

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

CR 12-40082-02

Plaintiff,

**MOTION TO REOPEN DETENTION
HEARING AND FOR ORDER SETTING
CONDITIONS OF PRETRIAL RELEASE**

v.

SEAN MICHAEL McFARLAND,

Date:

Defendant.

Time:

Dept:

TO THE CLERK OF THE ABOVE-ENTITLED COURT AND TO THE UNITED STATES
ATTORNEY FOR THE SOUTHERN DISTRICT OF SOUTH DAKOTA:

PLEASE TAKE NOTICE that on the date and at the time indicated above, defendant SEAN McFARLAND, through counsel, will and hereby does move to be released , on his personal execution of an appearance and compliance bond, or, in the alternative, for a setting of reasonable bail pursuant to 18 U.S.C. § 3142(f).

Mr. McFarland was arrested on July 18, 2012 in Humboldt County, California. Since that date, he has been held in custody while being transported to South Dakota, despite the recommendation by Federal Pre Trial Services in California that he be released.

This motion is predicated on the files and records herein; the accompanying declaration of counsel; memorandum of points and authorities; exhibits; and on any supplemental evidence and/or argument as may be hereafter presented.

Dated: August 16, 2012

/s/ J. TONY SERRA
J. TONY SERRA
KALI S. GRECH
506 Broadway
San Francisco CA 94133
(415)986-5591

Nicholson, Tschetter, Adams & Nicholson

/s/ KENNETH M TSCHETTER
KENNETH M TSCHETTER
4201 South Minnesota Avenue
Suite 113
Sioux Falls SD 57105
(605)335-7100

DECLARATION OF COUNSEL IN SUPPORT OF MOTION FOR PRETRIAL RELEASE

I, J. TONY SERRA, declare:

I am an attorney licensed to practice in the State of California and before this court. I am one of the attorneys of record for defendant SEAN McFARLAND herein.

It is my information and belief that the facts and statements set forth in the accompanying documents, including the motion for pretrial release and memorandum of points and authorities in support thereof, are true and correct.

I declare under penalty of perjury that the foregoing is true and correct, except as to matters therein stated on information and belief, and as to those matters, I believe them to be true. Executed on August 16, 2012 at San Francisco, California.

/s/ J. TONY SERRA
J. TONY SERRA

MEMORANDUM OF POINTS AND AUTHORITIES

INTRODUCTION

Mr. McFarland was arrested on July 18, 2012 in Humboldt County in the Northern District of the state of California, pursuant to an Arrest Warrant issued in case number CR12-40082-02 originating in the District of South Dakota. On July 19, 2012, the government filed a Notice of Proceedings on Out-of-District Criminal Charges Pursuant to Rules 5(c)(2) and (3) of the Federal Rules of Criminal Procedure. On July 24, 2012, proceedings were held before Magistrate Judge Nandor J. Vadas. Judge Vadas said on the record on that date words to the effect that Mr. McFarland's release would be futile, because the U.S. Attorney in South Dakota would appeal. Mr. McFarland was remanded to custody to be transported forthwith to South Dakota.

This is Mr. McFarland's first encounter with the federal criminal justice system.

STATEMENT OF FACTS

Mr. McFarland is 31 years old, born to the union of Gayle and Michael McFarland. His family moved a great deal during his childhood due to his father's military career. However, they eventually settled in South Dakota, where many other members of Mr. McFarland's large extended family live, including his grandparents and several aunts and uncles.

Mr. McFarland enjoys a close-knit family, from whom he can obviously expect considerable support. Mr. Michael McFarland, Mr. McFarland's father, describes Mr. McFarland as "always willing to

give of his time and talents to help others or to make those around him happy." Michael McFarland also describes Mr. McFarland's dedication to his grandfather, Michael McFarland's father, during the last years of his life. Mr. McFarland visited his grandfather frequently, sometimes bringing his guitar to play for him. His father also describes Mr. McFarland as a person who was taught not to run from problems or mistakes, and expresses his certainty that Mr. McFarland will see his current criminal charges through, without the need for his remaining in custody throughout his legal proceedings. (See Exhibit A)

Gayle McFarland, Mr. McFarland's mother, writes of Mr. McFarland's good moral character, and the responsibility and concern with which he assisted her in caring for his younger siblings when their father was deployed as part of his military duties. Like her husband, Michael, Gayle McFarland writes of her certainty that Mr. McFarland presents neither flight risk nor danger to the community, and that he will attend all necessary court appearances.

In addition to his parents, members of Mr. McFarland's extended family have written of his good character and desire to see through his current criminal charges. Kenneth McFarland III, Mr. McFarland's cousin, writes that feels blessed to enjoy a close relationship with Mr. McFarland. He writes that Mr. McFarland has always put his friends and family before himself, and how Mr. McFarland's help and support helped him through a very difficult time in his life. Kenneth McFarland III also

describes Mr. McFarland as a person who sets a good example for his siblings and younger cousins, who would look to Mr. McFarland for advice and leadership. Mr. McFarland's love for his family drives him to cooperate with the legal proceedings he now faces, and if he were to be released on his own recognizance, Kenneth McFarland III is sure that his family would watch over him and look out for his well being. (Exhibit A)

Similarly to his father, Mr. McFarland's aunt, Debra Reyes, wrote of Mr. McFarland's support during period of her father (Mr. McFarland's grandfather's) death. Mr. McFarland provided his aunt and other members of his family great comfort when he helped to sort through and pack up his grandfather's room at the nursing facility in which he had lived. Mr. McFarland was also a pallbearer at his grandfather's funeral, a gesture that was extremely meaningful to the other members of the family, who were grief-stricken by the loss. Ms. Reyes writes of Mr. McFarland's willingness to put others before himself, recalling his traveling to South Dakota from California at his own expense to attend his cousin's wedding. (Exhibit A)

Mr. McFarland relocated to California just over two years ago, purchasing land and a home near the small town of Petrolia in January of 2010. Mr. McFarland's neighbors and the members of his community speak highly of his trustworthiness, courtesy, and generosity. Teresa Sims, a retired real estate director at Redwood Capital Bank, recounts meeting Mr. McFarland in the course of her professional duties, and the transformation of

their relationship from a business relationship to a supportive and caring friendship. Ms. Sims relates how Mr. McFarland has visited her while she has undergone treatment for bladder cancer, and how much comfort Mr. McFarland's compassion and understand has brought her. (See Letters of Reference, attached collectively as Exhibit A)

Charles Solo, a neighbor of Mr. McFarland in Petrolia, California, confirms Mr. McFarland's fine character, describing him as honest, trustworthy, and intelligent. Mr. Solo further commends Mr. McFarland for the improvements he made to the land he purchased in Petrolia, which were carried out in an environmentally sound way, showing Mr. McFarland's conscientiousness and concern for the environment. (Exhibit A)

In addition to his strong family ties in South Dakota and his strong relationships with members of his community in California, Mr. McFarland has been active in the music communities in both areas. Mr. McFarland's musical talents are widely acknowledged by all who know him. His bandmate and friend, Travis Jamison writes of his time traveling and recording music with Mr. McFarland from 2005 through 2010, and recounts Mr. McFarland's intelligence, honesty, and good work ethic. (Exhibit A)

Another bandmate, Josh Rieck, recalls Mr. McFarland as a caring and dedicated person who put great effort into the musical projects he and Mr. Rieck were involved in. Mr. Rieck also recalls how Mr. McFarland went out of his way to help Mr. Rieck

expand his luthier business, allowing the fledgling company to expand much more rapidly than it would have been able to without Mr. McFarland's aid. (Exhibit A)

As to criminal history, Mr. McFarland has no prior criminal history or arrests.

Mr. McFarland understands the serious nature of the offenses with which he is charged, as well as his obligation to appear at each and every hearing held in this case. Consequently he will stringently adhere to any conditions of release set forth by this Court and by Pretrial Services.

PROFFER

In support of Mr. McFarland's formal request for pretrial release, the defense hereby proffers that he be released to the custody of his father, Michael McFarland, who is willing and eager to serve as a third party custodian in this matter. Michael McFarland resides in South Dakota and pledges to ensure Mr. McFarland is present at every hearing, and fulfills all conditions of his pre-trial release.

Further, Mr. McFarland is willing to subject himself to electronic monitoring, the cost of which will be borne by him.

ARGUMENT

I.

MR. MCFARLAND RESPECTFULLY AVERS THAT THERE ARE CONDITIONS OR COMBINATION OF CONDITIONS THAT CAN REASONABLY ASSURE HIS APPEARANCE AND THE SAFETY OF THE COMMUNITY.

Pretrial detention is permitted only "[i]f, after a hearing..., the judicial officer finds that no condition or

combination of conditions will reasonably assure the appearance of the person as required and the safety of any other person and the community." United States v. Hir, 517 F.3d 1081, 1085 (9th Cir. 2008), *quoting* 18 U.S.C. § 3142(e).

