen the mitigating evidence that was withheld by the prosecutors then either I would have been found innocent, been convicted for a lesser included offense, or at worst found guilty and given less time than the prosecutors offered at trial which was Twenty five years. The medical examiner Shiela Spotswood testified that the evidence points to suicide but she was heavily influenced by Garland P.D., Detective Thompson to rule the case a homicide. Det. Thompson kept calling her off and on for 6 days telling her that I had all these stories so she said none of the stories he was telling her matched what she was seeing. However if she would of seen the interrogation transcripts, she would see she was lied to by Detective Thompson and my story never warranted. Page 14 of the Interrogation transcript that were withheld det. Thompson tells me they know she shot herself. Handwipings for firing a firearm were performed at the scene in which I SHOW negative for. Lab results show this but my wife was found with high level of antimony from firing a firearm and the medical examiner found a chipped fingernail

Complete this page before attaching any additional page(s). Place any attachments immediately behind this page.

barely hanging on which suggests that it happened from the shotgun . Police report by officer Reed was withheld at trial. Officer Reed said the Gun was lying next to the deceased. However as officer Reed testified to his report prosecuting attorney lead him into testifying that the gun was lying across my wife chest. This shows first responders moved the shotgun. Another police report says when the detective picked up the shotgun blood poured out of the barrells. As per Dr. Bonnell this proves the barrells were in my wifes mouth when she pulled the trigger. This report was with held because it did not fit. State blood spatte expert Tom Bevel, who went to the state crime lab (SWIFS) two days before trial. Mr. Bevel testified that he examined the pants after checking them out with the blood autopsy samples. He found high velocity blood spatter on the front- left pants leg. At trial Tom Bevel places me in a standing position left leg forward aiming the shotgun down to prove that I was in control of the weapon and Identity of the shooter at trial. However Two Foreinsic Serologists' Dr. John V. Planz and Dr. Elizebeth Hendal never detected any high volocity blood spatter on my pants after examining them microscopically five times. This pictorial & examination was withheld from my defense team and discovered in the middle of trial when Carolyn Van Winkle was testifying about DNA testing. How did High volocity blood spatter get on the front of my pant's almost two years later, two days before trial? These two Forensic Pathologists never got to testify about their pictorial & examination notes because all this was withheld from my defense team and would not fit the prosecutors theory and their hired expert Tom Bevels testimony. Noting there are not any lab notes or examination notes to Tom Bevels testimony. I obtained help from well known Forensic Pathologist, medical examinere Dr. Harry J. Bonnell and Dr. Bonnell rendered an affidavit ^{||} in my behalf after examining the evidence. Dr. Bonnell said if he was consulted before trial he could have testified to this. That between the time of the examination by SWIFS of the pants worn by me at the time of the incident and the time of the examination by Tom Bevel additional blood spatter developed such an event is rare. He also states that Dr. Spotswoods testimony is contradicted by two facts, (1) the amount of damage ^{||} to the skull

could only occur if the expanding gases that pushed out the shotgun pellets continued into the skull causing it to "explode" open and it did, (2) when the shotgun was first moved by responding law enforcement personnel and blood pouring out of the barrel. He also states DNA testing need to be done on the "so called" high velocity blood spatter on the front - of the pants, which would not be expected from an intra oral wound. Based on poor representation and the fact that then prosecutor withholding valuable evidence and not to forget the Garland PD. Detective lying to the medical examiner and the lack of experts I had in my defense I believe that the trier of fact the judge wouldn't have convicted me. At least not of murder and I wouldn't have received a life sentence. I was offered 25 years before trial after Tom Bevel was employed by the prosecutors. I DID NOT Take a plea bargain because I'm innocent of murder in my wife death. Now that I have done all this time and have been appealing the conviction of this case this whole time, I feel at least I should be pardoned or my sentence commuted and based on everything that was withheld and based on the newly discovered evidence, any trier of fact, judge, or jury would not have given me a life sentence.

