UNITED STATES DISTRICT COURT DISTRICT OF SOUTH DAKOTA WESTERN DIVISION

UNITED STATES OF AMERICA,

CR08-50079

Plaintiff,

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UNITED STATES' SCHEDULING RESPONSE

JOHN GRAHAM aka JOHN BOY PATTON, and VINE RICHARD MARSHALL aka RICHARD VINE MARSHALL aka DICK MARSHALL,

Defendante

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COMES NOW the United States, through United States Attorney Marty J.

Jackley and Assistant United States Attorney Robert A. Mandel, and respectfully files its response to the Court's Order of October 8, 2008, regarding scheduling.

The United States believes all significant discovery has been provided to Defendant Marshall in the above-entitled matter as follows:

- On or about September 2, 2008, initial discovery specific to
 Defendant Richard Marshall, including some Jencks material, was provided.
- 2. On or about September 22, 2008, Defendant Marshall's statements under Fed. R. Crim. P. 16(a)(1)(B) were produced to Defendant Marshall. United States Attorney Marty Jackley, AUSA Robert Mandel, and defense attorney Dana Hanna listened to the tape-recorded statement of Defendant Marshall regarding

the Aquash matter. Handwritten notes associated with Defendant Marshall's statements have further been disclosed.

3. On or about October 6, 2008, all discovery documentation previously provided to Defendant Graham was provided electronically to Defendant Marshall consistent with the anticipated discovery Order of the Court on October 7, 2008. The United States has further made the case physical evidence available to both Defendants for inspection at a mutually convenient time.

Accordingly, it is the United States' position that it is in compliance with Rule 16 and <u>Brady</u>. The United States respectfully requests and advises that it is prepared to move forward with the jury trial for both Defendants on December 9, 2008.

Date: October 8, 2008

MARTY J. JACKLEY United States Attorney

Much of Jackley

MARTY J. JACKLEY ROBERT A. MANDEL

Assistant United States Attorney

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CERTIFICATE OF SERVICE

The undersigned hereby certifies on October 8, 2008, a true and correct copy of the foregoing was served upon the following person(s), by placing the same in the service indicated, addressed as follows:

John R. Murphy Dana L. Hanna	□ U.S. Mail, postage prepaid □ Hand Delivery □ Facsimile at □ Federal Express 図 Electronic Case Filing Mut Matley
	Marty J. Jackley United States Attorney

This document was filed electronically.