Under the 1984 Bail Act, a finding that a person presents a danger to the community must be supported by clear and convincing evidence. The burden of proof governing a finding of flight risk is preponderance of the evidence.

United States v. Motamedi, 767 F.2d 1403 (9th Cir. 1985).

A drug offense punishable by a sentence of ten years or more carries a rebuttable presumption that no combination of release conditions will reasonably assure the appearance of the person or the safety of the community.¹

However, the presumption merely shifts the burden of production to the defendant to come forward with some rebuttal evidence, and this burden is slight. See e.g., United States v. Barker, 876 F.2d 475, 476 (5th Cir. 1989); United States v. Chen, 820 F.Supp 1205, 1207 (N.D. Cal. 1992) [citations omitted].

Moreover, "[t]he presumption shifts to the defendant only the burden of producing rebutting evidence, not the burden of persuasion." United States v. Hare, 873 F.2d 796, 798 (5th Cir. 1989); see also United States v. Rueben, 974 F.2d 580, 586 (5th Cir. 1992), cert. denied, 507 U.S. 940 (1993); United States v. Bosquez-Villareal, 868 F.2d 1388, 1389 (5th Cir. 1989).

To rebut the government's allegations in a detention

¹ 18 U.S.C. § 3142(e) (3) (A).

proceeding a defendant "may present evidence through hearsay or by proffer." United States v. Parker, 848 F.2d 61, 63 (5th Cir. 1988); See also 18 U.S.C. § 3142(f). Furthermore, the defendant is only required to produce "some credible evidence forming a basis for his contention that he will appear and not pose a threat to the community." Chen, 820 F.Supp. at 1207 [quotations omitted].

The judicial officer is statutorily required to consider:

- (1) the nature and seriousness of the offense charged;
- (2) the weight of the evidence against the defendant;²
- (3) the defendant's character, physical and mental condition, family and community ties, past conduct, history relating to drug or alcohol abuse and criminal history; and
- (4) the nature and seriousness of the danger to any person or the community that would be posed by the defendant's release.

18 U.S.C. § 3142(g); Chen, 820 F.Supp. at 1207; United States v. Motamedi, 767 F.2d 1403, 1407 (9th Cir. 1985).

Each factor weighs in favor of release. The charges are serious; although there are no allegations of violence or weapons, under the Controlled Substances Act Mr. McFarland faces a potential mandatory minimum sentence. He now has private counsel free from conflict to assist in his defense. Further, Mr. McFarland did not flee this jurisdiction; he did flee the

2

If used by the prosecution to support detention, this factor has the least weight. However, where the evidence is weak it becomes an important factor, weighing in favor of release. See United States v. Chen, *supra*, 820 F.Supp at 1207.

premises, however, and was arrested at his sister's house close by. When balancing the seriousness of the offense charged against the willingness of the defendant to secure private counsel, which his efforts exemplify, the Court must consider whether any conditions may be imposed to reasonably assure his appearance.

Defense counsel have not yet been provided with discovery in this matter, and the matter has largely been sealed by the court. However, it appears Mr. McFarland was not the target of this conspiracy, and again, has no prior entanglement with the federal criminal justice system.

As to criminal history, Mr. McFarland has no previous arrest, charges, or convictions.

Mr. McFarland will gladly submit to global position satellite (GPS) monitoring and/or home detention.

Far from being required to prove his innocence of the charged crime, a defendant seeking bail "may focus his evidence on other factors that are unrelated to the alleged offense, such as his character, employment history, family status, and community ties." Parker, 848 F.2d 61, 63; see also, 18 U.S.C. § 3142(g)(3); United States v. Ingraham, 832 F.2d 229, 238 (1st Cir. 1987), cert. denied, 486 U.S. 1009 (1988).

Thus, once the defendant produces some credible evidence required by the Bail Reform Act, the burden shifts to the government to persuade the court by clear and convincing evidence that the defendant is a danger to the community or by a clear preponderance of the evidence that the defendant is likely to flee.

United States v. Chen, 820 F.Supp. 1205, 1208 (N.D. Cal. 1992).

II.

MR. MCFARLAND PRESENTS NO FLIGHT RISK.

In assessing whether the defendant is a flight risk or danger to the community, it is "extremely important to emphasize" that in assessing the magnitude of any threat posed to the government's regulatory interest:

[T]he proper focus is not on how big that threat would be if the defendant were released on no conditions, but, instead... on how big that threat would be if the defendant were released on stringent conditions aimed at reducing as much as possible the likelihood of harm to the threatened regulatory interests. In other words, **the issue is not how much threat the defendant would pose if he were as free as any law-abiding citizen, but how much threat he would pose if he were released on the most restrictive available conditions.**

United States v. Aileman, 165 F.R.D. 571, 589 (N.D. Cal. 1996) [Emphasis added].

"Close cases should result in release: '[t]o give effect to the principle that doubts resolving the propriety of release be resolved in favor of the defendant, the court is to rule against detention in close cases....'" United States v. Conway, Case No. 4-11-70756, 2011 U.S. Dist. LEXIS 86034 (N.D. Cal. August 3, 2011), quoting United States v. Chen, *supra*, at 1208; quoting Motamedi, *supra*, at 1405-1406.

In the instant matter, Mr. McFarland has a strong family support network in South Dakota. He is willing to be released into the custody of his father, and subject himself to electronic monitoring at his own expense.

Defense counsel is informed and believes that on the date prior to his arrest, Mr. McFarland did retreat to his sister's nearby home when he heard that law enforcement agents were en route to his property. At that time, Mr. McFarland was unaware of the target of the officer's visit, and was similarly unaware that the officers possessed an arrest warrant in his name. Mr. McFarland left his property on that day out of fear for his safety, and confusion over the purpose of their presence. Had he known that the officers held a warrant for his arrest, he would have immediately surrendered. Indeed, though Mr. McFarland did leave his property, he traveled only a short distance away to his sister's home, where officers were easily able to ascertain his whereabouts.

CONCLUSION

WHEREFORE, based on the unique and commendable history of Mr. McFarland, detailed herein, Mr. McFarland prays that the Court grant his formal motion for pretrial release subject to any and all conditions that might be imposed.

Dated: August 16, 2012

Respectfully submitted,

/s/ J. TONY SERRA
J. TONY SERRA
KALI S. GRECH
506 Broadway
San Francisco CA 94133
(415)986-5591

Nicholson, Tschetter, Adams & Nicholson

/s/ KENNETH M TSCHETTER
KENNETH M TSCHETTER
4201 South Minnesota Avenue
Suite 113
Sioux Falls SD 57105
(605)335-7100

Exhibit A

REQUEST FOR RELEASE ON DEFENDANT'S OWN RECOGNIZANCE
OR IN THE ALTERNATIVE, LOW BOND

Southern District Court
South Dakota

Honorable Magistrate

14 August 2012

Re: Sean McFarland

My name is Michael K. McFarland. I am Sean's Father. I am writing this letter to respectfully request that Sean be released on his own recognizance.

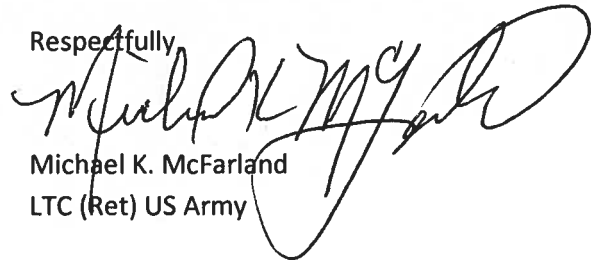
My former spouse Gayle and I raised Sean since birth. He lived with her and me until he was around 21 years old. I spent 24 years in the military. I retired as a Lieutenant Colonel from the Army in 2007. Sean and our family lived in a number of locations around the country as he was growing up. We have stayed very close as he grew into adulthood. He calls me several times a month just to visit or ask my advice. . I believe I know my son well.

Sean was a wonderful child to raise and since he was a little boy he has had a kind and gentle heart. That reputation has stayed with him through adulthood. In fact Sean was just remarking to me while in jail, that he has never punched anyone let alone been in a fight in his whole life. Sean has always been willing to give of his time and talents to help others or to make those around him happy. His family is extremely important to him. He has always made an effort, no matter where life has taken him, to come home for family gatherings and holidays. He is very social, quick to laugh and smile, and delights in making others do the same. He is a talented musician and frequently entertains for family when we are all together. He was a particular joy to my father in the last few years of his life. Sean always made it a point to visit my father especially when my father was in the nursing home. It was always a highlight for my Dad because Sean would bring his guitar and play for him. Sean is a very hard worker. He operated a successful organic farming business for a number of years. He worked very hard to improve his home. He had started work on building a recording studio on his property. He also attended college at South Dakota State University. Sean is also a man that faces up to his responsibilities and consequences for his actions. I taught my children that mistakes are part of life. Everyone makes them, some bigger than others. The real mark of a person is how they deal with them. Sean has never run from problems or mistakes he's made. Once as a teenager Sean need financial help from me. I loaned him the money. He worked at a dairy farm for months just to pay me back. Even now since he has been arrested, Sean has talked to me about wanting to face this and have his day in court. He has done a lot of reflecting about his life. He wants to deal with this and someday get past it so he can get on with his life. He wants to be a husband and a Father. He wants to be involved with his family. Even after being assaulted in the jail in Oakland, he has tried to turn the experience into a positive. He has quit smoking and been working out. He is very happy about that. He has commented that in Federal custody he has

been treated well and the prison personnel treat him with dignity. He has talked about the fact that if he has to go to prison he will finish his college degree and get physically fit. He is already finding a way to turn this experience into a positive one. Sean like many of us makes mistakes. But he is not one to run from them. Sean has no prior criminal history and despite what he is accused of, Sean is a good and decent man. He was raised in a good and decent family and was taught morals and values.