 * * * * O F F E N S E / I N C I D E N T R E P O R T * * * *

GARLAND POLICE DEPARTMENT
 GARLAND, TEXAS

PAGE 1

OFFENSE NUMBER T01A0004
 PRINT DATE 03-05-96

* * * * INCIDENT INFORMATION * * * *

| DATE | TIME | BEAT | DIST | SHIFT | SERVICE NO |
|----------|----------|------|------|-------|------------|
| 02-29-96 | 08:55 PM | 114 | 38 | C | 039795 |

OFFENSE: MURDER

* * * * LOCATION INFORMATION * * * *

| PRIMARY LOSER | HOUSE LOCATION | ADDRESS TYPE |
|---------------|----------------|--------------|
| 001001 | SUNSET | DR |

* * * * GENERAL INFORMATION * * * *

OCCURRENCE

| >>>> FROM <<<< | >>>> TO <<<< | REPORTING OFFICERS |
|-----------------------|-----------------------|--------------------|
| DAY DATE TIME * | DAY DATE TIME | CM REED |
| THU 02-29-96 08:55 PM | THU 02-29-96 08:55 PM | 221 |

* * * * COMPLAINANT INFORMATION * * * *

| NAME | RACE | SEX | DATE OF BIRTH |
|-------------------|----------------|-------|---------------|
| RADKE, DIANA LYNN | W | F | 10-12-67 |
| ADDRESS | CITY | STATE | ZIP |
| 001001 SUNSET DR | GARLAND | TX | 75040-0000 |
| RESIDENCE PHONE | BUSINESS PHONE | | |
| (214) 205-0118 | (214) 000-0000 | | |

* * * * REPORTEE INFORMATION * * * *

| NAME | RACE | SEX | DATE OF BIRTH |
|-------------------|----------------|-------|---------------|
| MORRISON, MICHAEL | W | M | 06-27-69 |
| ADDRESS | CITY | STATE | ZIP |
| 007214 BENNING | DALLAS | TX | 75227-0000 |
| RESIDENCE PHONE | BUSINESS PHONE | | |
| (214) 388-9301 | (214) 000-0000 | | |

* * * * CASE INFORMATION * * * *

| CLEARED | UCR CODE | STATUS | INVESTIGATOR |
|----------|----------|--------|--------------|
| 03-01-96 | | A | |

* * * * NARRATIVE/SUPPLEMENTS * * * *

ON FEBRUARY 29, 1996 AT APPROXIMATELY 8:55 PM, OFFICERS WERE DISPATCHED TO 1001 SUNSET IN REFERENCE TO A GUNSHOT DISTURBANCE. OFFICERS OBSERVED THE COMPLAINANT DECEASED AT THE LOCATION.

SH

* * * * ASSOCIATED PERSONS * * * *

> > > SUSPECT < < <

| NAME | | RACE | SEX | DATE OF BIRTH | AGE |
|-------------------------|---------|-------------|---------|---------------|---------|
| RADKE, CHRISTOPHER ARIC | | W | M | 12-28-71 | 24 |
| ADDRESS | | CITY | STATE | PHONE | |
| 1001 SUNSET | | GARLAND, TX | TX | 205-0118 | |
| HGT | WGT | HAIR | EYES | MISC INFO | |
| 506-506 | 160-160 | BRO-BRO | HAZ-HAZ | GPD NUM | ARST NO |
| | | | | 89621 | 2784 |

GP5R/GPP1

DEFENDANT RADKE, CHRISTOPHER ARIC WM 12/28/71 CHARGE MURDER/2ND REINDICTMENT
AKA: CHRISTOPHER ARIC REDKE
ADDRESS 1001 SUNSET, GARLAND LOCATION DSO
FILING AGENCY TX0571100 DATE FILED 3/7/96 COURT _____
COMPLAINANT DIANA LYNN RADKE #96-02380 *UN*
C/C _____

