

I, JUDITH WATKINS, declare as follows:

1. I am the Grandmother of the victim, the decedent, Phillip A. Buell. Phillip died on April 28, 1983. In November 1983, the petitioner, Ken Marsh, was convicted of the second-degree murder of Phillip who was then 2 1/2 years old. The petitioner was sentenced to a 15-year to life prison term and is still in prison.

2. I am submitting this declaration in support of the instant petition for writ of habeas corpus. I can competently testify to the following:

3. I have always believed in the petitioner's innocence. I was present at the trial and feel Ken Marsh was wrongfully prosecuted. And I support reviewing the petitioner's case. 6 years prior to Phillip's death I became acquainted with Ken Marsh. We had a good relationship and I had an open door invitation to visit my grandchildren at anytime. And did so on a regular basis. I was always welcomed with open arms by Ken. We had a very good relationship. I observed Ken with Phillip, Jessika and his own children I never saw any pattern of hostility or abuse. My Granddaughter Jessika never had any injuries. I never witnessed Ken loosing his temper or becoming angry or violent in all the years I knew him. I trusted him with my daughter and her family. I believe he is very honest and trustworthy.

4. During Phillip's short life I was in attendance at many doctor visits with him to Kaiser. My Daughter Vickie, Ken, and myself often accompanied Brenda to the doctors, as we were all very concerned. I worked at Kaiser where Phillip was sometimes treated and would meet them before or after each visit. Many times we would have to see a different doctor other than his own for visits and it was like in and out. "Oh well its not my patient type thing". Phillip the last year of his life seemed very ill. On many occasions when we babysat for Phillip we felt scared and nervous because of his illness. He frequently complained of having headaches and tummy aches, we noticed Phillip bruising when Ken wasn't around, he would bruise from the slightest thing, for a long time he seemed to have them on his stomach, spine and shins, he was pale, he vomited, and was constipated a lot, his stomach was hard and pushed out. Sometimes we would observe him being unstable. He walked funny and was unsteady, my daughter and I took him to Dr. Stern for this, he seemed dizzy and off balance. After Jan when he went to the hospital for internal bleeding we were even more scared cause we had no answers. No one could tell us why he was sick and why the bleeding and bruising was happening.

5. On the day that Phillip died I got a call from Ken telling me that Phillip had fallen and was hurt. He was very upset and told me I had to go be with our baby that he was all alone. And that he had to stay with Jessika. He told me where he had been taken and I immediately hung up and went to the hospital. I was not allowed to see my grandson at the hospital for many hours. At Alvarado I explained his bleeding problem. I was told nothing, and was left feeling very distraught and alone.

6. During the trial I had a chance to observe my Son-in-Law Steven, Phillip's father, and spend time with him. I don't believe that it was until after the horrifying autopsy photographs that he believed that Ken was guilty of this crime. He subjected himself to this and it seemed to change

him afterward.

7. There was a time shortly after the trial that Jessika my granddaughter was jumping on the couch, I told her to sit. And she said Grandma Phillip jump, and jump, and jump, and go boom. My daughter called the police detective Ron Newman and he came to the house. But he explained to us that it was not real proof, and could not be used she was too young.

8. I have always been convinced that the petitioner is innocent because during the entire time I knew him, which was for several years. I never saw the petitioner mistreat, verbally abuse or hit any child. I only saw a side of Ken that was wonderful. He was kind, caring, and compassionate and very concerned individual. I believe in my heart that Ken truly loved all of us. We were very close and I would have trusted him with my own children if I had any.

10. I am very disturbed over the injustice I feel that occurred in this case, not only for the petitioner, but also for my entire family. I am personally asking this court to re-open the case. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed at Escondido, California on August \_\_\_\_\_, 2002.

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By: JUDITH WATKINS