It is my absolute belief that if released on bail, Sean without a doubt will appear in court on the required date. His family means too much to him to do something that would mean never seeing them again or being a part of their lives. And he desperately wants to prove his innocence through the judicial process. He would never run or skip out. He will surrender voluntarily when required. Of this I have no doubt whatsoever. I will be with him when he does. Sean is no flight risk and he is definitely no risk to the community at large. I humbly ask that Sean be released on his own recognizance. If that is not possible I respectfully request that the Court set a low bond that my family is able to meet.

Respectfully

A handwritten signature in black ink, appearing to read "Michael K. McFarland". The signature is stylized and cursive, with a large loop at the end.

Michael K. McFarland
LTC (Ret) US Army

Daryl Tasler
1240 20th street
Windom, Mn 56101

Re: Recommendation letter for Sean McFarland

Honorable Magistrate:

My name is Daryl Tasler I am Seans uncle and I am writing to respectfully request that Sean be released on his own recognizance or into the responsible care of a family member.

I am 56 years old but I still remember what it was like to be young and foolish. I like all have made mistakes but I am also glad that there were adults and mentors willing to take me under there tutelage and mentor and give me help and advice when I made errors or mistakes in my life. I don't know the whole story but I know Sean to be one of the most hard working and loving nephews and grandsons that I have been honored to be associated with (my mother father have 40 grand children) . If you could see him with his grandpa and grandma you would see what a kind, hardworking and Loving young man he truly is.

As a family I promise you we will do our best to be the best influence and support for Sean that we can. I truly believe that Sean will never do another thing to be in the court system again. He truly is a good kid who like us all has made a mistake, but I believe he will do his best to make a good and honorable life for himself now and in the future.

Sincerely
//signed/DET/12Aug12//
Daryl Tasler
507-822-3928

REQUEST FOR RELEASE ON DEFENDANT'S OWN RECOGNIZANCE
OR IN THE ALTERNATIVE, LOW BOND

Southern District Court
South Dakota

Honorable Magistrate

14 August 2012

Re: Sean McFarland

My name is Michael K. McFarland. I am Sean's Father. I am writing this letter to respectfully request that Sean be released on his own recognizance.

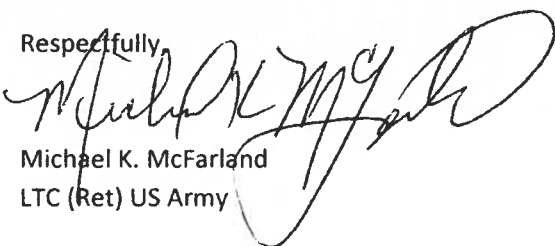
My former spouse Gayle and I raised Sean since birth. He lived with her and me until he was around 21 years old. I spent 24 years in the military. I retired as a Lieutenant Colonel from the Army in 2007. Sean and our family lived in a number of locations around the country as he was growing up. We have stayed very close as he grew into adulthood. He calls me several times a month just to visit or ask my advice. . I believe I know my son well.

Sean was a wonderful child to raise and since he was a little boy he has had a kind and gentle heart. That reputation has stayed with him through adulthood. In fact Sean was just remarking to me while in jail, that he has never punched anyone let alone been in a fight in his whole life. Sean has always been willing to give of his time and talents to help others or to make those around him happy. His family is extremely important to him. He has always made an effort, no matter where life has taken him, to come home for family gatherings and holidays. He is very social, quick to laugh and smile, and delights in making others do the same. He is a talented musician and frequently entertains for family when we are all together. He was a particular joy to my father in the last few years of his life. Sean always made it a point to visit my father especially when my father was in the nursing home. It was always a highlight for my Dad because Sean would bring his guitar and play for him. Sean is a very hard worker. He operated a successful organic farming business for a number of years. He worked very hard to improve his home. He had started work on building a recording studio on his property. He also attended college at South Dakota State University. Sean is also a man that faces up to his responsibilities and consequences for his actions. I taught my children that mistakes are part of life. Everyone makes them, some bigger than others. The real mark of a person is how they deal with them. Sean has never run from problems or mistakes he's made. Once as a teenager Sean need financial help from me. I loaned him the money. He worked at a dairy farm for months just to pay me back. Even now since he has been arrested, Sean has talked to me about wanting to face this and have his day in court. He has done a lot of reflecting about his life. He wants to deal with this and someday get past it so he can get on with his life. He wants to be a husband and a Father. He wants to be involved with his family. Even after being assaulted in the jail in Oakland, he has tried to turn the experience into a positive. He has quit smoking and been working out. He is very happy about that. He has commented that in Federal custody he has

been treated well and the prison personnel treat him with dignity. He has talked about the fact that if he has to go to prison he will finish his college degree and get physically fit. He is already finding a way to turn this experience into a positive one. Sean like many of us makes mistakes. But he is not one to run from them. Sean has no prior criminal history and despite what he is accused of, Sean is a good and decent man. He was raised in a good and decent family and was taught morals and values.

It is my absolute belief that if released on bail, Sean without a doubt will appear in court on the required date. His family means too much to him to do something that would mean never seeing them again or being a part of their lives. And he desperately wants to prove his innocence through the judicial process. He would never run or skip out. He will surrender voluntarily when required. Of this I have no doubt whatsoever. I will be with him when he does. Sean is no flight risk and he is definitely no risk to the community at large. I humbly ask that Sean be released on his own recognizance. If that is not possible I respectfully request that the Court set a low bond that my family is able to meet.

Respectfully,

A handwritten signature in black ink, appearing to read "Michael K. McFarland", written over a large, stylized flourish that extends to the right and loops back under the signature.

Michael K. McFarland
LTC (Ret) US Army

Southern District Court

South Dakota

Re: Recommendation Letter for Sean McFarland

Honorable Magistrate:

My name is Gayle McFarland, I am Sean's mother, and I am writing to respectfully request that Sean McFarland be released on his own recognizance.

Sean is the oldest of my four children and has always been very responsible and concerned about the well being of his younger siblings. When his father was deployed or down range with the Army I could always depend on his love and help with his younger brother and sisters. He is a leader and mentor to them, working closely with his brother in college on farm projects and helping his sisters through tough times in high school and college. He is also a very kind and gentle soul, nicknamed by his grandmother as the "gentle giant" because he is so kind to others, considering their needs before his own. He is the oldest of 40 grandchildren and his cousins look up to him for direction and guidance.

Sean is a person of good moral character and has grown up in a large family of values and deep faith. He is hard working and trustworthy and has expressed to me his desire to continue to be good example for his siblings and cousins. Most of his immediate and extended family live in MN and SD and are invested in his accountability to the court.

I recommend that Sean McFarland be released on his own recognizance: Because Sean wants to do the right thing, I am 100% certain that he will appear in court on the dates requested and that he is not a flight risk, nor would he pose any danger to the community. Sean has a great desire to prove his innocence through the judicial process and will surrender voluntarily, if needed. In the even that Sean's recognizance is not granted, I respectfully request that the Court set a low bond.

Sincerely,

//signed/glm/8Aug12//

Gayle McFarland

913-240-3742

RN, Mayo Clinic Health System, Rochester MN

Request For Release On Defendant's Own Recognizance
Or In The Alternative, Low Bond

Southern District Court
South Dakota

Re: Sean McFarland

Honorable Magistrate,

My name is Ken McFarland III. I have lived in Sioux Falls, SD for nearly my entire life. I work as an Agent for TCF Bank at their Customer Service location in Sioux Falls. I am respectfully writing to you in the hopes that my cousin, Sean McFarland, be released on his own recognizance.


Born 11 days apart, I have known Sean McFarland for nearly 32 years. Although we have not always lived in close proximity to each other, we have stayed in constant contact through telephone or written correspondence. We are a very close knit family and I regularly speak with his father Michael McFarland. I can say I feel truly blessed to have the close relationship with Sean that we have formed over the years. We typically speak on the phone multiple times a week and I am deeply saddened to hear of the situation in which he now finds himself in.

