

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

UNITED STATES OF AMERICA,)	
)	CR08-50079
Plaintiff,)	
)	
vs.)	
)	AFFIDAVIT OF DR. JERRY L.
JOHN GRAHAM A/K/A JOHN BOY)	MCLAIN, M.D.
PATTON, and VINE RICHARD)	
MARSHALL, A/K/A RICHARD VINE)	
MARSHALL A/K/A DICK MARSHALL,)	
)	
Defendants.)	

Dr. Jerry L. McLain, M.D., being first duly sworn, deposes and states:

1. I am a Board Certified Family Medicine physician.
2. I have been employed as a physician by the Chadron Medical Clinic since 1991.
3. Theda Clarke has been a patient of mine since at least the year 2000 to the present.
4. Theda Clarke suffered a stroke in 2002.
5. Theda Clarke currently suffers from the late effects of a cerebral vascular accident (stroke), dementia, diabetes, hypertension, hyperlipidemia, anxiety, depression, and arthritis.
6. Theda Clarke is currently on the following medications: dilantin (seizure), zocor (cholesterol), celexa (anti-depressant), and remeron (anti-depressant/anxiety).
7. A possible side effect of the medications prescribed to Theda Clarke is memory impairment.
8. Theda Clarke was previously prescribed risperdal for agitation and behavior

problems. As Ms. Clarke's condition is stable, I discontinued the risperdal on April 21st for a trial period.

9. Theda Clarke suffers from multi-faceted dementia. My medical opinion is that Theda Clarke's dementia is caused from her advanced age, high blood pressure, diabetes and stroke in 2002.

10. As a result of her dementia, Theda Clarke's long term and short term memory is significantly impaired.

11. My medical opinion is that as a result of her dementia, Theda Clarke is not able to give meaningful testimony in this case.

12. The transportation of Theda Clarke from Crawford, Nebraska to Rapid City, South Dakota, poses a risk for falling. Ms. Clarke is currently wheelchair bound.

13. Theda Clarke suffers from "sundowning." As Ms. Clarke tires, her confusion will increase.

Dated this 30 day of April, 2009.

Jerry L. McLain, M.D.

Dr. Jerry L. McLain, M.D.

STATE OF NEBRASKA)
)ss
COUNTY OF DAWES)

Subscribed and sworn to before me this 30th day of April, 2009.



Teresa J. Landreth

Notary Public
My Commission Expires: 02-07-2013