

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA,

Case No.

Plaintiff,

v.

AFFIDAVIT OF
F. CLAYTON TYLER

RALPH CHAVOUS DUKE,

Defendant.

STATE OF MINNESOTA)
)ss
COUNTY OF HENNEPIN)

F. Clayton Tyler, being first duly sworn upon oath, deposes and states that:

1. I am an attorney licensed to practice law in the State of Minnesota.

2. I represented Ralph Duke, the above-named defendant, in his direct appeal of his 1990 conviction for federal drug offenses.

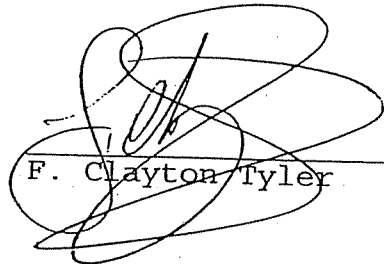
3. To the best of my recollection, while listening to oral arguments before the Eighth Circuit on a co-defendant's appeal, I heard Assistant United States Attorney Denise Reilly tell the court of appeals that one of Mr. Duke's co-defendants had informed her that Mr. Duke was not involved in the 20 kilo sting operation, for which Mr. Duke was ultimately convicted.

4. When I requested a copy of that oral argument tape recording, I was informed that the tapes had already been destroyed.

5. Attached hereto as Exhibit A is a letter I sent to Mr. Duke on December 14, 1993, in which I advised him of Ms. Reilly's

statements to the Eighth Circuit and of the unavailability of the oral argument tapes.

FURTHER AFFIANT SAYETH NOT.


F. Clayton Tyler

Subscribed and sworn to before me
this 26 day of MARCH, 2001.

Marina Goutman
Notary Public