Growing up together, I have never met a more caring, friendly, and overall wonderful human being. Sean has always put his friends and family before him and does so without a second thought. I have gone through a few issues with personal relationships and Sean has always been there to help me through them. He is the kind of person that will drop whatever he is doing to help a friend or family member. In 2004, I lived in Las Vegas, NV with an ex fiancée. When we broke up, I was devastated, but Sean was there for me and came to help me move back to South Dakota the very next day. Without his support and kind words, I do not know how I would have gotten through that dark time in my life. His dedication to family and friends is unparalleled. Growing up, Sean and I were the oldest of 24 grandchildren. Sean always felt it was important to set a good example for our other cousins by displaying courtesy and honesty to others. I regularly look to Sean for his advice and leadership skills. He is an extremely hard-working and intelligent individual and all who know him, are better because of it.

I strongly recommend that Sean be released on his own recognizance. In my humble opinion, I believe Sean McFarland poses absolutely no threat of flight or risk to the community. He is one the kindest, most gentle souls I have ever known. His love for his family drives him to prove his innocence and I truly believe he would cooperate and appear at all requested court dates. If Sean was released on his own recognizance, he would spend his time with family that could observe him and look out for his well being. In the event that own recognizance cannot be granted, I respectfully request that the court set a low bond. Thank you for taking the time to read this letter and I hope that you will grant Sean the opportunity to spend the time with his loved ones, that he deserves.

Respectfully,

Kenneth E McFarland III
(605) 201-4268



8-8-2012

REQUEST FOR RELEASE ON DEFENDANT'S OWN RECOGNIZANCE
OR IN THE ALTERNATIVE, LOW BOND

Southern District Court

South Dakota

Re: Sean McFarland

Honorable Magistrate:


I am writing on behalf of Sean McFarland. My name is Debra Reyes, I am Sean's Aunt (his father's {Michael McFarland} sister). I am requesting that you consider releasing Sean on his own recognizance while awaiting trial in South Dakota.

I have known Sean his entire life – he is my oldest nephew and the oldest of 24 grandchildren. As the oldest, he was a great example to his younger brother, sisters, and cousins growing up. He has a very generous heart and has always been involved with his family. The younger kids looked up to him and he went out of his way to help them in any way he could. Sean has always been supportive of our family and we could count on him to set a good example for our kids. After my divorce, I was a single parent for many years before remarrying. During this time, particularly while I was going back to school to finish my Masters Degree in Special Education, my own children spent a significant amount of time with Sean and developed a great relationship with him. As they grew older, I never had any cause for concern for their welfare, safety or negative influences. In fact, many times Sean was the voice of reason and helped them during their teen years. My brother and Sean's mom raised him in a Christian environment with an emphasis on family values. Sean has exhibited that upbringing by setting a good example with his hard work and reaching out to others. He is very generous with his time and support to others whenever he is needed.

Sean is a trustworthy and hardworking individual. He loves his family and is extremely family-oriented. He calls his parents and grandmother regularly, visits them when he is in town and touches base with other family members on a regular basis. When he lived closer to the family, Sean was always involved with family events and activities and continues to make the effort to see extended family whenever he is in town. Sean was extremely supportive during the death of my father (his paternal grandfather). He was a pallbearer and helped to sort through and pack up his room at the nursing home. Sean was very close to his grandfather and, although he took his death extremely hard, he was the strong shoulder for his dad, siblings and younger cousins to lean on during that time. Family is very important to Sean and he can be counted on when needed. Although it was a great distance and a financial difficulty, he flew out to be a groomsman for his cousin's wedding because he knew how much it would mean for him to be there. Sean has not only been supportive of his family, but for complete strangers as well. Many winters while living in South Dakota, Sean would go out with his truck and help stranded motorists without seeking anything in return.

I am requesting that you release Sean McFarland on his own recognizance. I can assure you that Sean would appear in court on the dates that he would need to be there. Sean has a large extended family located in the Sioux Falls area that would be there to support him and therefore should not be considered a flight risk. Sean is very likeable and respectful and does not pose any threat or danger to the community. Knowing Sean as I do, he will want to ensure that he can prove his innocence through the judicial process and will surrender willingly and voluntarily if need be. If releasing Sean on his own recognizance is not an option, I respectfully request that the Court set a low bond for him.

Respectfully yours,


Debra L. Reyes, MA Special Education

Home: (281) 648-1292; Cell: (832) 605-4620

Letter of Reference-Sean McFarland

Southern District Court
State of South Dakota

August 7, 2012

Honorable Magistrate:

My name is Charles B. Solo, sixty-four years of age, and a fourteen plus year resident of Petrolia, California. As a neighbor of Mr. McFarland, I am writing this letter in behalf of Sean hoping he will be released on his own recognizance.

I have known Mr. McFarland longer than his four years in Petrolia. I first met Sean through his brother, Brett, who had contacts in the Mattole River Valley. It wasn't until Sean purchased a house and acreage above me on Proper Ridge that I came to know him on a consistent basis. Since the house is powered by alternative energy, and, I was contracted by the previous owner to install said system, my initial contact was one of a business relationship. I could see the traits of concerned ownership of the land by Sean's present and future plans. The business relationship soon grew to one of friendship notwithstanding the differences in our age. Our friendship continues straight through his present situation.

I was also fortunate to meet both his sisters, his mother, and not too long ago, his father. In my three score and 4 years, I have had the opportunity to observe people both in the United States and abroad. I have, in an uneducated way, observed interpersonal relationships between friends, loved ones and members of families. Without a doubt, the McFarland Family is close knit and loving. And, I can constantly see this love between the two brothers and their sister (Another sister lives out of the Humboldt County area) on an ongoing basis.

Prior to Mr. McFarland purchasing his property, I have had on several occasions met young men and women from South Dakota. To a person, there is a tangible trait of honesty, trustworthiness and intelligence. They all speak in complete sentences. It is a constant I find in but a few other places. Sean exhibits these fine traits. I could rely on Sean to pay his installation/repair bill without having to be asked. If I needed a favor on a personal level, Sean would agree to assist without hesitation, and, would complete the task without complaint. The improvements to his property were carried out in an environmentally sound way. The structures Sean added to enhance the value of his property were performed with proper building techniques by skilled craftpersons. To sum up: He cares about family, friends and his environment.

Since this letter is written in support of Mr. McFarland being released on his own recognizance (OR), it would be in keeping to explain why this would be a sound judicial choice: Sean has deep ties to South Dakota. He has no reason to avoid his "Day in Court." In this particular case, there were no firearms involved in the search or apprehension of Mr. McFarland. I have come to know him as a peaceable man not taken to violence. He is in no way a risk to society. Having stated in this letter that Sean loves the land he purchased and the people of the lower Mattole River community, he is eager to prove his innocence so that he might be freed to rejoin us. If OR is not an option, I would ask that bail be set at a level that he could afford to raise.

I thank you for your time in reading this letter.

Regards,


Charles Solo

PO Box 2, Petrolia, CA,95558 707.629.3454

Teresa A Sims

South District Court

South Dakota

To the Honorable Magistrate:

I am writing this letter to request that when Sean McFarland comes before you to be considered for bail he be released on his own recognizance or released into the custody of his father.

I meet Sean while working as the SVP, Director of Real Estate at Redwood Capital Bank; Sean came to see me looking to purchase a home. During this transaction I met with him various times over several months and we reviewed the normal things required in this transaction, income, credit, down payment and reviewing lots of details that first time home buyers need to be aware of home insurance, property taxes and so forth. Sean performed his obligations as agreed, was an excellent communicator, and did the things he said he would do in the time allotted for those tasks. Humboldt County has a lot of rural land and homes or homesteads as they are sometimes called, home on acreage are not uncommon. During this time I came to know Sean and hear some of his life stories and his hope for his property. Sean had an organic farm in South Dakota and shared his challenges of growing food in such a climate. Showing me pictures of beautiful rows of perfect eggplants, squash, peppers, all incased in ice. One year there was a freeze and the irrigation system froze, broke and sprayed water entombing the vegetables in ice. Humboldt County has over 100 small organic farms and they are well received. Being able to purchase an abundance of fresh local organic produce is one of the attractive features of living here. Sean showed not just his education he received in horticulture but was able to talk and show a good business sense about the cost of certain foods, wholesale, farmers markets, restaurants and I was impressed.

While I was disappointed when I reviewed the facts as revealed in the different papers about this case, I remind myself that it is important to reserve judgment and we have all been taught innocent until proven guilty.

I suppose the moment when our relationship became more than a normal client relationship was as a result of developing a chronic life threatening disease. I had a diagnosis of cancer, "bladder cancer" before I met Sean and had a course of treatments and tested clear of cancer. In 2009 my cancer returned. Because I was in a public position in a small town my cancer was well known. I had allowed the President of my Bank to utilize my condition in fund raising for Relay for Life, that works when your cancer is treated and goes away, more troubling when it keeps reoccurring and the whole town knows. So when Sean finds out that my cancer has returned he comes in and brings me flowers and is very kind, concerned, supportive offering me his prayers and support. These encounters and talks resulted in him sharing with me his own chronic life threatening condition called Crones disease, something of which, I was familiar as I have had two employees in the course of my career with this disease. We had a very long and moving talk about the different challenges of living with drainage tubes and bags attached to his abdomen. The challenges of being a young man, performing as

a musician on stage, working physically, having to change and keep his apparatus clean, and protected. Having a girl friend who was compassionate with the condition, he was so willing to share this kind of intimate detail with me, in fact he was the first person willing to share that level of detail with me and even since then I have only had a handful of people who have ever been willing to talk with me about the challenges. I would from time to time call him with a question and he was so open and amazing and I have always felt close to him since then. Unfortunately for me my cancer has gone away and returned for what is now the fourth time. I left my position in December of 2010 to focus entirely on my health and to enjoy what remains of my life.

