

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

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,

Defendants.

**UNITED STATES' RESPONSE IN
OPPOSITION TO DEFENDANT
GRAHAM'S MOTION TO COMPEL
DISCLOSURE OF LENIENCY
AGREEMENTS WITH
THEDA CLARKE**

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 Response in Opposition to Defendant Graham's Motion to Compel Disclosure of Leniency Agreements with Theda Clarke. At this time, the United States has neither offered nor reached any immunity or non-prosecution agreements with Theda Clarke in relation to her role in the Aquash murder case. At this time, Theda Clarke has not been indicted, and the United States has neither offered nor reached any agreement regarding leniency, plea bargains, or preferential treatment.

Accordingly, Defendant Graham's Motion to Compel Disclosure of Leniency Agreements with Theda Clarke should be denied.

Dated and electronically filed this 30th day of April 2009.

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CERTIFICATE OF SERVICE

The undersigned hereby certifies on April 30, 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
Michael Hofmann

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



Marty J. Jackley