

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
WESTERN DIVISION

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UNITED STATES OF AMERICA

Plaintiff,

vs.

CR 08-50079

UNITED STATES' COMPLIANCE  
WITH COURT'S DISCOVERY ORDER

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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Comes now the United States of America by and through United States Attorney Marty J. Jackley and Assistant United States Attorney Robert A. Mandel, and respectfully files its Compliance With Court's Discovery Order.

On April 24, 2009, the Magistrate Court ordered the United States to provide *in camera* any documents in its possession in relation to the three categories of documents sought by defendant Marshall in his discovery motion (Docket #216).

**I. Arlo Looking Cloud Agreements.**

All information pertaining to this request is contained as Exhibit 1 to the United States' Memorandum Opposing Defendant Marshall's Motion, namely the

attached correspondence of United States Attorney Marty J. Jackley dated August 8, 2008.

## **II. Arlo Looking Cloud Discovery.**

The United States does not have in its possession, nor has it reviewed, any Bureau of Prisons Central Inmate Files with respect to Arlo Looking Cloud. The defendant has been provided the redacted presentence report for Looking Cloud.

## **III. Ecoffey and Maverick Impeachment Evidence.**

In relation to the defendant's discovery request and continued attempted character attacks on witness Maverick through his pleadings,<sup>1</sup> the United States has submitted to the Court Maverick's criminal history for *in camera* review. This demonstrates there exists no proper discoverable impeachment evidence under Fed. R. Evid. 609 with respect to this witness. *See United States v. Pippenger*, 552 F. Supp. 2d 990, 997-98 (D.S.D. 2008) (requiring disclosure of impeaching and exculpatory witness materials "subject to the limitations of Fed. R. Evid. 609.").

As for the relationship between the former United States Marshal and witness Maverick, the United States does not have any evidence in its possession relating to any investigation, complaints, or sanctions concerning any alleged misconduct. The United States again renews its request that based upon the nature of these representations by the defendant, that the defendant be required to file a supporting record with the Court forming the basis for his

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<sup>1</sup>See defendant Marshall's Motion to Compel at p. 4 (Docket 216).

representations on this matter. Consistent therewith, defendant Marshall has presented no Rule 16(b) or Rule 26.2 discovery to the United States to support any of these allegations and claims.

Respectfully submitted this 27th day of April, 2009.

/s/ Marty J. Jackley

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CERTIFICATE OF SERVICE

I hereby certify that on the 27th day of April, 2009, I served by electronic transmission, a true and correct copy of the foregoing United States' Compliance With Court's Discovery Order on:

Dana Hanna  
Attorney at Law

John Murphy  
Attorney at law

/s/ Marty J. Jackley

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Marty J. Jackley