TRUE BILL OF INDICTMENT

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF TEXAS: The Grand Jury of Dallas County, State of Texas, duly organized at the JULY Term, A.D. 19 96 of the 291ST JUDICIAL District Court, Dallas County, in said court at said Term, do present that one CHRISTOPHER ARIC RADKE, defendant,

DUPLICATE

on or about the 29TH day of FEBRUARY, 1996 in the County of Dallas and said State, did

unlawfully, then and there knowingly and intentionally cause the death of DIANA LYNN RADKE, an individual, by shooting DIANA LYNN RADKE with a firearm, a deadly weapon,

And intending to cause serious bodily injury to DIANA LYNN RADKE, an individual, did commit an act closely dangerous to human life, by shooting at said DIANA LYNN RADKE with a firearm, a deadly weapon, and said act caused the death of DIANA LYNN RADKE.

DEPT. OF CRIMINAL JUSTICE
MAR 10 1996
63:05
FILED

000002

RM 2
EV. 09/01/94)

TDC

NO. F-9602380-UN

STATE OF TEXAS

IN THE 195TH JUDICIAL DISTRICT

COURT OF

CHRISTOPHER ARIC RADKE

DALLAS COUNTY, TEXAS

JUDGMENT ON PLEA OF NOT GUILTY BEFORE COURT
WAIVER OF JURY TRIAL

JULY TERM, A.D., 1997

JUDGE PRESIDING: JOHN NELMS

DATE OF JUDGMENT: 10/31/97

ATTORNEY FOR STATE: TERRI MCVEA #11

ATTORNEY FOR DEFENDANT: CATHERINE SHELTON

OFFENSE INVICTED OF: MURDER

DUPLICATE

DEGREE: FIRST

DATE OFFENSE COMMITTED: 02/29/96

ARGUMENT INSTRUMENT: INDICTMENT

PLEA: NOT GUILTY

TERMS OF PLEA (IN DETAIL): OPEN PLEA

PLEA TO ENHANCEMENT PARAGRAPH(S): N/A

FINDINGS ON ENHANCEMENT: N/A

FINDINGS ON DEADLY WEAPON, BIAS OR PREJUDICE, AND/OR FAMILY VIOLENCE: NO FINDING

DATE SENTENCE IMPOSED: 10/31/97

COSTS: YES

PUNISHMENT AND PLACE OF LIFE CONFINEMENT: CONFINEMENT IN THE INSTITUTIONAL DIVISION OF THE TEXAS DEPARTMENT OF CRIMINAL JUSTICE AND A FINE OF - 0 - DATE TO COMMENCE: 10/31/97

TIME CREDITED: 3/6/96 TO 10/30/97

RESTITUTION/REPARATION: NO

CONCURRENT UNLESS OTHERWISE SPECIFIED.

ON THIS DAY, SET FORTH ABOVE, THE ABOVE STYLED AND NUMBERED CAUSE CAME TO TRIAL. THE STATE OF TEXAS AND DEFENDANT APPEARED BY AND THROUGH THE ABOVE NAMED ATTORNEYS AND ANNOUNCED READY FOR TRIAL. DEFENDANT APPEARED IN PERSON IN

COURT. WHERE DEFENDANT WAS NOT REPRESENTED BY COUNSEL, DEFENDANT KNOWINGLY, INTELLIGENTLY, AND VOLUNTARILY WAIVED THE RIGHT TO REPRESENTATION BY COUNSEL. DEFENDANT HAVING BEEN DULY ARRAIGNED AND IT APPEARING TO THE COURT THAT DEFENDANT WAS MENTALLY COMPETENT AND HAVING ENTERED THE ABOVE SHOWN PLEA TO THE CHARGING INSTRUMENT, BOTH PARTIES ANNOUNCED READY FOR TRIAL. DEFENDANT, PERSON AND IN WRITING IN OPEN COURT WAIVED HIS RIGHT OF TRIAL BY JURY WITH THE CONSENT AND APPROVAL OF HIS ATTORNEY, THE ATTORNEY FOR THE STATE, AND THE COURT. WHERE SHOWN ABOVE THAT THE INSTRUMENT WAS BY INFORMATION READ OF INDICTMENT, THE DEFENDANT DID, WITH THE CONSENT AND APPROVAL OF HIS ATTORNEY WAIVE HIS RIGHT TO PROSECUTION BY INDICTMENT AND AGREE TO BE TRIED ON INFORMATION; ALL SUCH WAIVERS, AGREEMENTS AND CONSENTS WERE IN WRITING AND FILED IN THE PAPERS OF THIS CAUSE PRIOR TO THE DEFENDANT ENTERING HIS PLEA IN COURT.

