

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
WESTERN DIVISION

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UNITED STATES OF AMERICA

Plaintiff,

vs.

JOHN GRAHAM, a/k/a  
JOHN BOY PATTON and  
VINE RICHARD MARSHALL a/k/a  
RICHARD VINE MARSHALL a/k/a  
DICK MARSHALL,

Defendants.

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CR 08-50079

GOVERNMENT'S RESPONSE TO  
COURT'S ORDER ON DEFENDANT  
MARSHALL'S MOTION FOR  
PRODUCTION OF HANDWRITTEN  
NOTES

COMES NOW the United States of America, through its attorneys, United States Attorney Marty J. Jackley, and Assistant United States Attorney Robert A. Mandel, and respectfully responds to the Court's Order on Defendant Marshall's Motion for Production of Handwritten Notes as follows:

The United States has contacted each of the non-lawyer individuals present at the Fritz Arlo Looking Cloud interview conducted on November 17, 1994. None of these individuals has any recollection of any notes being taken at that interview, which was tape recorded, nor does any of these individuals have any notes from the interview. The individuals contacted were James Graf, Robert Ecoffey, Mitch Pourier, Rick Iannucci, and Abe Alonzo. Accordingly, the

United States has not delivered to the court for *in camera* inspection any handwritten notes since none are known to exist.

Respectfully submitted this 6th day of January, 2009.

/s/ Robert A. Mandel

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ROBERT A. MANDEL  
Assistant United States Attorney  
515 9th Street #201  
Rapid City, SD 57701  
605.342..7822  
FAX: 605.342.1108  
Robert.Mandel@usdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that on the 6th day of January, 2009, I served by electronic transmission, a true and correct copy of the foregoing Government's Response to Court's Order on Defendant Marshall's Motion for Production of Handwritten Notes on:

Dana Hanna  
Attorney at Law

John Murphy  
Attorney at law

/s/ Robert A. Mandel

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Robert A. Mandel