

**FILED**

APR 06 2009

  
CLERK

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
WESTERN DIVISION

---

UNITED STATES OF AMERICA,

CR08-50079

Plaintiff,

v.

JOHN GRAHAM aka JOHN BOY  
PATTON, and VINE RICHARD  
MARSHALL aka RICHARD VINE  
MARSHALL aka DICK MARSHALL,

Defendants.

---

**MOTION TO SEAL EXHIBIT E TO  
UNITED STATES' REPLY TO  
DEFENDANT MARSHALL'S  
OPPOSITION TO UNITED STATES'  
NOTICE OF RES GESTAE  
EVIDENCE, OR IN THE  
ALTERNATIVE, RULE 404(b) RE:  
MONTILEAUX INCIDENT**


COMES NOW the United States of America, by and through United States Attorney Marty J. Jackley and Assistant US Attorney Robert A. Mandel, and respectfully prays the Court to issue an Order sealing Exhibit E to its Reply to Defendant Marshall's Opposition to United States' Notice of *Res Gestae* Evidence, or in the Alternative, Rule 404(b) Re: Montileaux Incident in the above-captioned matter, and as grounds therefor states as follows:

Exhibit E should be sealed to protect the witnesses contained within the statement.

WHEREFORE, the United States prays that this Court seal Exhibit E to its Reply to Defendant Marshall's Opposition to United States' Notice of *Res Gestae* Evidence, or in the Alternative, Rule 404(b) Re: Montileaux Incident.

Dated this 6th day of April 2009.

MARTY J. JACKLEY  
United States Attorney

  
PO Box 2638  
Sioux Falls, SD 57101-2638  
605.357.2330

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies on April 6, 2009, a true and correct copy of the foregoing was served upon the following person(s), by placing the same in the service indicated, addressed as follows:

John R. Murphy  
Dana Hanna

- U.S. Mail, postage prepaid
- Hand Delivery
- Facsimile at
- Federal Express
- Electronic Case Filing

  
Marty J. Jackley