

FILED

APR 16 2010


CLERK

UNITED STATES DISTRICT COURT

DISTRICT OF SOUTH DAKOTA

WESTERN DIVISION

UNITED STATES OF AMERICA,

)

CR. 08-50079

Plaintiff,

)

vs.

)

**AFFIDAVIT OF GREGORY J.
ERLANDSON IN SUPPORT OF THEDA
CLARK'S INVOCATION UNDER THE
FIFTH AMENDMENT**

**VINE RICHARD MARSHALL, A/K/A
RICHARD VINE MARSHALL, A/K/A
DICK MARSHALL,**

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)

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Defendant.

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)

I, Gregory Erlandson, being first duly sworn, deposes and states:

1. On or about June 17, 2009, I was appointed by United States Magistrate Judge Veronica Duffy to represent Theda Clarke in the above-captioned action.
2. Theda Clarke has been subpoenaed by the United States to give testimony at trial as a material witness.
3. Ms. Clark, by and through her attorneys, on of about May 4, 2009, and again on January 22, 2010, moved to quash said trial subpoenas.
4. The undersigned has recommended that Ms. Clarke invoke the rights afforded to her under the Fifth Amendment of the United States Constitution if called upon to give testimony concerning any facts or circumstances concerning, but not limited to any knowledge of the following: Ms. Clarke's alleged involvement with the American Indian Movement ("AIM"); alleged ownership or possession of firearms; and/or association or involvement with Annie Mae Aquash, a/k/a Annie Mae Pictou, John Graham, Vine Richard Marshall or Alro Looking Cloud.
5. Ms. Clark has indicated she accepts my advice and will invoke her 5th Amendment rights if called upon to testify.
6. I have communicated the same to Assistant United States Attorney Robert Mandel, who has indicated, preliminarily, that despite such knowledge he still intends to call upon Ms. Clarke as a witness.

Dated this 16th day of April, 2010.



Gregory J. Erlandson

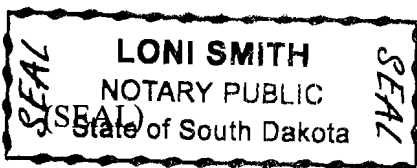
Subscribed and sworn to before me, the undersigned officer, this 16th day of April, 2010.



Notary Public

My Commission Expires
May 17, 2013

My Commission Expires: _____



CERTIFICATE OF SERVICE

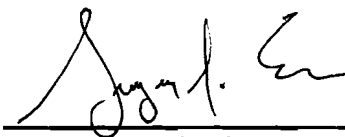
I certify that on the 16th day of April, 2010, I caused to be served, by e-mail and first class, United States Mail, postage prepaid, a true and correct copy of the foregoing document to:

Robert Mandel, Esq.
United States Courthouse
515 Ninth Street
Rapid City, SD 57701
Robert.Mandel@usdoj.gov

Attorney for United States

Dana Hanna, Esq.
Hanna Law Office
P.O. Box 3080
Rapid City, SD 57709
dhanna@midconetwork.com

Attorney for Defendant Marshall



Gregory J. Erlandson