

4. While still **pro se**, Mr. Duke filed a motion for reconsideration of Judge Doty's order on September 2, 1993. Concerned about perfecting a timely appeal, despite the pending **pro se** motion for reconsideration, I filed both a notice of appeal and a motion to proceed in forma pauperis with the Eighth Circuit on October 13, 1993.

5. Mr. Duke filed an affidavit in support of the in forma pauperis appeal motion on October 22, 1993, and Judge Doty granted that motion on November 8, 1993.

6. I moved the Eighth Circuit to appoint me as Mr. Duke's counsel under the Criminal Justice Act on December 1, 1993, and the Court of Appeals granted that motion on December 22, 1993.

7. I filed appellant's brief with the Eighth Circuit in Mr. Duke's habeas appeal on March 8, 1994, and argued his case orally to the Court of Appeals on October 11, 1994.

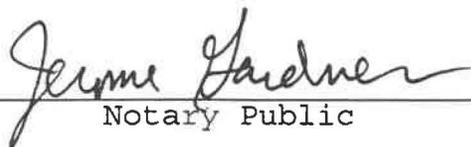
8. I never requested and, consequently, never received any money for representing Mr. Duke under the Criminal Justice Act or from any other source.

9. Further your affiant sayeth naught.



Jack Nordby

Subscribed and sworn to before me
this 5 day of Dec., 2001.



Notary Public

