

MAY. 4. 2009 9:05AM

COSTELLO PORTER LAW

NO. 127

P. 2

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.)

CR08-50079

**AFFIDAVIT OF
JAYNELLE HINNEGAN, R.N.**

I, Jaynelle Hinnegan, R.N., being first duly sworn, deposes and states:

1. I am a Registered Nurse and the Director of Nursing at Ponderosa Villa Nursing Home ("Ponderosa Villa").

2. I have been employed with Ponderosa Villa as a Registered Nurse since November 2007 and as the Director of Nursing since March 2008.

3. Theda Clarke has been a resident of Ponderosa Villa since May 17, 2004, to the present.

4. Theda Clarke is currently prescribed numerous medications, including: dilantin (seizure), zocor (cholesterol), celexa (anti-depressant), and remeron (anti-depressant/anxiety).

5. The transportation of Theda Clarke from Crawford, Nebraska to Rapid City, South Dakota would be unduly burdensome.

6. Ms. Clarke is currently wheelchair bound as she suffers from paralysis on the left side of her body.

7. A Nurse's Assistant would be necessary for the mobility and toileting of Theda

Clarke.

8. A Registered Nurse would also be necessary for the dispensing of Theda Clarke's medications.

9. The distance from Crawford, Nebraska to Rapid City, South Dakota is 120 miles one-way.

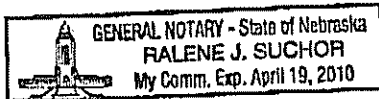
10. Arrangements would need to be made for the overnight stay of Theda Clarke and the medical staff, as Ms. Clarke cannot tolerate travel to and from Rapid City, South Dakota and Crawford, Nebraska in a single day.

Dated this 4th day of May, 2009.

Jaynelle Hinnegan RN
Jaynelle Hinnegan, R.N.

STATE OF NEBRASKA)
)ss
COUNTY OF DAWES)

Subscribed and sworn to before me this 4th day of May, 2009.



(SEAL)

Ralene J. Suchor
Notary Public
My Commission Expires: 4-19-2010