THE COURT HAVING HEARD THE CHARGING INSTRUMENT READ, THE ABOVE SHOWN PLEA OF DEFENDANT, THE EVIDENCE SUBMITTED AND ARGUMENT OF COUNSEL, FOUND DEFENDANT GUILTY OF THE OFFENSE AS SHOWN ABOVE AND THAT THE OFFENSE WAS COMMITTED BY SAID DEFENDANT ON THE DATE SET FORTH ABOVE. THE COURT MAKES ITS FINDINGS AS TO DEADLY WEAPON, FAMILY VIOLENCE, BIAS OR PREJUDICE, AND RESTITUTION OR REPARATION AS SET FORTH ABOVE.

AND WHEN SHOWN ABOVE THAT THE CHARGING INSTRUMENT CONTAINS ENHANCEMENT PARAGRAPH(S) WHICH WERE NOT WAIVED OR DISMISSED, THE COURT, AFTER HEARING THE DEFENDANT'S PLEA TO SAID PARAGRAPH(S) AS SET OUT ABOVE AND AFTER HEARING FURTHER EVIDENCE ON THE ISSUE OF PUNISHMENT, MAKES ITS FINDING AS SET OUT ABOVE. IF TRUE, THE COURT IS OF THE OPINION AND FINDS THAT DEFENDANT HAS BEEN HERETOFORE CONVICTED OF SAID OFFENSE(S) AS SET FORTH IN THE SAID ENHANCEMENT PARAGRAPH(S) AS MAY BE SHOWN ABOVE.

WHEN IT IS SHOWN ABOVE THAT RESTITUTION HAS BEEN ORDERED BUT THE COURT DETERMINES THAT THE INCLUSION OF THE VICTIM'S NAME AND ADDRESS IN THE JUDGMENT IS NOT IN THE BEST INTEREST OF THE VICTIM, THE PERSON OR AGENCY TO WHOM THE NAME AND ADDRESS IS SET OUT IN THIS JUDGMENT WILL ACCEPT AND FORWARD THE RESTITUTION PAYMENTS TO THE VICTIM.

AND WHEN IT IS SHOWN BELOW THAT PAYMENT OF THE COSTS OF LEGAL SERVICES PROVIDED TO THE DEFENDANT IN THIS CAUSE HAS BEEN ORDERED, THE COURT ORDERS THAT THE DEFENDANT HAS THE FINANCIAL RESOURCES TO ENABLE THE DEFENDANT TO PAY SAID COSTS IN THE AMOUNT ORDERED.

THEREUPON THE SAID DEFENDANT WAS ASKED BY THE COURT WHETHER HE HAD ANYTHING TO SAY WHY SAID SENTENCE SHOULD NOT BE PRONOUNCED AGAINST HIM, AND HE ANSWERED NOTHING IN BAR THEREOF, AND IT APPEARING TO THE COURT THAT DEFENDANT WAS MENTALLY COMPETENT AND UNDERSTANDING OF THE PROCEEDINGS, THE COURT PROCEEDED WITH THE PRESENCE OF THE DEFENDANT AND HIS ATTORNEY TO PRONOUNCE SENTENCE AGAINST THE DEFENDANT.

