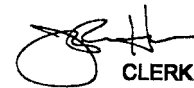


FILED

JUN 01 2009

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION


CLERK

UNITED STATES OF AMERICA,
Plaintiff,

vs.

JOHN GRAHAM, a.k.a.
JOHN BOY PATTON, and
VINE RICHARD MARSHALL, a.k.a.
RICHARD VINE MARSHALL, a.k.a.
DICK MARSHALL,
Defendants.

Case No. 08-50079

DEFENDANT MARSHALL'S
MOTION FOR RECONSIDERATION
OF DETENTION

NOW COMES Defendant Richard Marshall, by and through his attorney, Dana L. Hanna, and hereby moves the Court to reconsider his continued detention and to issue an order setting conditions for his release pending trial. The grounds for this motion are as follows:

1. The Defendant has received a Treatment Needs Assessment from the City/County Alcohol and Drug Programs, and it was the opinion and recommendation of the counselor that did the assessment that Richard Marshall does not need drug or alcohol treatment [Exhibit 'A', Treatment Needs Assessment]. The final clinical impression of substance abuse (page 3 of 10) is: "At this time it does not appear that it would be necessary to refer client to any thing other than his spirituality and perhaps support meetings such as AA."

2. The defense counsel has communicated with the Oglala Sioux Tribe alcohol program, Aupetu Luta Otipi, which provides an after care support group with meetings once a week to which Richard Marshall would be able to participate.

3. Further, on May 5th, 2009, the Honorable Lawrence Piersol ordered that the trial of Richard Marshall should be continued indefinitely until such time as the Eighth Circuit Court of Appeals rules on the government's interlocutory appeal of the Court's order concerning the case of the co-defendant, John Graham. There is, of course, no way of predicting when the Eighth Circuit Court of Appeals will issue a decision in that case. It could be six months from

now or a year from now. In view of the serious likelihood of an extended delay in the trial and all the evidence previously presented in the prior detention hearing, this Court should reconsider its prior order.

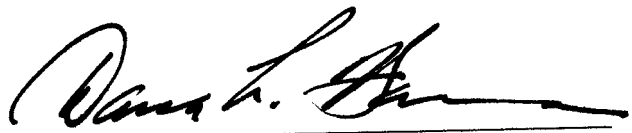
4. In view of the facts and evidence set forth herein, the defendant is not a danger to the community and further indeterminate pretrial detention is not justified.

WHEREFORE Defendant Marshall moves the Court to reconsider detention, a hearing on the motion, and grant an order releasing the defendant pending trial on conditions.

Dated this 1st day of June, 2009.

RICHARD MARSHALL, Defendant

BY:



Dana L. Hanna
Attorney for Defendant Marshall
PO Box 3080
Rapid City, SD 57709
(605) 791-1832
dhanna@midconetwork.com

CERTIFICATE OF SERVICE

I hereby that I have served a true and correct copy of the foregoing Defendant Marshall's Motion for Reconsideration of Detention on the other parties in this case by mailing the same, postage prepaid, the attorneys of record at the addresses listed below:

Marty J. Jackley, United States Attorney and
Robert Mandel, Assistant United States Attorney
515 Ninth Street, #201
Rapid City, SD 57701

John Murphy
Murphy Law Office
328 E. New York St., #1
Rapid City, SD 57701

Dated this 1st day of June, 2009.

A handwritten signature in black ink, appearing to read 'Dana L. Hanna', written over a horizontal line.

Dana L. Hanna