

AFFIDAVIT OF MARC L. ZIMMERMANN, PhD

STATE OF MISSISSIPPI

COUNTY OF HINDS

Marc L. Zimmermann, Ph.D. being duly sworn upon oath, says:

1. I am over the age of twenty-one and otherwise competent to make this affidavit. I am a clinical and forensic psychologist in private practice in Baton Rouge, Louisiana.

2. I received my B.S. in psychology from North Texas State University in 1967; my M.Ed. in counseling psychology from Our Lady of the Lake University in 1971; my M.S. in psychology from Texas A&M University-Commerce in 1976; my PhD in psychology from the same university in 1977; and my post-doctoral masters degree in clinical psychopharmacology from the California School of Professional Psychology in 1999.

3. I was certified as a psychologist in Texas in 1977, licensed as a psychologist in Texas in 1978, and licensed in Louisiana in 1979.

4. I have been qualified as an expert witness in forensic psychology in the state courts of Texas, Louisiana, New Jersey, Florida, and Mississippi. I have been qualified as an expert in the eastern and middle federal districts of Louisiana.

5. I evaluated Ron Chris Foster on December 31, 2002. The examination consisted of the administration of the Wechsler Adult Intelligence scale III, Benton Visual Retention Test, the screening test for the Luria-Nebraska Neuropsychological Battery - Adult form. I administered the Vineland Adaptive Behavior scales to his sister Sandra Foster.

6. His performance on the Wechsler Adult Intelligence scale III was in the mildly mentally retarded range. Specifically, his verbal IQ was 68 (within the second percentile) and his performance

JO:99278526.1



score was 59 (the .03 percentile). His full scale score is 62 (the first percentile). His sister's responses to the Vineland indicate that he is functioning and always has functioned at an adaptive level consistent with the Wechsler scores.

7. The tests of neuropsychological functioning are consistent with a diagnosis of mental retardation.

FURTHER THE AFFIANT SAYETH NOT.

Marc L. Zimmermann, Ph.D.
MARC L. ZIMMERMANN, Ph.D.

SWORN TO AND SUBSCRIBED BEFORE ME, this the 30th day of December, 2002.

Stanley C. H. [Signature]
NOTARY PUBLIC

My Commission Expires:

11/14/2005