IT IS, THEREFORE, CONSIDERED AND ORDERED BY THE COURT THAT SAID JUDGMENT AS SET FORTH ABOVE, IS HEREBY IN ALL THINGS APPROVED AND AFFIRMED, AND THAT SAID DEFENDANT BE ADJUDGED GUILTY OF THE OFFENSE AS SHOWN ABOVE, BY THE COURT, A JURY HAVING BEEN WAIVED IN ACCORDANCE WITH THE LAW, AND THAT SAID DEFENDANT BE PUNISHED IN ACCORDANCE WITH THE PUNISHMENT SET FORTH ABOVE, AND DEFENDANT IS SENTENCED TO A TERM OF IMPRISONMENT OR FINE OR BOTH, AS SET FORTH ABOVE, AND DEFENDANT SHALL BE DELIVERED BY THE SHERIFF TO THE DIRECTOR OF THE INSTITUTIONAL DIVISION OF THE TEXAS DEPARTMENT OF CRIMINAL JUSTICE, OR OTHER PERSON LEGALLY AUTHORIZED TO RECEIVE SUCH CONVICTS FOR THE PUNISHMENT ASSESSED HEREIN, AND SAID DEFENDANT SHALL BE CONFINED FOR THE ABOVE-NAMED TERM IN ACCORDANCE WITH THE PROVISIONS OF THE LAW GOVERNING SUCH PUNISHMENTS. IT IS FURTHER ORDERED THAT THE DEFENDANT PAY FINE, COURT COSTS, COSTS AND EXPENSES OF LEGAL SERVICES PROVIDED BY THE COURT APPOINTED ATTORNEY IN THIS CAUSE, IF ANY, AND RESTITUTION OR REPARATION, AS SET FORTH HEREIN, FOR WHICH LET EXECUTION ISSUE.

INDICATE

NO E-9602380-UN

DEFENDANT IS HEREBY ORDERED REMANDED TO JAIL UNTIL SAID SHERIFF CAN OBEY THE DIRECTIONS OF THIS JUDGMENT.

FOLLOWING THE DISPOSITION OF THIS CASE, THE DEFENDANT'S FINGERPRINT WAS, IN OPEN COURT, PLACED UPON A CERTIFICATE OF FINGERPRINT. SAID CERTIFICATE IS ATTACHED HERETO AND IS INCORPORATED BY REFERENCE AS A PART OF THIS JUDGMENT.

WHEN REQUIRED, A PRESENTENCE INVESTIGATION WAS CONDUCTED IN ACCORDANCE WITH THE APPLICABLE PROVISIONS OF LAW.

COURT COSTS IN THE AMOUNT OF \$126.50

DUBLICATE

7/1

John Helms

JUDGE PRESIDING

000058

"Understanding some of her past I was patient with Diana. I came from a rather calm and religious family so I was able to help her to some degree. Diana had a lot of anger inside when we met. I just wish I would have done more to protect her. As a twenty-four year old, I didn't know any better.

"When we married I asked Diana to quit dancing. As a wife and soon to be mother, she needed a more respectable job. It wasn't long after when she was hired as a secretary for an air condition manufacturing company. And now that we were both gainfully employed, we began saving our money for a home. But until we could afford one of our own we decided to lease a three bedroom home on sunset in Garland, Texas rather than stay in an apartment with Zachary. We wanted to give Zachary a backyard to play in his own room until we had enough money saved to purchase our own house. As a newlywed couple we were trying, But Diana's mental health had other plans.

"Near the end of 1995, Diana's condition worsened. She began acting irrationally and dramatically. She was physically combative and quarrelsome. She almost got arrested at a gentlemen's club where her friend worked. She was fighting with two, not one, but two women in the club's parking lot. The police wanted to take her to jail, but I persuaded them to let me take her home. They agreed, She also started threatening to kill herself again around this time. When I discussed this with her brother Michael, I learned from him not to take her threats lightly.

