UNITED STATES DISTRICT COURT

DISTRICT OF SOUTH DAKOTA

WESTERN DIVISION

UNITED STATES OF AMERICA

Plaintiff,

vs.

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

Defendants.

CR 08-50079

GOVERNMENT'S RESPONSE TO
DEFENDANT GRAHAM'S
MOTION TO COMPEL UNREDACTED
GRAND JURY TRANSCRIPT

COMES NOW the United States of America, through its attorneys, United States Attorney Marty J. Jackley and Assistant United States Attorney Robert A. Mandel, and respectfully responds to Defendant Graham's Motion to Compel Unredacted Grand Jury Transcript as follows:

1. No testimony of Arlo Looking Cloud or statements of the prosecution made in the presence of Arlo Looking Cloud were redacted from the 2004 Grand Jury transcript provided to defendants. The only parts redacted were discussions between the prosecutor and the grand jury when the witness was not present. These are not in any fashion discoverable.

2. The United presents to the Court, for *in camera* review, both the redacted and unredacted copies of the transcript.

Accordingly, the Defendant's motion should be in all respects denied.

Respectfully submitted this 30th day of April, 2009.

/s/ Robert A. Mandel

ROBERT A. MANDEL
Assistant United States Attorney
515 9th Street #201
Rapid City, SD 57701
605.342..7822
FAX: 605.342.1108
Robert.Mandel@usdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that on the 30th day of April, 2009, I served by electronic transmission, a true and correct copy of the foregoing Government's Response to Defendant Graham's Motion to Compel Unredacted Grand Jury Transcript on:

Dana Hanna
Attorney at Law

John Murphy
Attorney at law

/s/ Robert A. Mandel

Robert A. Mandel