

Most Duke convictions are upheld on appeal

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The Eighth U.S. Circuit Court of Appeals has upheld the convictions of Ralph (Plukey) Duke on 10 of 11 criminal counts.

A three-judge panel agreed with Duke, once a major drug dealer in Minnesota, that convictions on both charges of engaging in a criminal conspiracy and conspiring to sell cocaine violated his Fifth Amendment rights against double jeopardy. It ordered that his conviction on one of those charges be thrown out.

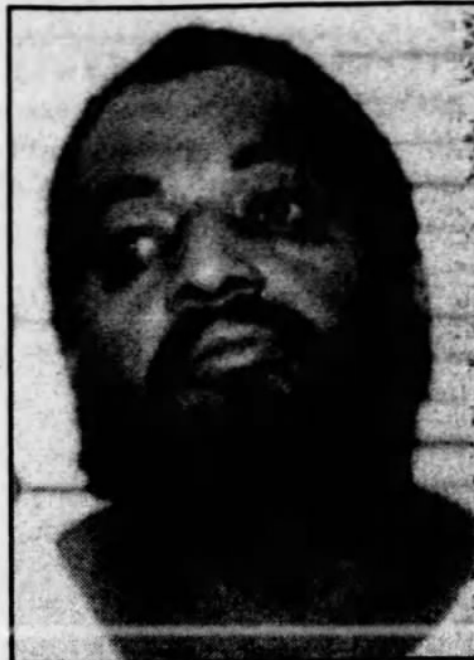
The court, however, upheld Duke's convictions on the other charges, including two that carry mandatory sentences of life without parole and four carrying 40-year sentences.

It rejected arguments that his trial attorney, Joseph Friedberg, failed to represent him properly or that prosecutors failed to prove his involvement in a 20-kilogram cocaine purchase in 1989.

The court also rejected conviction appeals from seven other people found guilty in connection with Duke's drug operation: Vicki Lou Hammer; his son, Ralph Lamont Nunn; his former wife, Doris Jean Admon; Walter L. Hughes; Shawn Q. Regan; Kim A. Willis, and Serena D. Nunn. They received prison sentences of 15 to 25 years.

Senior Circuit Judge Gerald Heaney, while concurring, criticized what he said were widely disparate sentences resulting from prosecutors' decisions to offer plea agreements to some defendants who cooperated.

The other major figure in the Duke



Ralph (Plukey) Duke

drug ring, Marvin McCaleb, who admitted participating in the distribution of at least 400 kilograms of cocaine in Minnesota, could serve less time in prison than some minor defendants because he cooperated with the government, Heaney said.

Duke was the reputed boss of Minnesota's largest cocaine ring when he was arrested in May 1989 following an operation during which Ralph Nunn tried to buy 20 kilograms, or about 44 pounds, of cocaine from an undercover federal agent. A federal jury in St. Paul convicted Duke and several associates in December 1989.

Duke argued on appeal that he had no role in his son's attempted purchase of drugs from the federal agent. But the Circuit Court panel noted that he and his son spoke twice on the telephone at meetings where the son discussed the drug purchase with the federal agent. It also noted that one of his relatives testified that Duke provided \$120,000 to buy the cocaine.

Judges also upheld Duke's convictions on weapons charges, saying there was sufficient evidence that guns found in his house in Delano, Minn., and a storage room were used in connection with his drug operation.