

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
WESTERN DIVISION

**FILED**  
**MAR 25 2010**  
*[Signature]*  
CLERK

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UNITED STATES OF AMERICA,

Plaintiff,

vs.

VINE RICHARD MARSHALL,  
a/k/a Richard Vine Marshall,  
a/k/a Dick Marshall,

Defendants.

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CR 08-50079-02

ORDER

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The Defendant Vine Richard Marshall's Motion for Subpoena Duces Tecum and the supporting Memorandum of Law, docs. 678, 679, are before the Court. The Court finds that the United States' Response to the Motion is inadequate, doc. 706. Pursuant to Federal Rule of Criminal Procedure 17(c), the Motion for Subpoena Duces Tecum shall be granted as to Serle Chapman. Accordingly,

IT IS ORDERED:

1. That the Defendant Vine Richard Marshall's Motion for Subpoena Duces Tecum, doc. 678, is granted as to Serle Chapman.
2. That the Clerk shall prepare a Subpoena [Duces Tecum] to include name and address and other necessary information for the following person:
  1. Name and Address

Serle Chapman  
Banner, Wyoming

You are commanded to produce

- (1) A copy or the original of the manuscript of BLOOD, SWEAT AND TEARS: INSIDE THE AMERICAN INDIAN MOVEMENT by Serle Chapman.

- (2) Copies or originals of the book proposal written by Serle Chapman to Mountain Press Publishing Co., along with all accompanying writings and documents, including cover letter, table of contents or outline, sample of manuscript, and list of sources.
- (3) Copies or originals of all correspondence to the publisher from Serle Chapman, including both regular mail and e-mail, concerning the writing, research, and publication of BLOOD, SWEAT AND TEARS: INSIDE THE AMERICAN INDIAN MOVEMENT by Serle Chapman © 2001 (ISBN 0-9528607-6-7), including all correspondence relating to the writer's decision to withdraw or postpone publication of the book.

Said information shall be produced to the Court by March 31, 2010, approximately two weeks before the scheduled trial date of April 13, 2010. Pursuant to Federal Rule of Criminal Procedure 17(c), "[w]hen the items arrive, the court may permit the parties and their attorneys to inspect all or part of them."

3. That witness fees shall be paid in the same manner in which similar fees are paid to a witness subpoenaed on behalf of the Government.
4. That the United States Marshals Service shall cause the Subpoena to be served. Costs incurred by process shall be paid in the same manner in which similar costs are paid on behalf of the Government.
5. That the Subpoena issued by the Court for a date certain remain in full force and effect for any subsequent dates to which the appearance or trial date is continued. It is the obligation of the attorney issuing the Subpoena to convey this information to the person receiving the Subpoena.

Dated this 25th day of March, 2010.

BY THE COURT:



Lawrence L. Piersol  
United States District Judge

ATTEST:

JOSEPH HAAS, CLERK

BY: 

DEPUTY