


UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
WESTERN DIVISION

**FILED**

JAN 20 2009

  
CLERK

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UNITED STATES OF AMERICA,

CR08-50079

Plaintiff,

v.

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

**UNITED STATES' MOTION FOR *IN*  
CAMERA REVIEW**

Defendants.


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COMES NOW the United States of America, by and through United States Attorney Marty J. Jackley and AUSA Robert A. Mandel and respectfully submits its Motion for In Camera Review.

The United States submits copies of Exhibits 4 and 5 to the United States' Memorandum in Opposition to the Defendant's Motion for Continuance for *in camera* review in that said information involves a separate, ongoing criminal investigation. The United States believes this information is pertinent to the Court's consideration with respect to any further trial delays, and does not feel the defense is entitled to this evidence under Federal Rule of Evidence 16, Brady v. Maryland, or the Jencks Act, but is presenting this information to the Court for final determination of the discoverability of this material.

Date: January 20, 2009

MARTY J. JACKLEY  
United States Attorney


  
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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies on January 20, 2009, 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 Hanna

- U.S. Mail, postage prepaid
- Hand Delivery
- Facsimile at
- Federal Express
- Electronic Case Filing

  
Marty J. Jackley  
United States Attorney