

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

UNITED STATES OF AMERICA,)
)
) 08-50079-02
)
 Plaintiff,)
) AFFIDAVIT OF CHARLES ABOUREZK
 v.)
)
)
 RICHARD MARSHALL,)
)
)
)
 Defendant.)

I, Charles Abourezk, being first duly sworn upon my oath, depose and state as follows:

1. My name is Charles Abourezk. My professional address is P.O. Box 9460, Rapid City, South Dakota 57709. I am a licensed member of the State Bar of South Dakota and have been licensed and in good standing at all times pertinent to this Affidavit.
2. I was the attorney for Richard "Dick" Marshall, in any and all matters, including but not limited to a federal grand jury subpoena of Richard Marshall, dated July 29, 2008, and prior to that with regard to a federal grand jury subpoena issued on or about December 20, 2002 to him, and during the subsequent criminal proceedings.
3. On January 3, 2003, I sent a letter to Assistant United States Attorney Robert Mandel indicating that I was the attorney for Richard Marshall and that I had been asked to represent Richard Marshall, in addition to one other person, in the grand jury which was scheduled to convene on January 15, 2003. That letter was pursuant to a telephone call with Mr. Mandel, in which, among other matters

discussed, that I understood from what Mr. Mandel said Mr. Marshall was not a criminal target or subject of the Government.

4. On the same day, I also spoke with Bob Ecoffey, who was then one of the lead federal criminal investigators in the same criminal proceedings, and passed along an offer from Mr. Ecoffey to Mr. Marshall.
5. Mr. Marshall then agreed to and did appear before the grand jury on January 15, 2003 at the federal building in Rapid City, South Dakota and testified before the grand jury. His agreement to testify was based upon the representations made to him by Mr. Mandel on behalf of the United States Government. I continued to represent Mr. Marshall, which representation was known to the U.S. Attorney.
6. On January 30, 2004, just prior to the beginning of the United States v. Arlo Looking Cloud criminal trial, I had a telephone conversation with Assistant United States Attorney Robert Mandel. In that conversation, which I reduced to writing, and submitted in the form of a letter to Mr. Mandel, Mr. Mandel made various offers to me as Mr. Marshall's lawyer regarding Mr. Marshall's status in the death of Anna Mae Aquash.
7. In the same conversation Robert Mandel indicated, among other things, that if Mr. Marshall had anything further to provide in the way of testimony about the incident, above and beyond his grand jury testimony, he would like him to sit down and do a proffer, and that nothing he said would be used against him at the proffer meeting.
8. I do believe that throughout the time from, at least, December 20, 2002, through July, 2008 and into August, 2008, the U.S. Attorney was aware that I represented

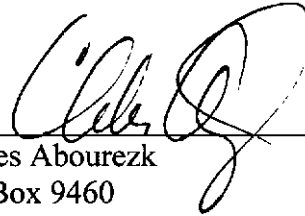
Richard Marshall. At no point during that time did I state on behalf of Mr. Marshall that any attorneys, representatives or investigators on behalf of any level of government, could question Richard Marshall without me being present.

9. In 2004 I also had notified the U.S. Attorney that they are not to try to contact my client without my permission, nor to have anyone make the contact for them on their behalf, after there had been unauthorized contact.

FURTHER AFFIANT SAYETH NOT.

Dated this 27 day of April, 2009.

ABOUREZK & ZEPHIER, P.C.



Charles Abourezk
P.O. Box 9460
2020 W. Omaha
Rapid City, SD 57709
(605) 342-0097

SUBSCRIBED AND SWORN to before me this 27th day of April, 2009.




Notary Public, South Dakota

My commission expires: 1-22-2014