

FILED

APR 07 2010

Chapman
CLERK

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

CR 08-50079

vs.

* ORDER DENYING DEFENDANT'S
* MOTION FOR SANCTIONS AND
* PRECLUSION OF TESTIMONY

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

Defendant.

Pending before the Court is Defendant Marshall's Motion for Sanctions and Preclusion of Testimony, doc. 736. Marshall asks the Court to preclude the testimony of Serle Chapman because the government only recently revealed it had entered into an agreement with Chapman whereby in return for his continued cooperation and testimony in this case, the government gave Chapman and his wife S-visas and later gave them permanent legal residency status. Marshall's counsel has had the information since March 22, 2010, and he has sufficient time to incorporate it into his cross-examination of Chapman. It is not complicated information, and it does not involve a time-consuming review of documents. Thus, the Court finds that Marshall has not been prejudiced by the government's unexplained late disclosure. Accordingly,

IT IS ORDERED that Defendant Marshall's Motion for Sanctions and Preclusion of Testimony, doc. 736, is denied.

Dated this 7th day of April, 2010.

BY THE COURT:

Lawrence L. Piersol

Lawrence L. Piersol
United States District Judge

ATTEST:

JOSEPH HAAS, CLERK

BY: *Colleen Schulte*

DEPUTY