I was invited to different events that included visiting relatives, I had opportunities to meet his mother, father, cousins, an aunt and uncle and heard countless stories of his family in both South Dakota and on his mothers side in Minnesota. I heard stories about the different places they have lived as a result of living in a military family, like many military families I have meet in my life, moving to a new location where they know only each other, the family is close. I can say with all confidence that Sean McFarland will never leave his family. He is the oldest and I saw that he takes that position seriously. Sean as I understand it has one year left to finish his degree in Horticulture and I believe that he will finish his degree and this may be a catalyst. He has tremendous support from his family.

In closing I would like to say that this young man has the ability to get through this challenging time a better person. He is bright and kind, has a passion for music and a knowledge of horticulture. When living in Petrolia CA he would volunteer his considerable skills in setting the sound system up for the local fundraisers for the community center as well as perform. I have never seen him exhibit a propensity for violence and this was evidenced by what was relayed to me about what happened to him in the Oakland Jail. He poses no threat to this country or community and will show up for his court dates and conduct himself honorably no matter what. His father is a retired military man serving his country for 28 years and his mother is a working nurse. My heartfelt request is that you consider the whole of the man and his family and if you are unable to release him on his own recognizance or in the custody of his father that you release him on a bail that is reasonable and one that his hard working family can meet.

Respectfully Submitted,

Teresa A. Sims

Wayne A. Tasler
17902 Burnt Oak Lane
Lithia, Florida 33547
Wayne.tasler@us.army.mil

August 12th, 2012

Southern District Court
South Dakota

Re: Character Reference Letter: Sean McFarland

Honorable Magistrate,

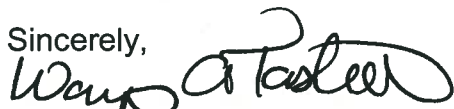
I am an uncle to Sean McFarland (brother to his mother, Gayle) and have known him since his birth. I am writing you this letter requesting that Sean be released on his own recognizance.

I have been around Sean on and off throughout the years as he traveled around the country with his parents during which time his father Mike was an officer in the United States Army. During these visits of which lasted anywhere from a few hours to a week or more, I observed Sean as a very pleasant person to be around who was respectful to his elders, especially his grandparents. He comes from a large extended family, with six aunts and uncles (and their spouses) on both his father's and mother's sides of the family. As recent as April, 2011 I spent Easter weekend with Sean, his sisters, brother, and father as they spent the time with my family while we were stationed at Moffett Federal Airfield, California. The weekend was characteristic of the other times we had gotten together over the years – one of family bonding, story-telling, and love and respect for each other.

As a Colonel in the United States Army with over 30 years of service, I have been around young men and women all my adult life. I can state without reservation that Sean is a trustworthy, family-oriented, and God-centered young man who does not want to cause any dishonor to his family and his family name. He most assuredly is not a flight risk nor does he pose any danger to the citizens of his community and the United States.

I have learned much during my time as an Army officer and commander of which being able to 'read' a man's character is at the top of these learned traits. Regardless of the charges against him, Sean possesses the character traits of honor, courage, obedience and one who is willing to confront allegations against him in a forthright manner. I respectfully ask that you release Sean McFarland on his own recognizance. In the event that this is not possible, I ask that the Court set a low bond.

Sincerely,



Wayne A. Tasler

Colonel, United States Army

United States Special Operations Command, MacDill Air Force Base, Florida

August 12, 2012

Southern District Court

South Dakota

Re: Recommendation Letter for Sean McFarland

Honorable Magistrate:

My name is Lynda Tasler, I am Sean's Aunt. I joined the Tasler family 13 years ago when I married Wayne Tasler, brother to Gayle McFarland, Sean's mother. I am writing this letter to respectfully request that Sean be released on his own recognizance.

I met Sean on the same day I met the rest of the Tasler family during a family gathering at my in laws farm in Minnesota. Sean comes from a large close family and although there were over 40 people there, I noticed Sean right away as he was playing the guitar to entertain the younger cousins in the group. He is musically gifted, easy going, friendly and always eager to help.

My husband is a Colonel in the US Army and we move every 2 years across the country but we always make a point of seeing family whenever we can. We were always happy to see Sean at every family get together and occasion. From 2009-2011, we were stationed at Moffett Airfield in Mountain View, CA and we were thrilled to know that we would be within driving distance to Sean and his brothers and sisters and would be able to spend lots of time together. Sean came for overnight visits on weekends and stayed in our home and he is always a pleasure to be around. When my family left town for a family vacation, Sean came and stayed in my home and cared for our animals. I know Sean to be trustworthy, caring and loving.

Please Honorable Magistrate, Sean is a good person; he is hard working and is eager for the opportunity to prove himself. Please allow him to be released under his own recognizance. He is not a flight risk and would never be a danger to the community. If not released on his own recognizance, I respectfully plead that the Court set a low bond.

Sincerely,


Lynda Tasler

813-651-0803

Request for Release on Defendant's Own Recognizance

Or in the Alternative, Low Bond

Character Reference Letter

Southern District Court

South Dakota

RE: Sean McFarland

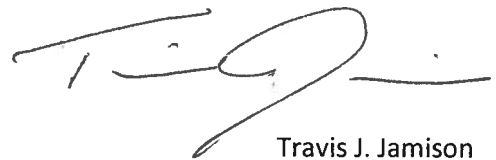
Honorable Magistrate:

My name is Travis Jamison and I am writing on behalf of Sean McFarland in defense of his character and his request for release on personal recognizance.

I first met Sean through a life-long personal and musical friendship with his cousin, Matt McFarland. The three of us, along with Joey Fokken, formed an alt-country/rock band in 2005. Through this musical endeavor, I spent up to four days a week with Sean travelling the region and performing under the moniker Snakebeard Jackson. Through the years of working together, Sean and I grew close and I count him, as well as my other band-mates, as a close personal friend. As he decided to move out west, I decided to pursue a business degree, and, unfortunately, over the last couple of years our contact has dwindled. We've kept in touch via phone and through his family in Sioux Falls and, until recently, I thought him to be doing fine.

Though Sean may have his faults, I firmly believe he is an intelligent, honest, and hard-working individual. He is never afraid to express his opinion on a variety of subjects, be it local or global and is one of the few people with which I can have an informed conversation, regardless of topic, and if he finds his knowledge base too narrow, he researches to find out more. He is always passionate about his opinions. He is a fierce defender of family and friends and the relationship bonds that tie them. While travelling to Minnesota to record our first full-length album, our caravan had to stop in order for Sean to catch up with his mother. Though inconvenient for our travel schedule, I admired his desire to see his direct family. Additionally, it was not uncommon to find his extended family coming to our shows to support him.

I believe Sean would appear in court when requested and certainly be no danger to society in the mean time. Additionally, I believe Sean would pose no flight risk while awaiting his fair trial and am confident he will abide by the Court's decision voluntarily. If the Court doesn't see fit to release Sean on his own recognizance, I would respectfully request a low bond so I, and other friends and family, can support him in this time.



Travis J. Jamison

(605) 359-0102

August 15, 2012

Magistrate Judge
Southern District Court
South Dakota

Re: Sean Michael McFarland

Honorable Magistrate Judge,

My name is Kenneth E. McFarland Jr. I am writing this letter on behalf of my nephew, Sean Michael McFarland. I am respectfully requesting your favorable consideration in granting Sean's release on his own recognizance, or in the alternative, authorizing a low bond, pending his upcoming court appearances.

Sean has extensive family and friends in the Sioux Falls area and has deep roots to this community. In particular, his aunts and myself are well respected members of the community and hold positions of respect, responsibility and authority. I am Sean's uncle and I am the Commission Administrative Officer for Minnehaha County. In other jurisdictions, this is known as the County Administrator. I have held this position for twenty-three years and have worked for Minnehaha County for a total of thirty-three years. Sean's aunt, Jeanette Luze, is a Vice-President of Midland Insurance Company in Sioux Falls. She works in Sioux Falls and commutes daily from her home in Beaver Creek, Minnesota. Another one of Sean's aunts in Sioux Falls, Patricia Pannell, is a principal at Renberg Elementary School in Sioux Falls. In addition, Sean's father, my brother, is a retired Lieutenant Colonel from the US Army and currently resides in Vermillion, South Dakota. All of us have known Sean for many years, and have had close family contact with him, during the time he attended college in South Dakota and lived and worked in the area. He also has many friends and cousins in the area that he has remained close to since he moved to California.

