

Affidavit of Eric Gordon - Sworn on July 1, 2003

EXHIBIT 5

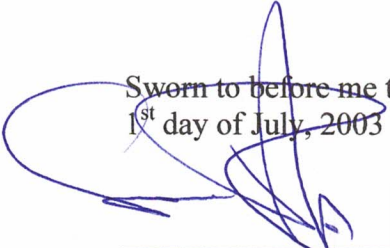
AFFIDAVIT

ERIC GORDON, being duly sworn, deposes and says:

1. That I make this affidavit based upon my own personal knowledge of a robbery of a Kentucky Fried Chicken Restaurant at Main and Transit Road in the town of Clarence at approximately 10:30 p.m., on the date of August 9th 1991, which I subsequently learned that one Benjamin Castricone, who, in fact, is innocent of this offense although he was tried and convicted of committing such offense.

2. On August 9th 1991, individuals known or introduced to me by the names of Derrick Brown, Tuffy Summerville and David Lang and myself proceeded North on Main Street where we stopped at a Kentucky Fried Chicken restaurant. Johnnie Lane remained in the vehicle. Tuffy Summerville, Derrick Brown and I exited the vehicle. We wore masks covering our faces. Derrick Brown and I entered the Kentucky Fried Chicken restaurant. Brown was carrying a 22 caliber revolver. After we robbed the restaurant, we proceeded South on Main Street back to Buffalo. The money was then split up and we went our separate ways.


ERIC GORDON


Sworn to before me this
1st day of July, 2003

NOTARY PUBLIC

LOREN D. LOBBAN
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES 5/11/06

ID 00B1786 NYS SPTS CORR/S.
5'11" 225 LBS
6/22/04 D/O/B

Department of Correctional Services

Inmate Information

Inmate Information Data Definitions are provided for most of the elements listed below. When a detailed definition is available for a specific element, you may click on the element's label to view it.

Identifying and Location Information As of 02/15/10

DIN (Department Identification Number)	05B3265
Inmate Name	GORDON, ERIC M
Sex	MALE
Date of Birth	04/22/1964
Race / Ethnicity	BLACK
Custody Status	IN CUSTODY
Housing Releasing Facility	BARE HILL
Date Received (Original)	11/15/2005
Date Received (Current)	09/14/2009
Admission Type	RETURN FROM PAROLE/COND REL
County of Commitment	ERIE
Latest Release Date / Type (Released Inmates Only)	

Crimes of Conviction

If all 4 crime fields contain data, there may be additional crimes not shown here. In this case, the crimes shown here are those with the longest sentences.

As of 02/15/10

Crime	Class
ATT BURGLARY 2ND	D

Sentence Terms and Release Dates

Under certain circumstances, an inmate may be released prior to serving his or her minimum term and before the earliest release date shown for the inmate.

As of 02/15/10

Aggregate Minimum Sentence	000 Years, 00 Months, 00 Days
Aggregate Maximum Sentence	005 Years, 00 Months, 00 Days
Earliest Release Date	08/26/2010
Earliest Release Type	OPEN DATE FOR PAROLE RELEASE
Parole Hearing Date	06/2010
Parole Hearing Type	RELEASE CONDITIONS
Parole Eligibility Date	
Conditional Release Date	NONE
Maximum Expiration Date	08/20/2014
Maximum Expiration Date for Parole Supervision	
Post Release Supervision Maximum Expiration Date	08/20/2014
Parole Board Discharge Date	