

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

UNITED STATES OF AMERICA,)	CR. 08-50079-02
)	
Plaintiff,)	
)	ORDER
vs.)	
)	
VINE RICHARD MARSHALL,)	
a/k/a RICHARD VINE MARSHALL,)	
a/k/a DICK MARSHALL,)	
)	
Defendant.)	

Defendant Vine Richard Marshall has moved the court for an order compelling the government to provide discovery of three categories of documents: (1) agreements or understandings between the government and Arlo Looking Cloud about any benefit Mr. Looking Cloud may receive from the government in return for his testimony in Mr. Marshall’s trial; (2) Arlo Looking Cloud’s Bureau of Prisons central inmate file; and (3) any records from the Bureau of Indian Affairs, the United States Marshals Service, or any federal agency relating to any investigation, complaints, or sanctions concerning alleged misconduct, unprofessional conduct, or breach of ethical standards related to the personal relationship between federal investigator Robert Eccoffey and the government’s cooperating witness known as “Maverick.” See Docket 216. In the alternative, Mr. Marshall seeks an order requiring the government to provide these three categories of documents to the court for *in camera* inspection.

The government resists Mr. Marshall's motion. In response to category number three, the government provided Maverick's criminal history to the court for *in camera* inspection. This appears unresponsive. Mr. Marshall asked for documents concerning any complaint or investigation into the relationship between Eccoffey and Maverick, not Maverick's criminal history.

Based solely on the arguments made by the parties, the court cannot ascertain whether the three categories of documents sought by Mr. Marshall may contain Brady or Giglio material.¹ See United States v. Garcia, ___ F.3d ___, 2009 WL 996826, *4 (8th Cir. April 15, 2009). Accordingly, it is hereby

ORDERED that the government shall provide to the court *in camera* any documents in its possession in relation to the three categories of documents sought by Mr. Marshall. This shall be done no later than noon, MDT on May 1, 2009.

Dated April 24, 2009.

BY THE COURT:

/s/ *Veronica L. Duffy*

VERONICA L. DUFFY
UNITED STATES MAGISTRATE JUDGE

¹Brady v. Maryland, 373 U.S. 83 (1963), and Giglio v. United States, 405 U.S. 150 (1972).