

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF IDAHO**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	Case No. CR-O4-127-C-(RCT)
v.)	
)	Affidavit of Ben S. Casey
DAVID ROLAND HINKSON,)	
)	
Defendant.)	

I, Ben S. Casey, of Caldwell, Idaho, a juror in the trial of the above case which took place January 10-27, 2005, upon oath, depose and state as follows:

1. I am over the age of eighteen years at the time of signing this Affidavit and I am qualified, competent and knowledgeable to provide the information set forth herein.
2. I am aware that the Headquarters of the U.S. Marine Corps considers the “replacement” DD 214 military record to be a forgery, which record was produced by prosecution witness Elven Joe Swisher (which he waved in front of the jury stating that it was a “certified copy.”) I am also advised that Mr. Swisher did not participate in a secret mission, did not have combat experience and did not sustain injuries in Korea as he testified.
3. I was surprised that Mr. Swisher was allowed to tell such lies which created the misimpression that he would be a good “hit-man” candidate based on having been a decorated combat veteran and having participated in secret post-Korean War rescue operations. I am now informed such missions never occurred. These lies discredit him as a witness and therefore discredit the rest of his testimony.
4. I relied upon the credibility of Mr. Swisher when I cast my vote to convict Mr. Hinkson of Counts Seven, Eight and Nine.
5. If I had known that Mr. Swisher was not a credible witness as to his U.S. Marine Corps service in secret missions, or that he lied about having had combat experience, or that he was not entitled to wear a Purple Heart, or that the military record he waved in front of the jury as a “certified copy” of his DD 214 was a forgery, I would not have voted for a guilty verdict on Counts Seven, Eight and Nine.

FURTHER AFFIANT SAYETH NAUGHT.

Signed and sworn to under penalty of perjury this __ day of February 2005.

Ben S. Casey