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AFFIDAVIT IN FACT

I, Daniel Glass Bernard, declare that I met Mr. 'Sandy' Pofahl sometime in the latter part of 1984 and later, approximately in May/June of 1985, I was introduced to his fiancée, Amy Ralston, who Mr. Pofahl had only recently met. Mr. Pofahl made it perfectly clear that he did not want Amy to be informed as to the nature of his MDMA organization, which at that time, was in the planning phase.

I never believed Amy to be knowledgeable as to the particulars for which Mr. Pofahl was involved, regarding his desire to manufacture and distribute MDMA. (i.e. the so-called "conspiracy" for which Amy was later indicted.) Quite the contrary. I personally observed numerous attempts made by Mr. Pofahl to shield Amy from his MDMA enterprise and I aided his endeavor to hinder Amy from knowing about the operation. Sometimes, we would go to great pains to meet and converse without Amy's knowledge. For example, Mr. Pofahl would make clandestine trips from Dallas to Austin (or other cities) to meet with me and discuss issues related to MDMA and then he would catch a return flight back to Dallas that same evening because Sandy'd merely told Amy he was at a "business meeting" without telling her he'd left town. One evening in particular sticks in my mind because he did not return to Dallas, yet opted to stay the night in Austin and was concerned as to what excuse he would provide to Amy, upon his return.

Mr. Pofahl also made it known to me that he did not want me to share our private affairs (related to MDMA) with my wife.

I believe I could have been of some assistance to Amy's defense in regards to my perception of her, my observations of her relationship with Sandy Pofahl and, as far as I knew, that she was never aware of any agreement to conspire, nor agreed to conspire in the alleged 'E.I.E.I.O. Conspiracy'; so termed by the federal task force assigned to said case. Namely, the "Ecstasy Import and Export International Organization."

I agreed to testify for the defense by relaying my willingness to Amy by letter while incarcerated in the McClennon County jail, in response to her letter asking whether I'd consider doing so. At no time did her attorney attempt to interview or meet with me to glean any information as to how I might be of service to Amy's defense.

While Amy awaited trial, from April through October of 1991, we corresponded and Amy expressed her concern on numerous occasions that her court appointed attorney was not willing to prepare for her defense. Rather, his only concern was forcing her to cooperate in a plea agreement. Possibly, this is why he never chose to interview me as a potential witness for her defense.

I, Daniel Bernard, do hereby swear under penalty of perjury that to the best of my knowledge, the aforementioned is correct and true.

Dated this 05th day of July, 1997.

Daniel Glass Bernard
Daniel ^{GLASS} Bernard
DGB

J. T. Witt Case No. _____
Authorized Notary of Institution

NOTARY PUBLIC ACT OF
JULY 7, 1996, IS HEREBY, TO
ADMINISTER OATHS (18 USC, 4034)