

AFFIDAVIT

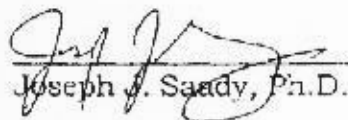
Joseph J. Saady, Ph. D., first being duly sworn, hereby states under oath as follows:

1. I am a forensic toxicologist employed at the Central Laboratory of the Virginia Division of Forensic Science.
2. In December 2001, I was requested to perform certain tests involving several bottles of Gatorade mixture (which I had previously determined to contain methanol) and a bottle of windshield washer fluid. All of these items were submitted to our laboratory pertaining to the investigation into the methanol poisoning death of Charles Fleming, Jr., FS Lab # C00 8867.
4. Specifically, I was asked to attempt to "test Gatorade bottles for dye and soap elements of windshield washer fluid."
5. I attempted to develop a procedure to identify the colorant in the windshield washer fluid. I was able to identify chemicals in the windshield washer fluid that were consistent with a colorant. I then tested the Item 13 Gatorade. I selected this bottle for testing because I previously determined that it contained the highest concentration of methanol, 4.7 % by weight by volume. I looked for chemicals in the Item 13 Gatorade that were consistent with those identified in the windshield washer fluid. I was not able to identify any; however, the Gatorade itself contained colorants, which likely interfered with this analysis. Additionally, the concentration of windshield washer fluid colorant in the Gatorade, if present, would have



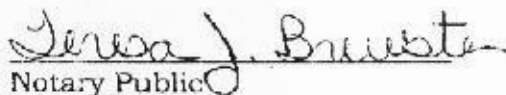
been extremely minute. Furthermore, this method did not have the appropriate sensitivity necessary to identify trace concentrations of windshield washer fluid colorant in the Gatorade. As a result, I could not definitively determine whether any amount of windshield washer colorant was present in the Gatorade mixture and, therefore, did not issue a Certificate of Analysis.

7. Subsequently, I advised Investigator Elizabeth Baker with the Chesterfield County Police Department via telephone that I would not be issuing a report because no definitive conclusions could be reached from these tests.


Joseph J. Saady, Ph.D.

COMMONWEALTH OF VIRGINIA
City of Richmond, to-wit:

Subscribed and sworn to before me this 3rd day of June, 2005 in the City of Richmond.


Notary Public

My commission expires: April 30, 2009