

AFFIDAVIT OF ROBERTA L. DIAMOND

BEFORE ME, THE UNDERSIGNED AUTHORITY, appeared Roberta L. Diamond, who being first duly sworn, deposed upon her oath and stated the following:

1. This Affidavit is made on personal knowledge. After the verdict in this case I initiated contact with the lawyers for Christopher Pittman, and I am now providing this Affidavit voluntarily to Pittman's defense lawyers. I understand that it will be filed with the Court. If called to testify I will verify these facts in Court.

2. I was the thirteenth juror, or first alternate, in the Christopher Pittman murder trial. I am absolutely appalled at the Guilty verdict in this case.

3. After hearing all of the evidence and the final arguments, I was firmly of the opinion that the verdict should be NOT GUILTY. There are several reasons for this. First, I do not believe that the prosecution produced evidence beyond a reasonable doubt to rebut the presumption that a 12 year old does not have the capacity to form criminal intent. There was no evidence indicating that Chris Pittman was any different from other 12 year olds in this regard.

4. I also found the evidence concerning Zoloft and its effects on Chris Pittman to be compelling. For example, one thing I remember clearly is that the evidence from the clinical trials of kids on Zoloft showed that several children on Zoloft dropped out of the trials because of the very side effects, which the evidence in this case showed that Chris Pittman experienced. This evidence created reasonable doubt in my mind about Pittman's guilt. Indeed, it persuaded me that his actions in shooting his grandparents and burning down their house were triggered by Zoloft, and that he did not know right from wrong when he did these things.

5. Even more troubling to me was the fact that, in final arguments, the prosecutors incorrectly paraphrased the testimony that we heard in several respects. For example, I recall a misstatement by the prosecutor about the number of kids who attempted suicide on placebo versus Zoloft in the Pfizer clinical trials. He said "three times" when in fact it was 3 attempts to 2 attempts, not three times.

6. After the verdict I saw Juror Steve Platt on television talking about the verdict. He said something about there being three "holdouts" for the defense. I am concerned that several of my fellow jurors may have been bullied into their verdict. I am a lawyer by training although I no longer practice law. I can assure the Court that I would not have been bullied and that, if I had been one of the twelve jurors who deliberated on the verdict in this case, and that if I did not succeed in persuading all of my fellow jurors to vote "NOT GUILTY", then I would certainly have maintained my position and voted my conscience. Although I would have considered each of my fellow jurors' positions, I the strength of my feelings about these matters is such that it is highly unlikely that I could have been persuaded to vote Guilty in this case. Moreover, I can assure the Court that under no circumstances would I have capitulated to any pressure to vote Guilty, even if it meant that the case resulted in a mistrial.

FURTHER AFFIANT SAITH NOT:


Roberta L. Diamond

SWORN TO AND SUBSCRIBED BEFORE ME this 18th day of February, 2005.


Notary Public
My Commission Expires
January 31, 2012