"Dr. Steven Bander, the family physician, diagnosed Diana with depression. He prescribed 10 mgs. of prozac but later increased it to 20 mgs. Dsyrel was prescribed in a 50 mg dose to help Diana sleep at night because she had great difficulty sleeping. She would often wake in the middle of the night in violent rages attacking me. This worried me even more. Dr. Bander increased the Dsyrel dose to 100 mgs. And Fen-Phen was prescribed for weight loss. Diana's death because of its fatal side effects. Prozac also came under fire because prozac patients were committing suicide while using this antidepressant.

"When Diana started taking these medications her condition did not improve. In fact, it got worse. Dr. Bander's clinical notes substantiate this fact. And Dr. Branaman testified in trial that these three medications taken together with someone in Diana's condition was the "accelerant of the fire".

"Two days before her death I sat down with Diana and had a talk about divorcing. Our relationship was deteriorating. I told her how I felt; her uncontrollable behavior I could not handle anymore. We cried together because we both did not want our relationship to end soon. Her response? She would rather die than lose another husband.

"On February 29, 1996, I was out having cocktails at a local restaurant with two friends after work. I was too intoxicated to drive so my friend pounce dropped me off at home. When I

entered the house I went directly to Zachary's bedroom to see him. He was already in his bed so I gave him a kiss for the night. I then remembered seeing Diana fully dressed, this was very unusual for her at this time of the night.

"I then went to the kitchen for a cup of water. The next thing I notice is Diana confronting me with the 12 guage shotgun. I thought I'd hid it well enough in the garage earlier that day. I had taken the shotgun from our bedroom closet and hid it in the garage because of the two previous incidents where Diana threatened to kill herself with a 22 rifle and the shotgun. I unloaded the shotgun shells and tossed them onto the family room entertainment center shelves. I wanted Diana to think that I had gotten rid of the gun. But apparently she found it and had a preconceived intent to use it.

"Diana jabbed me in the chest with the weapon's barrels when I tried to get close enough to her to get the weapon from her. I managed to grab the end of the shotgun's barrels, but when I did she jerked back, lost her balance and we both fell together. I remember landing on her waist area. But before I could reach for the weapon's stock, she lifted her head, centered the weapon's barrels to her mouth and engaged the trigger. I remember yelling: "NO! NO!" I then lifted myself up off the floor, moved the shotgun to Diana's left, my right, raised her arms in an attempt to get a response. When she did not respond I then called her family first, then mine. I then went outside and waited on police and ambulance to arrive. I was in shock and weeping at that point. I had just lost my wife.

"Apparently Diana was planning to die because she wrote me some letters shortly before her death. I never had the chance to see these last testaments because I never knew that they existed until recently. The police confiscated them and Ms. Hollowell refused to prosecute me for murder and withdrew from the case because the evidence, and Diana's history established a suicide.

I believe that these letters will show that Diana feared abandonment and couldn't bear to lose another husband. That she would rather die instead. I also believe that the state should have never withheld this exculpatory evidence from my defense team. And I believe that the prozac contributed to her suicidal thoughts. I further believe that the combination of all three of Diana's prescription meds only made her condition worse. I truly believe this and so does Dr. Branaman.

"The placement of the shotgun on Diana's chest is another mystery. I specifically remember moving the shotgun and sitting it beside Diana because I lifted her arms trying to get a response from her. But someone intentionally put the weapon on her chest before the crime scene photos were taken. I know for a fact it wasn't me because I had nothing to hide nor conceal.

"I had no reason to murder my wife. We'd just married and was trying to build a family together. I did not have any life insurance policies on Diana nor Zachary. I had nothing to gain

by her death. We were not yet divorcing and custody over Zachary was not even an issue. But yet I sit in prison for her death. A death I did not cause. Diana was suffering from depression and had a borderline personality disorder. Prozac is known for having suicidal effects. Read "Side Effects" by Alison Bass. I feel guilty for not doing more to protect my wife. Instead, I chose to avoid her erratic and irrational behavior. As a husband I should have been there for her. I made a very big mistake on my part.


