

Declaration of David Ralston

I, David Ralston, do declare the following:

1. Sometime in mid-1991, I was contacted by Nancy Ralston who requested my testimony at the trial of her daughter, Amy Ralston Pofahl. I agreed to testify at the trial.
2. I was only contacted once by Amy's trial attorney, Mr. Hurley, when he called to verify my intention to testify and to inform me of the date and time that I should be present at the courthouse in Waco, Texas.
3. I was never interviewed by Mr. Hurley or any investigator. No one solicited information from me that might be helpful to Amy's defense or attempted to prepare me to testify.
4. Due to Amy's state of incarceration, I never spoke to her either during the pre-trial phase or during the trial itself.
5. Since I was concerned about the lack of communication with Amy's counsel, I prepared a list of questions that I thought might be helpful. I was, however, unfamiliar with Amy's case and unaware of what issues might be pertinent. I have no legal background and no knowledge of trial strategy or rules of admitting evidence.
6. I met Mr. Hurley for the first time when I arrived in Waco, Texas on November 12, 1991. At that time I handed him the list of questions I had prepared. Mr. Hurley did not review the questions with me. I was puzzled by the lack of communication and wondered if Mr. Hurley was not permitted by law to discuss expected testimony with a defense witness.
7. When I took the stand, Mr. Hurley asked me the questions I provided. I do not recall Mr. Hurley asking any questions that I did not provide. Neither did he elaborate on any issues the questions may have addressed.
8. Because of Mr. Hurley's failure to elaborate, I felt that several facts that seemed pertinent to Amy's case were not established, including the following:
 - I was hired by Amy Ralston Pofahl for employment at Commonwealth Credit Corporation as an Account Manager. I was compensated with a straight, 1% commission for all second mortgage home equity loans I solicited that were placed with other lending institutions.
 - I was employed by Commonwealth from September 1986 through October 1987. I earned as much as 5,000 per month, depending on my sales productivity.
 - As Vice President of sales, Amy worked diligently and for long hours to cope with the rapid growth of the company.
 - I personally observed numerous other businesses owned by Mr. Pofahl which were located in the same building as Commonwealth Credit Corp. at One Glen Lakes in Dallas, Texas.
 - When asked by me on several occasions about some of Mr. Pofahl's other businesses, Amy could not elaborate and stated that Mr. Pofahl rarely discussed his numerous investments with her.
 - Amy was often excluded from executive planning at Commonwealth. She frequently expressed surprise and frustration when she learned of policy changes only when they were announced to the entire company.

9. After my testimony in the trial in Waco, Texas, I encountered Mr. Hurley in the parking lot of the court house. Although I do not remember the exact words of the conversation, I recall that Mr. Hurley expressed frustration that Amy did not cooperate with the government.

I do hereby swear under the laws of the United States that the information I this Declaration is true and correct to the best of my knowledge and recollection. Sworn and signed this 21 day of September, 1998.

David Ralston

David Ralston

STATE OF OKLAHOMA)
COUNTY OF TULSA)

On this 21st day of September, 1998 appeared before me David Ralston.

My commission expires:

September 11, 1999

Suzanne Bennett
Notary Public