

UNITED STATES DISTRICT COURT

DISTRICT OF SOUTH DAKOTA

WESTERN DIVISION

UNITED STATES OF AMERICA,)	CR. 08-50079-01, -02
)	
Plaintiff,)	
)	
vs.)	ORDER ON
)	DEFENDANT MARSHALL'S
)	MOTION FOR PRODUCTION
JOHN GRAHAM, aka)	OF HANDWRITTEN NOTES
JOHN BOY PATTON, and)	
VINE RICHARD MARSHALL, aka)	
RICHARD VINE MARSHALL, aka)	
DICK MARSHALL,)	
)	
Defendants.)	

Defendant Richard Marshall has filed a motion seeking an order compelling the government to provide directly to him, or to the court for *in camera* inspection, the handwritten notes of persons present during an interview of Arlo Looking Cloud in Denver, Colorado, on November 17, 1994.

The government has filed a response to the motion indicating its willingness to submit any such notes of non-lawyers present at the interview to the court for *in camera* inspection.

Accordingly, it is hereby

ORDERED that the government shall deliver to the court for *in camera* inspection any hand-written notes of persons present at Arlo Looking Cloud's November 17, 1994, interview other than the hand-written notes of lawyers for

any party. Lawyers' notes need not be produced. The government shall produce the indicated documents to the court no later than 5:00 p.m. MST on January 5, 2009.

NOTICE OF RIGHT TO APPEAL

Pursuant to 28 U.S.C. § 636(b)(1)(A), any party may seek reconsideration of this order before the district court upon a showing that the order is clearly erroneous or contrary to law. The parties have ten (10) days after service of this order to file written objections pursuant to 28 U.S.C. § 636(b)(1), unless an extension of time for good cause is obtained. See Fed. R. Crim. P. 58(g)(2). Failure to file timely objections will result in the waiver of the right to appeal questions of fact. Objections must be timely and specific in order to require review by the district court.

Dated December 31, 2008.

BY THE COURT:

/s/ Veronica L. Duffy

VERONICA L. DUFFY
UNITED STATES MAGISTRATE JUDGE