

AFFIDAVIT

STATE OF MISSOURI )  
 ) ss  
COUNTY OF CLAY )

COMES NOW, Robert G. Duncan, Attorney at Law, of lawful age and having first been duly sworn upon his oath, states as follows:

1. That I represented Kenneth G. Middleton as his criminal defense lawyer in his trial in the Circuit Court of Jackson County, Missouri in Case No. CR90-0348, before Judge Edith Messina, wherein Middleton was charged with the offense of First Degree Murder and Armed Criminal Action.

2. I had no knowledge prior to or during the trial or appeal, but I have recently learned that prosecutor, Patrick W. Peters' father, the former Circuit Judge William J. Peters was an attorney with the law firm of Cochran, Oswald, McDonald, Graham & Roam, P.C., which firm was suing Mr. Middleton in a civil suit. Had I known William J. Peters was an attorney in that law firm, I would have filed a Motion to disqualify Patrick W. Peters as trial prosecutor.

3. If I had been aware that Patrick W. Peters' father's law firm was representing the sister of the victim against Mr. Middleton, I would have investigated the matter further and would have discovered the improper concealment of discoverable material and perhaps used that in our defense, and possibly called either or both Peters as a witness.

4. I further state that I have also since learned that this same law firm represented the Blue Springs Police Department and that the Police Department had kept a secret file concerning the civil claim of her sister. Further, I believe my ability to defend Mr. Middleton was impaired because I wasn't given information of the connection between the Police Department, the Prosecutor and the civil claim against Middleton seeking a substantial monetary recovery. This information, if for no other purpose, would have been admissible as impeachment evidence showing the bias of the police and some of the witnesses.

  
Robert G. Duncan

Subscribed and sworn to before me a Notary Public this 27<sup>th</sup> day of September, 1996.

  
Notary Public

My Commission Expires:  
JOELLEN R. HYDE  
NOTARY PUBLIC STATE OF MISSOURI  
PLATTE COUNTY  
MY COMMISSION EXP FEB. 19, 1998

STATE OF ARKANSAS )  
 ) SS.  
COUNTY OF JEFFERSON)

AFFIDAVIT

Came this day before me a person well known to me as Dixie J. (Atkinson) Busby, and having had the oath required by law administered to her, she did depose:

1. I, Dixie J. Busby, D.O.B. 11/20/63 state that Katherine B. Middleton was my aunt; Geraldine Lookhart is my mother, and Mildred Anderson is my aunt (sisters). I was in a conversation with Geraldine and Mildred in the spring of 1990, after Kenneth G. Middleton was released from jail, when Geraldine and Mildred stated that the capital prosecutor, Pat Peters, had "tied up" all of Ken and Kathy's estate for them. Also, Pat Peters requested they hire a Blue Springs, Missouri law firm to file civil lawsuits against Kenneth Middleton, and his property. Geraldine and Mildred said they hired the law firm which Peters had suggested, and were guaranteed that they would take Ken for everything he had and would help keep him in prison.!

Having stated the above, the affiant said no more and in witness of the truth of the above statement did affix her signature below on this 12<sup>th</sup> day of Sept, 1996.

Dixie J. Busby  
Dixie J. Busby

Sworn and subscribed to before me a Notary Public on this 17<sup>th</sup> day of September, 1996, for and in the above county and state.

Dana M. Tranter  
Notary Public

My Commission Expires: 2/14/2015



Exhibit "37"