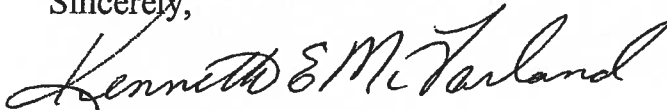
I can categorically state that Sean has never displayed any violence nor avoided any responsibility for his actions. He is intelligent, hard working, and devoted to his family and friends. I have every confidence that Sean

will be very cooperative with law enforcement and the courts during all phases of his upcoming court appearances.

I once again respectfully request your favorable consideration in granting Sean a release on his own recognizance at his upcoming bond hearing. If this is not possible I ask that you consider a low bond. With Sean's strong family network in the Sioux Falls area, his father's willingness to exercise direct supervision and provide living quarters for him, and Sean's own character and sense of responsibility, I have no doubt that Sean will make an excellent candidate for release at his bond hearing.

If you have any questions please do not hesitate to contact me. Thank you in advance for your favorable consideration of this request.

Sincerely,

A handwritten signature in black ink that reads "Kenneth E. McFarland Jr." in a cursive style.

Kenneth E. McFarland Jr.
5805 W. 37th Street
Sioux Falls, SD 57106

605-941-2079 (cell)
605-367-4206 (office)
605-361-9379 (home)

REQUEST FOR RELEASE ON DEFENDANT'S OWN RECOGNIZANCE OR IN THE ALTERNATIVE, LOW BOND

To: Southern District Court – South Dakota

From: Gregory Barringer

Re: Sean McFarland – Character reference letter

To all esteemed members of the SD District Court:

My name is Gregory Barringer and I'm a long-time friend of the defendant Sean McFarland. I currently reside in Hopkins, Minnesota; but am a long time South Dakota resident, originally from Aberdeen. I attended South Dakota State University and currently am in my sixth year of work with Border States Electric in electrical construction bidding, outsourcing and development. As a friend of Sean's for over ten years I'm writing this letter as a request for his release upon his own recognizance. I personally believe that he is of no threat to be a "flight" risk to any pending trial.

My friendship with the defendant began in the summer of 2001, when Sean was roughly 20 years of age. He lived in a neighboring apartment building and quickly became friends upon meeting. Friendship continued as Sean enrolled at SDSU to take up studies. During these years Sean was always able to balance a large school schedule, busy work load, and aspiring musical ambitions; all while keeping great to good grades. Aside from being a great friend of Sean's, I was also able to know and develop life-long friendships with his family including his sister, parents, girlfriends and various cousins.

While opinions of the defendant may vary as much as the person the question is directed to; the one constant that I believe is his ability to be both honest and fair. The ideas and thoughts that Sean has shared with friends and family throughout the years has been one of deep authenticity stemming from a strong conviction to be both reliable and trustworthy. The answer, statement, remark or even question given by Sean may not be one that a person wants to hear; but it is always one with strong insight, fairness and above all respect. Aside from these concrete values that I feel are largely evident in Sean, I also feel that he is an intelligent and resourceful individual; coupled with a strong blend of both hard-working ideals and a personal resolve to always continue learning. Sean has always displayed a strong sense of generosity and has always been willing to help others that have less. Sean is also both a strong defender and lover of the environment; a trait that I feel only reiterates his appreciation for all living things.

It is of my recommendation and belief that Sean McFarland is of no flight risk to both immediate and future cases. Sean is of absolutely no threat to his community, any or all alleged conspirers, and of course himself. I personally believe that Sean is fully aware of the serious allegations before his and has every intention of standing before the courts of South Dakota. I firmly believe that he knows in both heart and mind that any attempt to flee would both worsen and heighten any future charges while galvanizing the current case against him. It is of my own belief that Sean knows, that present and future

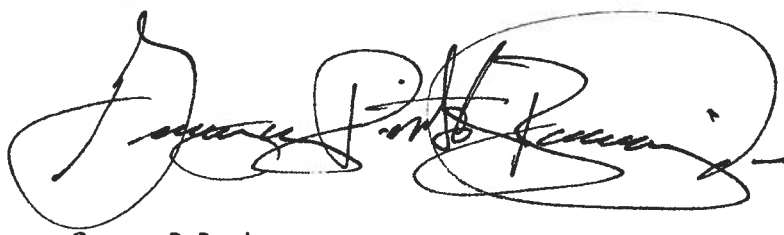
peace of mind can only be obtained through a desire to prove his own innocence. I believe that Sean knows the impact these charges have had on both friends and family.

Should a release of the defendant's own recognizance not be reached, I believe that a very low bond (one that both fair and affordable) be granted.

Please consider granting my great friend of many years a release; and I promise his return in court in an attempt to clear his name.

Any questions please contact me via my work cell phone at 612-462-6628; and thank you for your time in reading this.

Sincerely,



8/13/2012

Gregory P. Barringer

08/13/2012

REQUEST FOR RELEASE ON DEFENDANT'S OWN RECOGNIZANCE

RE: Sean McFarland

My name is Kyle McFarland, I am writing this letter in regards to Sean McFarland. I am making the request for Sean McFarland to be released on his own recognizance. I am certain Sean is not a flight risk or a danger to the community. It is my own proclivity to respectfully request that Sean should be granted release.

My relationship to the defendant is blood related. Our fathers are brothers and have maintained a great level of closeness in regards to family. Myself, I am 25 years old and have known Sean since I was born. I have resided in South Dakota my entire life. Throughout early childhood and into my adolescents, Sean has lived in South Dakota on several different occurrences and for long durations of time. Over the years, I have kept in contact with Sean when he lived in South Dakota. I would typically visit him and meet at family functions at least once a month. While I was in college I lived with Sean for almost a year. He is an incredibly close member to my family.

Sean has always valued his family as his closest loved ones. Even if I hadn't spoken with Sean in over a year, he would show nothing but gratitude for my own existence. He shows absolute respect for his friends and loving family. The strong bond that has developed since my birth has made me view him as much more than a relative. I consider Sean as a brother of mine. It is not possible for me to refer to Sean McFarland as a "brother" if he does not embody virtues worthy of family. His trustworthiness, compassion, and overall love for friends, family, and myself will stay with me until I cease to exist.

I undoubtedly believe that Sean's love for his family would honorably be conveyed by complying with the terms of his release. Sean poses no threat to himself or the community. He is certainly not a flight risk and has every intention to respect the judicial process. This letter is not only to request Sean McFarland to be released on his own recognizance, it is requesting that his family needs him in this time of distress.

Kyle McFarland
8-9-12

Character Reference Letter

Southern District Court

South Dakota

Re: Sean McFarland

Honorable Magistrate:

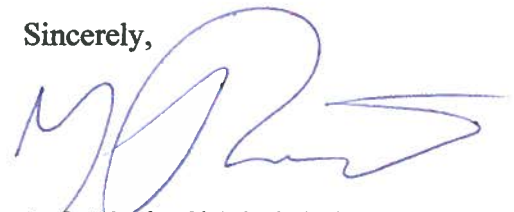
My name is Josh Rieck, I am a former bandmate of Sean McFarland. I am writing to request that Sean be released on his own recognizance or in the alternative, low bail.

I have known Sean since September 2007, when I moved to Sioux Falls. My first contact with Sean was at a show that his band had just played. I approached one of the band members and ended up joining them at a barbeque that evening. Within six weeks of the initial meeting I was a member of that band. I remained in close contact with Sean, mostly through playing in two different bands together, until he moved. Since he moved to California we have met up when he is back in South Dakota to play music again.

In my opinion Sean is a caring and dedicated person. He put forth great effort into the bands that we were involved in, constantly trying to push us forward as a group and push the individuals to achieve their best. He is a family oriented person with a large family in Sioux Falls. One of his cousins was in the band with us and he often had family members visit and stay with him in his home. Sean is a trustworthy and generous person who was always willing to lend a hand as best as he could. When I moved to Sioux Falls he went out of his way to help me grow my business, String Theory Luthiery (I build and repair musical instruments) by putting me in contact with the larger Sioux Falls music community which helped to build my client list much more rapidly than I would have been able to on my own.

I recommend that Sean McFarland be released on his own recognizance. It is my belief that he will appear in court on the date requested. I do not believe Sean is a flight risk and he is certainly not a threat to the community. Sean will do his utmost to prove his innocence in the court of law, if that is not the case I am sure Sean will voluntarily comply with the courts decision. In the event that he is not released on his own recognizance I respectfully request low bail.

Sincerely,



Josh Rieck: 605-228-3523

Southern District Court

South Dakota

Re: Sean McFarland

Honorable Magistrate:

My name is Ernestine McFarland. Sean McFarland is my eldest grandson. I am writing this to request that he be released on his own recognizance while awaiting trial in South Dakota.

