

County of Alachua)
State of Florida)

Affidavit of Gilbert Goshorn

I, GILBERT GOSHORN, having been duly sworn, do hereby say:

1. My name is Gilbert Goshorn, and I am a retired Fifth District Court of Appeal Judge. I was admitted to the Florida Bar on June 3, 1960.

2. I currently reside at _____ and I can be reached at _____ or by email at _____

3. I served as a Circuit Judge in the Eighteenth Judicial Circuit Court, in Brevard County, Florida beginning on October 3, 1980. I was a judge in the criminal division of the Circuit Court in the early and middle 1980's. I became a judge on the Fifth District Court of Appeal on January 7, 1991.

4. I first became aware of John Preston when he testified in my courtroom in several criminal cases between 1982 and 1984.

5. At that time, John Preston testified in many of his cases that his dog, "Harrass II," could track a scent after long periods of time and over long distances. Preston worked in several places beyond Brevard County, testifying not only in Florida but in other States as well.

6. I found his testimony "incredible" and doubted his ability to successfully do the things he and his dog were purporting to do.

7. Despite these doubts, I and other judges let Preston's testimony into evidence in criminal cases and let the jury decide on what credibility to give this evidence.

8. The elected State Attorney at that time, Doug Cheshire, relied heavily on Preston in a number of cases and frequently offered him as an expert. Cheshire also was

a prolific user of jailhouse snitches. Cheshire's office often relied on such evidence of dubious reliability.

9. In 1984, in the context of a criminal case over which I was presiding, the State offered John Preston as an expert witness. Upon a defense objection to Preston's qualifications and the scientific validity of his scent tracking methods, I devised a test to determine whether Preston, his dog, and his methodology were scientifically legitimate.

10. The test was set up in compliance with Preston's own guidelines and specifications. I went to New Smyrna Beach on a Sunday, and plotted out two different half mile tracks on which I would test Preston and his dog. I selected two disinterested lawyers to each run one of the two courses. They removed their sweat soaked shirts and carefully put each shirt in its own plastic bag. Per Preston's instructions, I started each course on grass, because Preston said that grass retained scent better.

11. The next morning, early on a Monday, I went to the location of the two courses with Preston, his dog, and the state attorney. Preston allowed the dog to smell each shirt and then instructed the dog to track the smell. I estimate that the dog did not even make it 100 feet before losing its way even though the initial direction of the track was clear. The dog did not properly follow either course as it was set out the previous day. Preston tried 3 or 4 times. The dog simply could not track anything.

12. I gave Preston a second opportunity the next day, but he inexplicably failed to show up. At the time, I heard suggestions that Preston had left town. As a result, I refused to allow him to testify as an expert in this case.

13. It appeared from this tracking test that, while Preston was with the dog as it attempted to track the scent course I had laid out, the dog clearly did not know where to

go. The only difference between the scent detection attempt performed in this test and in other cases where Preston and his dog purportedly tracked a scent, was that my test assured that Preston did not have any prior knowledge about the location of course that the dog was intended to follow.

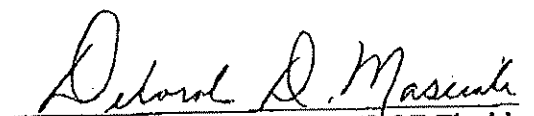
14. It is my belief that the only way Preston could achieve the results he achieved in numerous other cases was having obtained information about the case prior to the scent tracking so that Preston could lead the dog to the suspect or the evidence in question.

15. In short, I believe that Preston was regularly retained to confirm the State's preconceived notions about cases, in an effort to provide independent scientific evidence.

FURTHER AFFIANT SAITH NAUGHT


GILBERT GOSHORN

Sworn to and subscribed to before me this 14 day of August 2008.


NOTARY PUBLIC, STATE OF Florida
My Commission Expires: 2-15-09

[Notary Seal]

