

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
WESTERN DIVISION

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UNITED STATES OF AMERICA

Plaintiff,

vs.

VINE RICHARD MARSHALL a/k/a  
RICHARD VINE MARSHALL a/k/a  
DICK MARSHALL,

Defendant.

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CR 08-50079

UNITED STATES' RESPONSE TO  
DEFENDANT MARSHALL'S  
SUPPLEMENTAL AFFIRMATION  
IN SUPPORT OF MOTION FOR  
DISMISSAL OF INDICTMENT FOR  
DESTRUCTION OF EVIDENCE

COMES NOW the United States of America, through its attorneys, United States Attorney Brendan V. Johnson, Assistant United States Attorney Robert A. Mandel, and Special Assistant United States Attorney Rod Oswald, and respectfully responds to Defendant Marshall's Supplemental Affirmation in Support of Motion for Dismissal of Indictment for Destruction of Evidence as follows:

1. The United States reiterates that it was not involved in a joint investigation with the Denver Police Department. Specifically, other than the assistance provided by Detective Abe Alonzo, the United States had no access to the Denver Police Department and did not have any access to its records, except for anything provided to or from Detective Alonzo. The United States had no involvement with the destruction or preservation of any evidence

maintained by the Denver Police Department. The fact that there is a letter indicating that Detective Alonzo was sworn in as a Special Deputy United States Marshal does not make any difference in this regard. Detective Alonzo aided United States Marshal Regional Coordinator Rick Iannucci while traveling outside of Colorado and was made a Special Deputy United States Marshal for the primary purpose of carrying a firearm while so doing.

It is commonplace for local police departments to provide assistance to the United States Marshal Service; however, the United States does not control those police departments as a result. The Denver Police Department presumably was conducting their own investigation regarding crimes related to this case that would have occurred in their jurisdiction. While there may have been cooperation between the City of Denver and the United States Marshal Service in conducting their respective investigations, neither entity in any way had authority over the other's investigation. The United States cannot be held responsible for the handling of evidence by the Denver Police Department in their investigation.

Respectfully submitted this 23rd day of March, 2010.

/s/ Robert A. Mandel

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CERTIFICATE OF SERVICE

I hereby certify that on the 23rd day of March, 2010, I served by electronic transmission, a true and correct copy of the foregoing on:

Dana Hanna  
Attorney at Law

/s/ Robert A. Mandel

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Robert A. Mandel