"I believe that my green denim pants will exonerate me. I was lying face down when Diana shot herself. I believe that some one intentionally put the bloodspatter on the left frontside of my pants leg to establish that I was the shooter or lied and said there was blood spatter. I sincerely believe this. I believe that after prosecutor McVea learned how to place me in a shooting position where blow back would get on my pants, she gained possession of the pants and the autopsy blood samples from the crime lab and splattered the blood on my pants. Or had someone else do it after Dr. Planz's five examinations.

"I believe that forensic DNA testing will show that the bloodspatter on the left leg contains a preservative or is chemically too degradable (enzyme degradation) to have come from the blow back bloodspatter. I believe that DNA testing will also show that the bloodspatter on the left front pants leg is not "high velocity".

"I need to clear my name for my son's sake. I could easily do this life sentence and walk away a free man on parole, but it wouldn't be prudent not to prove my innocence. I need to show my son that his father did not murder his mother.

I, Christopher Aric Radke, being presently incarcerated in the TDCJ-ID on the Coffield Unit in Anderson County, Texas, verify and declare under the penalty of perjury that the above information contained in this affidavit is true and correct.

Executed this 18th day of september, 2018.



Christopher Aric Radke
Affiant

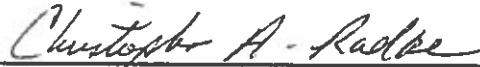
F. CERTIFICATION BY APPLICANT

Please read the following statements carefully and indicate your understanding and acceptance by signing in the space provided. This application must be signed.

I hereby give my permission to the Board of Pardons and Paroles or its designated agent to make any inquiry and receive any information of record that it may deem proper in the investigation of this application for clemency; and

I understand that compliance with these requirements is sufficient for the Board's consideration of this application, but compliance does not necessarily mean that favorable action will result.

I hereby swear upon my oath that I am the subject herein named and the facts contained in this application are true and correct.



Applicant's Signature (Full Name)

Date

EXHIBIT (1)

Interrogation transcript pg.14-withheld from Defense team, (not in trial record). Detective tells me they know my wife shot herself. I recieved these Interrogation Transcripts from an open Records act request along with other withheld evidence. These transcripts show my story never waivered and Detective Thompson lied to the medical examiner.

D: what 5 or 6 different stories all I know is I walked in and I'm changing my clothes
O: how much have you had to drink tonight
D: nothing
O: that's a lie there we can smell liquor over here
D: I
O: we can smell liquor from you on you from, where (inaudible) are your eyes always bloodshot do you always smell like alcohol
D: I've been crying like motherfucker
O: ok do you do you always smell like alcohol is that a permanent disorder you have
D: uh no
O: its not, you've been drinking I mean we know that and why do you want to lie about that
D: hmmm Well I'm mean
O: how much have you had to drink, you see you chip away at yourself you chip chip chip away until your gonna expose your gonna expose yourself as nothing but a liar
D: I'm not ex I didn't
O: your exposing yourself as nothing but a liar because you can't tell us the truth about what happened. Did you see her shoot herself
D: I
O: if you did (inaudible)
D: I saw her with with uhm I I don't want her family knowing about this
O: well her were not telling her family her family's not here
D: cause her family does not need to know that their daughters suicidal
* O: well her family already knows about her suicidal
O: they know, they know she shot herself we need now we need from you the exact story about what happened we don't need some bullshit story what did you see
D: I'm not bullshitting you
O: somethings bullshit, because you told us 10 different stories
D: 10 different now its 5 and now its 10
O: well you told several we haven't kept a running total but
D: I I know ya'll want to put me away for some
O: we want the truth, that's all we're after is the truth and the truth will set you free the truth sets everyone free the truth helps you it help us
D: it doesn't matter what my word says I'm on parole my word doesn't mean shit in the State