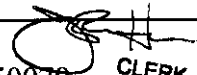


UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

FILED

APR 28 2009


CLERK

UNITED STATES OF AMERICA,
Plaintiff,

Case No. 08-50079

vs.

NOTICE OF EXPERT WITNESS

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

NOW COMES the Defendant Richard Marshall, by and through his attorney, Dana L. Hanna, to provide notice pursuant to Federal Rule of Criminal Procedures 16(a) (1)(E) to the government of the defendant's intention to call an expert witness at trial.

Name: Chris Hutton, Professor of Law, University of South Dakota School of Law.

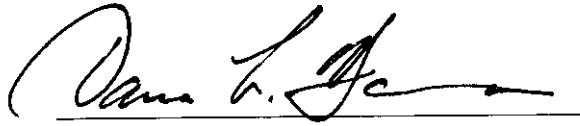
Summary of testimony: This witness will testify as to her opinion that the evidence presented in this trial, compared with the evidence and factual prosecutorial theory in the trial of Arlo Looking Cloud, will provide the witness, Looking Cloud, with legal grounds for a viable motion to challenge his conviction pursuant to the case law in the 8th Circuit Court of Appeals. The witness will also testify concerning the possible application of Rule 35 of the Federal Rules of Criminal Procedure for a reduction of Looking Cloud's sentence after this trial.

Qualifications of the witness are set forth in the attached summary of her qualifications.

Dated this 29th day of April, 2009.

RICHARD MARSHALL, Defendant

By

A handwritten signature in black ink, appearing to read "Dana L. Hanna", is written over a horizontal line.

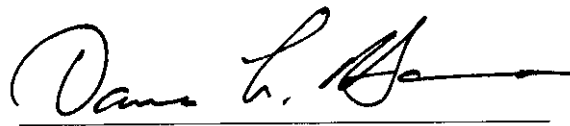
Dana L. Hanna
PO Box 3080
816 Sixth Street
Rapid City, SD 57709
605-791-1832
Attorney for Defendant Marshall

CERTIFICATE OF SERVICE

I hereby certify that I have served a true and correct copy of the foregoing Notice of Expert Witness on the other party in this case by mailing the same, postage prepaid, to the attorney of record, addressed as follows:

Robert Mandel
US Attorney's Office
515 Ninth Street #201
Rapid City, SD 57701

Dated this 29th day of April, 2009.

A handwritten signature in cursive script, appearing to read "Dana L. Hanna", written over a horizontal line.

Dana L. Hanna



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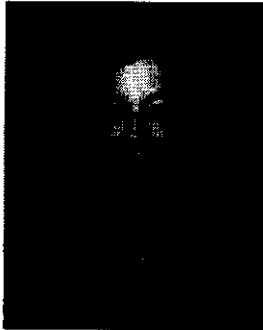
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University of South Dakota School of Law Faculty



The University of South Dakota
 School of Law
 414 East Clark Street
 Vermillion, SD 57069

Phone: (605) 677-5361
 Room: 203

Email

Publications

**2008 Belbas-Larson
 Award Winner**

**Chris Hutton
 Professor of Law**

Chris Hutton teaches Criminal Law and Procedure, Evidence and Advanced Criminal Procedure at The University of South Dakota School of Law. She publishes the *South Dakota Criminal Law and Procedure Review* annually and edits the treatise, *South Dakota Evidence* by John Larson. Professor Hutton's publications include commentary on the death penalty, evidence issues in criminal trials, retroactivity, and standards of review. She provides annual training for the state judges of the Unified Judicial System, has testified before the South Dakota Criminal Code Revision Commission, and has also spoken about search and seizure and federal sentencing.

The Innocence Project of South Dakota is based at USD School of Law. Professor Hutton supervises law students who volunteer to investigate claims of innocence raised by inmates in the South Dakota State Penitentiary. Approximately forty students are involved in IPSP, which requires review of trial records, interviews with inmates and counsel, and evaluation of evidence used to obtain the conviction. Volunteer attorneys and IPSP's student officers are instrumental in the success of the project.

Professor Hutton is engaged in additional service work, including membership on the ABA Standing Committee on Armed Forces Law, the State Bar Committee for the Active Participation of Women in the Bar, and the Board of Bar Commissioners for the South Dakota Bar (2004-07). She serves as faculty advisor to USD Law's Women in Law. Professor Hutton has maintained her interest in providing legal services for low income people by participating as a board member for Access to Justice (a partnership of the State Bar and legal services programs to increase access to legal services for low income people) and Dakota Plains Legal Services. She has been a commentator for newspaper, radio and TV on issues of interest in Criminal Law, including the death penalty and other high-profile criminal cases.

A.B., St. Joseph's College
J.D., Washburn University
LL.M., Harvard University

Bar
 Member: South Dakota, Kansas

Courses: Criminal Law
 Criminal Procedure
 Advanced Criminal Procedure
 Evidence