

## DECLARATION

I, ERINNA M. ATKINS, hereby declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct:

1. I am an attorney licensed to practice law in New Mexico. I represented Major Clarence Anderson III in his divorce proceedings with his wife, Kendra Anderson.
2. On February 6, 2014, I received a series of text messages from Mrs. Anderson's divorce attorney, Michelle Reeves, indicating Mrs. Anderson would seriously consider resolving the criminal action if Mr. Anderson would cease seeking custody of their minor child, Brooklyn, in the domestic matter. I contacted my client and reviewed the messages with him. I advised him that I did not believe we could negotiate his criminal trial and Mrs. Anderson's testimony or consideration of a proposal of his resignation as a resolution of the criminal matter in exchange for custody of his daughter. I took photos of the messages on my phone and sent them to my client to review with his defense counsel.
3. I am generally unfamiliar with courts-martial, but I did not believe I could ethically negotiate Mrs. Anderson's participation in a criminal proceeding in exchange for custody of Brooklyn. I did believe that it was important to provide my client with this information so that his defense counsel could assess the information and advise him in his criminal matter. I responded to Ms. Reeves that I was unsure as to how to structure a legal agreement in the domestic matter in State Court that was approved in the criminal action courts-martial. After reviewing her response it was apparent to me that Mr. Anderson was being asked to agree to the demands in the domestic matter and if he did so, Mrs. Anderson would support him resigning from the military in lieu of a trial.
4. As I believed this was potentially unethical, I advised my client that I would not participate in this and that he should not to participate either. I responded to Ms. Reeves that "we can't agree to anything at this time." She responded, "Okay - I guess the court martial will be on. Talk to you later. Thanks so much!" I have reviewed the attached screen shots of the exchanged text messages, and they are a fair and accurate representation of the texts that were exchanged on February 6, 2015 and are the complete unaltered photos that I took on my phone.

Executed on this 28<sup>th</sup> day of September 2016.

  
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ERINNA M. ATKINS