

Severson Affidavit, Exhibit 1

Case 0203903
Typed by Judy Beck, 1-29-03

Att. S-1

JS: The time is approx. 10 AM on 1-28-03, Agent Severson, Agent Leuning, arriving in Ft. Thompson going to the Tribal Court House to locate and meet with Judge Mueller. The tapes will be running.

JS = Jim Severson, DCI
M = Judge Mueller
NL = Nate Leuning, DCI
UF = Unknown female
UF2 = Unknown female
UM = Unknown male

JS: That first brick building is the PD.

NL: The building to the west?

JS: The building to the west of it, which must be, he said the first brick building to the west, which must be that little one right there.

NL: Yeah

JS: Judicial Services Building, must be it.

JS: You got that other set of keys?

NL: Yup

JS: Clerk

JS: Good morning,

UF: Good morning.

JS: My name's Jim Severson, I'm with the SD Attorney General's Office, I'm looking for Judge Mueller.

UF: Their in there, picking a jury right now.

JS: Okay, can we get him a message somehow that we're here and would like to speak with him a minute. If possible, please?

(Music playing - KPLO)

UM: Who you guys looking for? Paul?

JS: Judge Mueller

UM: He's on the bench

JS: How long before he takes a break?

UM: He's gonna come right out.

UF2: You're supposed to come on in.

JS: Judge? My name's Jim Severson, SD Division of Criminal Investigation.

M: Yes sir

JS: .. and I'd like to meet with you for just a minute if you've got a few minutes?

M: Okay, I think I know what you're here for.

JS: Um hmm(yes)

M: We're just in the middle of the beginning of a trial and ah, I talked to Mr. Long yesterday and I got a memo from the Tribal Council and as far as this court is concerned there is no jurisdiction, however, I would ask you to leave your names with the clerk so that the attorney for the Tribe will know who you are and in the event that there is an action against Mr. Long and the agents under 18 United States Code 19, ah, 1983 we won't have to go through the discovery process.

JS: Okay

M: Okay, if you would be so kind as to leave your names and addresses here... we are denying you jurisdiction.....

JS: Does that work, just leaving our business cards, Judge.

M: That will be fine.

JS: Okay, so there may be papers coming, there aren't any today but you're asking us to leave.

M: Uh huh(yes)

JS: And not serve them.

M: Unless we get ah, unless we get an order from the Federal Court saying that you have jurisdiction here.

JS: Okay

M: Thank you sir.

JS: Right, I see, thank you.

M: Have a nice day.

JS: It's approx. 10:05 AM on 1-28-03, Agent Severson, Agent Leuning just leaving the Tribal Courthouse in Ft. Thompson. We just were asked to meet with Judge Mueller in open court in front of several Tribal witnesses and Judge Mueller stated that in the opinion of his court, there were no reason for us to be here, we had no jurisdiction in his opinion and the Tribal Council felt the same way. He told us we did not have the authority to serve the subpoenas and that he was requesting that Agent Leuning and I leave our names and addresses due to the fact that there would probably be a suit filed against Attorney General Long and the agents present under a 1983 Federal Suit and we did so, left our business cards and the Judge then excused us and we are now going to turn off the tapes and we will be leaving the Ft. Thompson area.



OFFICE OF ATTORNEY GENERAL

500 East Capitol Avenue
Pierre, South Dakota 57501-5070
Phone (605) 773-3215
FAX (605) 773-4106
www.state.sd.us/atg

LARRY LONG
ATTORNEY GENERAL

MARK BARNETT
CHIEF DEPUTY ATTORNEY GENERAL

January 28, 2003


TO: Robert Ducheneaux

FROM: Robert Mayer *RM*
Deputy Attorney General

RE: Subpoena and Testimony

Attached is your subpoena to appear before the Minnehaha County Grand Jury, and to authorize payment to you, of your witness fees. A check for \$40 is included to cover your meals while you are away. We would like to meet with you on Thursday, February 6th at 1:00 p.m. in the conference room at the casino to go over the questions that you will be asked. Afterwards, we will have a small but comfortable bus standing by to take you to Sioux Falls, and directly to the downtown Holiday Inn. We have an individual room reserved for you that will be billed directly to, and paid for by, the Attorney General's Office. You will not have to pay for anything. The following morning, Friday, February 7th, we will begin testimony right at the Downtown Holiday Inn. When we are finished with all the witnesses, we will immediately transport you back to Ft. Thompson that same day.

If you have ANY questions, please contact me at your earliest convenience at the number listed on the letter head above. Thank you for your public service in agreeing to testify...we could not do our job unless we had honest citizens like you.

LITIGATION COSTS 03-76		78-521	2612
CONTINGENCY FUND		914	
ATTORNEY GENERAL'S OFFICE		122556	
STATE CAPITOL		DATE	January 28, 2003
PIERRE, SD 57501			
PAY TO THE ORDER OF Robert C. Ducheneaux Sr.		\$	135.15
One Hundred Thirty Five and 15/100		DOLLARS	1
 FIRST NATIONAL BANK		Security Features Included Details on Back	
125 West Sioux Pierre, SD 57501 Expressline (24-Hour Banking) 800-555-6895		<i>Wendy Anderson</i>	
MEMO		MP	