

# EXHIBIT 265

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**DECLARATION OF RICKIE SLAUGHTER**

I, Rickie Slaughter, do hereby declare as follows pursuant to 28 U.S.C. § 1746:

1. I am the petitioner for habeas relief in *Slaughter v. Filson*, Case No. 3:16-cv-00721-RCJ-WGC (D. Nev.).
2. I have raised claims in federal court involving the photo lineups the police created in this case, including the “second photo lineup,” which included a picture of me along with a picture of an alternate suspect, Jacquan Richard.
3. The first time I learned about the second photo lineup was soon after I took pro se status on or about December 2004. At that time, my then-standby counsel, Paul Wommer, gave me a copy his file. In that file, I found a memorandum from Marc DiGiacomo to Mr. Wommer. The memo stated it was enclosing a copy of a new amended charging document, which dropped a few charges. The memo also stated it was enclosing a copy of photo lineups with photos of Jacquan Richard and Marvin Robinson. The memo didn’t mention my name in connection with those lineups. I looked at the lineups with Mr. Richard (i.e., the second photo lineup) and eventually realized they contained a copy of my mugshot. I proceeded to prepare and file relevant motions after that.
4. I have reviewed a transcript of Mr. DiGiacomo’s deposition in this case, including the account he described regarding the second photo lineup. Mr. DiGiacomo never told me this account when I represented myself pro se in 2004 or 2005. To my knowledge, Mr. DiGiacomo never told this account to myself, any of my attorneys, or anyone else working for the defense before this deposition.

I declare under penalty of perjury that the foregoing information is true and correct to the best of my knowledge.

Executed on this \_\_\_\_\_ day of October, 2019, in \_\_\_\_\_.

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RICKIE SLAUGHTER