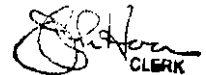


UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
WESTERN DIVISION

**FILED**  
APR 21 2009  
  
CLERK

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UNITED STATES OF AMERICA,

CR08-50079

Plaintiff,

v.

**UNITED STATES' SUPPLEMENT  
TO MOTION FOR *IN CAMERA*  
REVIEW OF WITNESS MATERIALS**

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

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 supplemental document to its Motion for *In Camera* Review of Witness Materials.

On April 8, 2009, the United States filed documentation pertaining to Witness A and Witness B. To further supplement that filing, the United States submits Witness C information attached hereto as Attachment C. It is well-settled that Brady does not require the government to disclose neutral, irrelevant, speculative, or inculpatory evidence, nor evidence available to the defense from other sources. See generally, United States v. Sumner, 171 F.3d 636, 637 (8th Cir. 1999); United States v. Brady, 373 U.S. 83, 87 (1963)(United

States' obligation to disclose favorable evidence is limited to evidence that is material to the defendant's guilt).

Based upon the very nature of Witness C's statements and responses, the United States does not believe Witness C's information to be discoverable, at least at this time. In the alternative, to the extent the Court orders disclosure, the United States respectfully requests these materials be subject to a specific order of strict confidentiality.

Date: April 21, 2009

MARTY J. JACKLEY  
United States Attorney



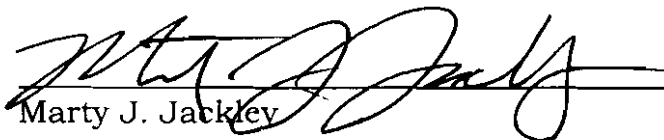
PO Box 2638  
Sioux Falls, SD 57101-2638  
605.357.2330

### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies on April 21, 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