~~Sean is a part of large extended families on both his father's and his mother's side.~~ Sean is very close to both sides of his family. Whenever he visits Sioux Falls, he makes a point to visit family members in the area. When his grandfather was alive and living in a nursing home, Sean always visited him when he was in town. He would often bring his guitar to the nursing and play for his grandfather, which brought him a great deal of happiness and joy.

Music has always been a large part of Sean's life. The success of his local band, Snakebeard Jackson, was due in large part to Sean's strong work ethic and dedication to success. While part of the band, he also took college courses.

~~Sean has always been extremely kind and caring towards his younger cousins. He often took the time to encourage musical interests in his family and would spend time giving music lessons and advice.~~ Sean always makes a point to try and attend family events and holidays. He is a frequent visitor during the holiday season.

~~Sean is a very considerate man, who often goes out of his way to help others.~~ During winter months while living in South Dakota, he would often go out in his truck to assist motorists who were stranded or stuck in the snow.

I believe strongly that Sean will appear in court on the dates requested, that he is not a flight risk and that he poses no danger to the community. I am confident that he will do everything in his power to prove his innocence through the judicial process. In the event that he is not granted release on his own recognizance, I respectfully request that the court set a low bond.

Sincerely,



Mrs. Ernestine McFarland

605-271-4181

**REQUEST FOR RELEASE ON DEFENDANT'S OWN
RECOGNIZANCE OR IN THE ALTERNATIVE, LOW BOND**

CHARACTER REFERENCE LETTER

Southern District Court
South Dakota

Re: Sean M. McFarland

Honorable Magistrate,

I am writing to respectfully request that Sean M. McFarland be released on his own recognizance while awaiting his court appearance. My name is Karen Greenfield and I am Sean's aunt. I believe him to be sincere in his assurance that he is not a flight risk and I would add my own assurance of the same.

I have known Sean since his birth. He has a large extended family in the Sioux Falls area that includes teachers, principals, a corporate vice president, a health care professional, a lawyer, and a county administrator. We are a close knit family that gets together often and Sean has always been present and active in family functions when possible. He often stays with family when he is in town and sees us whenever possible. Family is important to Sean. I believe his respect for his family and himself would guarantee his appearance in court if released on his own recognizance. I do not believe him to be a flight risk.

Sean has always been a helpful and contributing member of our family. He often entertains us with his musical talents when we gather together, and he often visited his grandfather in the nursing home prior to his death. He is hardworking and intelligent and has been working toward his college degree. He is an avid reader and educated himself thoroughly about his illness when he was diagnosed with Chron's disease. I am a legal nurse consultant, and as a health care professional, I know Sean's Chron's disease could be better managed in the home setting.

I would again respectfully request that Sean be released on his own recognizance and I am sincere in my belief that he would appear in court on the dates requested. I feel certain that he is not a flight risk, nor is he a danger to the community. In the event that release on his own recognizance is not granted, I would ask that the Court set a low bond that would be manageable for our family.

Thank you for your thoughtful consideration of this important matter.

Sincerely,



Karen Greenfield RN, BSN

REQUEST FOR RELEASE ON DEFENDANT'S OWN RECOGNIZANCE
OR IN THE ALTERNATIVE, LOW BOND

8/8/2012

Southern District Court
South Dakota

Re: Sean McFarland

—
Honorable Magistrate:

I am writing this letter to request that Sean McFarland be released on his own recognizance or low bond.

My name is Kyrsten Fokken. I am currently a Licensed Social Worker in the state of South Dakota employed part-time as the Community Outreach Director at The Inn on Westport in Sioux Falls. I am also a part-time stay at home mom.

I met and have been friends with Sean since 2001. In my experience Sean has been a very loyal, trustworthy friend. He is also very family-oriented. I have observed his close relationship with his siblings and parents over the years. Sean was also in a band with my husband for several years and I was able to witness his commitment to the group and the responsibility and pride he took in what he did. He is a respected musician in the Sioux Falls area.

In my opinion Sean should be released on his own recognizance or a low bond. My recommendation is based on our past relationship and my belief that Sean is not a flight risk or a danger to the community.

Sincerely,


Kyrsten Fokken
605-201-4470
kyrstenfokken@gmail.com

08 August 12

Southern District Court
South Dakota

Re: Sean McFarland

Honorable Magistrate:

I am Jolynn Janssen, Sean's aunt and I am writing you to request that Sean McFarland be released on his own recognizance.

I have known Sean for his whole life. I am Sean's mother's sister. We are a very close extended family considering how large and spread out we are. I was able to watch Sean grow from an infant into a man. It doesn't matter where Sean is going, if he is in the area or even in the state of Minnesota or South Dakota, he will make a point of calling me or his grandparents to swing by to visit us. I am able to see Sean 2-3 times a year. This is a lot considering he lives in California. He loves to visit any family when it is possible. Sean taught my daughter how to play guitar a few years ago. He gave her his first guitar, and bought her a book and picks.

In my opinion, based on facts, I believe Sean to be intelligent, hard working, family-oriented, and a loving person. I have 4 children ages 10-16 and feel comfortable with Sean around them any time.

It is my recommendation that defendant, Sean McFarland be released on his own recognizance; that based on facts known to me he would appear in court on the dates requested. I feel Sean, based on his family support and love that he is not a flight risk and that he certainly would not pose any danger to the community. Sean is very determined to prove his innocence through the judicial process and will surrender voluntarily if need be. In the event that Sean's own recognizance release is not granted, please have the Court grant Sean a low bond.

Sincerely,



Jolynn K. Janssen
Elementary/High School Teacher – 20 yrs.
Ph. 507-822-2821

Southern District Court

South Dakota

Re: Sean McFarland

Honorable Magistrate:

My name is Patricia Pannell. Sean McFarland is my nephew. I am writing this to request that Sean McFarland be released on his own recognizance while awaiting trial in South Dakota.

~~Sean is my older brother's son. Throughout his childhood, my brother and his family spent a great~~ deal of time with my family and our extended family. Both my brother and Sean's mother provided a stable, Christian home for Sean in which strong values were demonstrated at all times. Throughout his adult years, Sean has kept in frequent and close contact with both his immediate family and extended family, often taking part in holidays and family celebrations.

At the time of my father's death 3 ½ years ago, Sean, along with several of my other nephews, was a strong source of help and support to my brother, my mother and the rest of our family. He assisted with removing my father's personal items from his room in the nursing home the day after his death. He was also a pall bearer at my father's funeral. Despite the pain and difficulty of this time, Sean remained a strong presence in support of our family.

Although I have not had frequent contact him in the last few years (due to the distance between our residences), prior to this, he lived in my neighborhood just a few blocks from my home. During this time, Sean was a frequent visitor in my home for family events. In addition to this, my three older children (early teens at the time) often spent time in his home dog sitting and helping him with odd jobs around his home (repairs and cleaning). At no time was I ever concerned for their welfare or safety. My children report that during this time, Sean was always kind and considerate to them. There was not an ~~instance when they observed anything that would have indicated that Sean was anything but~~ trustworthy, family-oriented and a hard worker. He even took time to give my eldest son some guitar lessons. My husband, my children and myself have always considered Sean to be a gentle, hard-working and family oriented young man who often goes out of his way to help others.

Sean has a large family. Many of his immediate and extended family reside and are employed in the Sioux Falls area. In addition, his father, who is a strong and steady influence in his life, also resides in the Sioux Falls area. I am fully confident that Sean will appear in court on the dates requested, that he is not a flight risk and that he poses no danger to the community. With his family to support him, I am also confident that he will do everything in his power to prove his innocence through the judicial process. In the event that he is not granted release on his own recognizance, I respectfully request that the court ~~set a low bond.~~

Sincerely,



Patricia J. Pannell, MA, Educational Specialist *605-271-4181

REQUEST FOR RELEASE ON DEFENDANT'S OWN RECOGNIZANCE
OR IN THE ALTERNATIVE, LOW BOND

CHARACTER REFERENCE LETTER

Southern District Court
South Dakota

Re: Sean Michael McFarland

Honorable Magistrate:

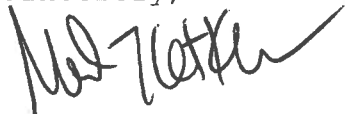
My name is Michael J. Groetken of Sioux Falls, South Dakota. I am a fourth year Paralegal Studies major at Colorado Technical University and an eleven year employee of Citibank, N.A. I am writing to request that Sean McFarland be released on his own recognizance, or in the alternative, receive a low bond.

I met Mr. McFarland in 2005 via our mutual friend Joey Fokken. Joey and Sean were working on a new music project which eventually became known as Snakebeard Jackson. I worked as an all around utility person with the band, including all online promotion, selling band merchandise and helping with setting up for events. Through this work and many travels with the band, I came to know Sean as a close friend. From 2005 through 2010 I had near weekly contact with Sean and always found him to be trustworthy, very hard working, and a person who I knew I could always count on. There was a time in early 2009 where I was going through a difficult personal crisis and Sean was there to offer a helping hand or a sympathetic ear. I also continue to be close friends with Sean's cousin Matt McFarland and know firsthand their deep commitment to their family.

