

Exhibit 17

EXHIBIT E

COMMONWEALTH OF
MASSACHUSETTS

SUPERIOR COURT
NO: 6298

BRISTOL, SS.

COMMONWEALTH)

vs.)

CARL H. DREW)

AFFIDAVIT OF JOHN A. BIRKNES, JR.

I, JOHN A. BIRKNES, JR., on oath depose and say as follows:

- 1.) That I was appointed by a Justice of the Superior Court, sitting in and for the County of Bristol, to represent one Carl H. Drew, who had been indicted for the murder of Karen Marsden in Westport, Massachusetts.
- 2.) That I was not informed by District Attorney Ronald A. Pina, Assistant District Attorney David Waxler, anyone connected with the Massachusetts State Police, or the District Attorney's Office, or any other individual that on the day when Robin Murphy testified that she was present at the athletic fields behind Diman Regional Vocational Technical High School in Fall River on October 13, 1979, she had denied that she was present at said Diman Regional Vocational Technical High School in the presence of Assistant District Attorney David Waxler and District Attorney Ronald Pina.
- 3.) That I was not informed by District Attorney Ronald A. Pina, Assistant District Attorney David Waxler, anyone connected with the Massachusetts State Police, or the District Attorney's Office, or any other individual that any promise, inducement, or reward had been offered to Robin Murphy in order to induce her to testify that she was indeed present when Doreen Levesque was allegedly murdered at the athletic fields of Diman Regional Vocational Technical High School in Fall River on October 13, 1979.
- 4.) That I did not become aware that Robin Murphy had denied to District Attorney Ronald A. Pina and Assistant District Attorney David Waxler that she was indeed not present when Doreen Levesque was allegedly murdered until May of 1983.
- 5.) That had I had this information available to me for cross-examination I believe I could have established a reasonable doubt as to whether Carl H. Drew was guilty of the murder of Karen Marsden in Westport in March of 1980.

SWORN and subscribed to this 16th day of May, 1983.

JOHN A. BIRKNES, JR.

COMMONWEALTH OF MASSACHUSETTS

Bristol, SS.

New Bedford, May 16, 1983

Then personally appeared the above-named JOHN A. BIRKNES, JR. and on oath swore and deposed that the foregoing was true and complete as far as it is based upon his own personal knowledge and as far as it is based upon information and belief, he believes it to be true, before me

Notary Public

My Commission Expires: