IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NORTH DAKOTA SOUTHEASTERN DIVISION

UNITED STATES OF AMERICA, Plaintiff, v. LEONARD PELTIER, Defendant.

Criminal No. C77-3003

MOTION TO BRING RECENT CASE TO COURT'S ATTENTION IN SUPPORT OF DEFENDANT'S MOTION TO CORRECT ILLEGAL SENTENCE

)

Defendant Leonard Peltier now moves this Court to bring to its attention the case of <u>United States v. Bruce</u>, 394 F.3d 1215 (9th Cir. 2005) (attached hereto as Exhibit A.) Mr. Peltier's counsel just became aware of this case which is extremely important to the issues presented by Mr. Peltier's Motion. The case establishes when this Court can exercise subject matter jurisdiction over crimes committed in Indian Country. As established in Mr. Peltier's prior pleadings and by this case, this Court lacked subject matter jurisdiction to sentence Mr. Peltier under the crimes with which he was charged and thus the sentences must be vacated.

LEONARD PELTIER By His Attorneys,

By_

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February 15, 2005

CERTIFICATE OF SERVICE

I, Barry A. Bachrach, hereby certify that I have served a copy of the foregoing by mailing same this 15th day of February, 2005 to the following:

Drew H. Wrigley, U.S. Attorney United States Attorney's Office 655 1st Ave., North Suite 250 Fargo, ND 58102-4932

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Barry A. Bachrach