

EXHIBIT A

COUNTY COURT OF THE STATE OF NEW YORK
COUNTY OF SUFFOLK

PEOPLE OF THE STATE OF NEW YORK,

Plaintiff,

-against-

Indictment No.:
1535-88/1290-88
Affidavit

MARTIN H. TANKLEFF,

Defendant.

My name is **Daniel Raymond**. I was born on May 2, 1969. I am giving this statement to Jay Salpeter, Marty Tankleff's investigator and Bruce Barket, one of Marty Tankleff's lawyers. I have been sworn to tell the truth and everything in this statement is true.

1. I am the person who Peter Kent named as an alibi witness during his December 2004 testimony in the above captioned case. I have been told that Peter Kent denied killing Seymour and Arlene Tankleff. I have been told that he testified that he was with me in New York City buying drugs at the time (between 2:00 a.m. and 6:00 a.m.) of the murders of Seymour and Arlene Tankleff.
2. That testimony is false. Peter Kent was not with me on September 7, 1988 between the hours of 12:00 a.m. and 6:00 p.m. The earliest that I saw him on that day was at dusk, approximately between 6:30 p.m. to 7:30 p.m.
3. At approximately 9:00 p.m. on September 7, 1988 we committed the first of two robberies on that evening.
4. I had been with Peter Kent several days before September 7, 1988 when we committed several other robberies. I recall dropping him off in the Ronkonkoma area several days prior to September 7th. We then met up again in the early evening of September 7, 1988.
5. I cannot account for Peter Kent's whereabouts at the time of the murder of the Tankleffs.
6. I was ultimately arrested for the robberies I committed with Peter Kent and held in the Suffolk County Correctional Center and thereafter sentenced to prison. Sometime in the late fall of 1988, while I was being held in the Suffolk jail, Peter Kent came up to me outside the visiting area of the jail by the elevators and asked me, "you are on 3 south west, right?" (referring to my location in the jail) I said

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that I was on that tier. He told me "This kid Glenn Harris is on your tier and he is going to turn state's evidence on me. Kill that mother fucker for me." I told him that I would. I knew that I was not going to kill anyone, but I did not want to argue with Kent. I also felt that I had to do something to Harris because of Kent's request. Later that same day, I lured Glenn Harris into the cell of Steven LaValle (he was being held for a burglary at that time) and beat him with my fists and feet. Harris was then moved off the tier.

7. During the course of my sentence for the robberies, approximately in 1990, I lost touch with Peter Kent. I did not see him again until July of 2004. At that time I was serving a separate sentence for grand larceny. Pete Kent made a surprise visit to Mohawk Correction Facility in Rome, New York. I came down into the visiting area and was stunned to see Kent. Initially, I did not remember him.
8. Kent appeared very nervous, rambling and physically ill. He was sweating heavily, he was breathing rapidly and his complexion was very red. After I recognized him, I said, "What's up? I guess this is not a social call." He responded by saying, "I am in trouble and I need your help." He then went on to say that he was named as one of the murderers of Seymour and Arlene Tankleff. He then told me that he needed me to "be his alibi." I asked why he needed me and told him I did not know anything about the murders or the case. He then, over the course of the next hour, explained that he was being accused of the murders by Glenn Harris. He then began to ranting that "I can't do 50 to life. I can't do 50 years." He then reminded me of the robberies we did the week of the murders including the video store that we robbed twice in that week, once on the same date as the Tankleff murders.
9. He then concocted the alibi where I was suppose to say that I was with him during the time of the murders. After we went over the alibi several times, and he came to believe that I was going to lie for him, he said "I am glad that you are going to help because there are serious people involved with this." He named Jerry Steurman and Joe Creedon. He went onto to say that, "They are watching your family. They know that you have three kids that live with your wife in Hicksville." I was overwhelmed that he knew of my family because I had not had any contact with Kent for approximately 14 years. I do have a family and three children but my first child was not born until 1993. At the time of Kent's visit they did live in Hicksville, NY. I have no idea he came to possess this information about me, but it frightened me.
10. Kent went on to say that after he "get's out of this" he is going to sue everyone involved and promised to give me some of the money for the help he thought I was going to give.

11. He was with me for approximately 4 hours. Almost all of the conversation involved the murders and the alibi. For example he told me that it was Creedon and not himself who actually committed the murders. He also talked a lot about how dangerous Creedon is. He said to me that Harris was "a dead man" and also told me that Harris was "going to disappear and there won't be a body this time."
12. After he left, I was absolutely stunned. I did not want to get involved but I was afraid for my family. I was unsure about what I was going to do. I hoped that the problem would somehow just go away and that I would not have to decide between either helping Kent or putting my family at risk.
13. I was released from prison in September of 2004. By that time I had decided that I was not going to lie for Kent. Shortly after that Leonard Lato, Walter Warkenthien and another man who was with them, met with me at a diner in Lindenhurst, NY. They asked me numerous questions about Kent and his alibi. They asked me if I would testify and back up his alibi. I explained to them that I could not be an alibi witness for Peter Kent. I told them of Kent's visit to Mohawk Correctional, but did not tell them about Kent's implied threats to my family. They then asked several questions about the week of the Tankleff killings and showed me police statements from that week involving the robberies. I continued to insist that I could not help them. At this point, Lato asked about my parole. I took this as a subtle threat. I knew that as a parolee I could be violated for not cooperating with the police. I did not want to annoy or aggravate them. Nor did I want to lie to the court for Peter Kent. I was also worried about family, but I did trust them enough to tell them about Kent's comments about my family. I just kept telling them that I could not help them. Lato then suggested that if I did not recall the week because it was so long ago and/or because of my drug use, I would not be called as a witness. I quickly agreed with his suggestion and said I did not recall. Lato then asked if I was going to testify for the defense and I told them that I would not. They left by saying that they would be in touch with me if they needed me.
14. No one from the defense located me until the spring of this year. At that time, both Mr. Barket and Mr. Salpeter started calling my family and friends. Mr. Salpeter reminded me that by not telling the truth not only was I contributing to the wrongful incarceration of an innocent man, but that I was also allowing the real dangerous killers to remain free. At this point I decided to return the numerous phone calls and contact Mr. Salpeter.

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15. I am now in Jay Salpeter's office and have given this statement freely and voluntarily. No promises or threats have been made to me to induce me to give this statement. Bruce Barket typed this statement and I have read it. I understand that any false statement made herein is punishable as a crime and I could receive one year in jail.

Dan Ray

Daniel Raymond

Sworn to me this day August 22, 2006

Valerie Bracken

Notary

VALERIE BRACKEN
Notary Public, State of New York
No. 4944014
Qualified in Suffolk County
Commission Expires 11/14/06