I am of the opinion based on my personal contact with Sean and firsthand knowledge of his character that he is responsible, honest and can be counted upon to appear in court when requested.

I respectfully recommend that based on factors known to me, including his deep family roots in South Dakota, Sean McFarland be granted release on his own recognizance. Sean would appear in court on the dates requested, he is absolutely not a flight risk, and he certainly does not pose any danger to the community. Sean is anxious to see the judicial process through and is looking forward to the opportunity to prove his innocence in court. In the event that a recognizance release is not granted, I respectfully request that the Court set a low bond.

Sincerely,



Michael J. Groetken
August 9, 2012
605-376-9915

August 7, 2012

Southern District Court

South Dakota

Re: Sean McFarland

Honorable Magistrate:

My name is Sandra Antonson. I am a retired 65 year old and I've lived in Petrolia, California for 15 years. I am writing to request that Sean McFarland be released from jail on his own recognizance.

My husband and I became acquainted with Sean McFarland when he moved from South Dakota to live here in Northern California approximately four years ago. He purchased property near our place and we became neighbors and over time we became friends. We live in a small, close community so there is a lot of opportunity to get to know people who live here. Sean seemed to fit easily into this community. He's a musician and often played at community events and benefits. We have also become friends with Sean's long time companion, Christa. We have met Sean's father on one of his visits to our area. And we know many of Sean's friends who are all good, decent people. Sean has occasionally helped me in my yard and garden and we have socialized on several occasions, the last being a Memorial Day barbeque here at our place.

Sean McFarland has always treated me with friendliness, kindness and respect. Sean seems to have a strong bond with his family and friends. He seems to value the opinions of others and wants to please others and be helpful. Sean is a good person who appears honest and trustworthy. I would not hesitate to ask Sean for help if I needed it.

It is my opinion that Sean McFarland should be released on his own recognizance. I believe that he would appear at all court dates requested of him and that he is not a flight risk. Sean is young, smart and talented, with his whole life ahead of him. I can't imagine that he would ever give up his beautiful piece of land and his ties with family and friends to flee from this unfortunate situation he finds himself in. I'm sure he wants to cooperate with the judicial process and prove his innocence. And I have absolutely no doubt that Sean McFarland does not pose any type of threat to our community or to anyone anywhere. If 'own recognizance release' is not granted, I request that the Court please set a low bond.

Sincerely,

Sandra Antonson



(707) 629-3625 P.O. Box 2 Petrolia, CA 95558

Request for release on defendant's own recognizance,
Or in the alternative, low bond

Southern District Court
South Dakota

Re. Sean McFarland

Honorable Magistrate:

I am writing to respectfully request that Sean McFarland be released on his own recognizance, or in the alternative, low bond.

My name is Natalie McFarland, and I live in Sioux Falls, SD. I work here as a Department Manager at Pomegranate Market.

I met Sean in 2004, through his cousin Matthew McFarland, whom I married in 2008. Due to the close relationship Matt and Sean share, I have had the opportunity to spend a great deal of time with Sean and his family over the last 8 years. Sean comes from one the most loving, welcoming, supportive families that I've had the pleasure of being acquainted with. Aside from knowing Sean as family, I also had the ability to observe him in the duration of a band that he, Matt, and four other friends were members of. Over the period of time that the band existed, I spent nearly every weekend with them, either showing support at shows, or simply for leisure.

Since I have known Sean, he has characterized himself as a loyal, dependable person. He is honest and straight forward with his thoughts, and has the ability to deliver them in a poignant manner. This makes him a good friend. He possesses leadership qualities that I have witnessed display of on a consistent basis. Specifically, he handled a recognizable band / business with responsibility, decisiveness, and non-abrasive authority. On a personal level, over the time I have known Sean, through conversation he has revealed to me an introspective nature that accounts for these good qualities and character.

Sean is a compassionate, caring individual who poses no threat to his community. I am confident he will fully comply with the judicial system, and show willingness to do what is expected of him. He loves his family and friends, and I don't doubt he is fully aware and concerned with what the impact of doing otherwise would pose for those he loves, and for his own future.

Please allow Sean to be released on his own accord or low bond.

Thank you for your consideration,



8-8-2012

Natalie McFarland
(605)321-4544
natalie.mcf@gmail.com

Request for release on defendant's own recognizance,
Or in the alternative, low bond

Southern District Court
South Dakota

Re. Sean McFarland

Honorable Magistrate:

I am writing to request that Sean McFarland be given the opportunity to be released on his own recognizance. My name is Matthew McFarland, and I live and grew up in Sioux Falls, SD. I graduated from Roosevelt High School in 2001 and I work as Restaurant Manager at a Japanese restaurant here in Sioux Falls.

Sean is my cousin, friend, and former music partner. I've grown up with Sean as my family member, and throughout the years have had the opportunity to witness Sean grow to become a very intelligent, trustworthy individual, who loves his family and friends deeply.

He is more like a brother to me, and has always been the first person I look to for advice. He is kind, compassionate, and always willing to put himself second when it comes to friends and family. He is a very hard working and honest person. I've had the opportunity to witness Sean not only in a family setting, but also in the music business world as well. Sean has always revealed himself as a leader in his dealings with music promoters, studio engineers, merchandisers, and especially among his band mates / friends.

Please allow Sean to be released on his own accordance or low bond. It is my recommendation that if Sean was to be released on his own recognizance that he would not be a flight risk. Sean is an intelligent and peaceful person whom I believe to be one of the kindest individuals I have ever encountered. He is of honorable character, and will follow the judicial process as he is instructed.

Thank you for your consideration,

 8-8-12

Matthew McFarland
(605) 201-1662
Orland.mcf@gmail.com

Request for Release on Defendant's Own
Recognizance or Granted Law Bond
Character Reference Letter

Southern District Court
South Dakota

Re: Sean McFarland

Honorable Magistrate:

As a resident of Petrolia, CA for 30 years I am writing to request Sean McFarland be granted release on his own recognizance. While I am of a different generation than Sean, I am 69 yrs old, and living across town from him, I urge you to regard this young man in the positive light with which we know him locally.

I have been acquainted with Sean about 2 years, when he moved to Petrolia. Personal contact has been occasional, but I know many of his neighbors and he quickly overcame the natural reserve in a small community to accept and trust a newcomer. In a remote rural area where neighbors depend upon one another, Sean easily fit into the community. This included courtesies driving on one lane roads on steep hillsides in extreme weather conditions.

It also includes helping others he doesn't even know when pick ups of items or medicines are needed from "town", 1 1/2 hours distant. He is never too busy to lend a helping hand.

Petholia soon learned Sean is a gifted musician and it was in this role that I personally saw him most. He is warm, honest and very bright and he unselfishly put himself out for the community by performing in fund raisers for the school children and the community center. All of us appreciated his excitement and delight in participating in community events.

Sean knows he is facing an extremely serious situation. I understand he wants to resolve it and prove his innocence through the judicial process. His honesty and fine character will translate into no flight risks. He definitely poses absolutely no danger to his family, neighbors or his community. I sincerely hope he may be granted release on his own recognizance. Failing this, I hope the Court would get a low bond.

Respectfully submitted,
 Maria Ehrlich
 707 629-3363

August 5, 2012

Stacey Tasler Crosson
CMR 467 Box 3504
APO, AE 09096

Southern District Court
South Dakota

Re: Recommendation Letter for Sean McFarland

Honorable Magistrate:

My name is Mrs. Stacey Tasler Crosson and I am Sean's youngest aunt (ten years his senior). I am writing to respectfully request, Your Honour, that Sean be released on his own recognizance.

I have known Sean over thirty years in the capacity of his aunt, caregiver, sounding board, and friend. Though my familial connection might be slightly biased, I know that I am a good enough judge of character to be considered a fair reference.

Sean has been very open with his family regarding the charges brought against him. Sean is trustworthy and beyond any doubt, I know that he is no flight risk to the court. He is surrounded by a very strong and loving family. With his parents, grandparents, aunts, uncles, and cousins nearby, be assured, Your Honour, he will have many family members invested in his safety and accountability to the court.

Sean is a person of good moral character, who comes from a strong, resilient family. Our family has always believed in hard work, integrity, and goodwill toward others, and Sean has retained these beliefs. I remember, one time in particular, when Sean was visiting his grandparents in Jeffers, Minnesota. Sean was going through a very rough time. As a military brat, Sean moved around his whole life and at this time, his father was deployed to Korea for the year (which isn't to say all the other places his dad deployed in his young life). Sean, being the oldest child, became the man of the house that year and in my opinion, much too young. But life sometimes propels us into roles we would otherwise not seek. Despite the fact that his father was away and Sean's heart was vulnerable and torn open and confused, Sean rose above it and did the right thing...he thought of others...and was there for his mother and cared for his three younger siblings. When he visited his grandparents, he stepped up again and worked hard for them...cutting wood, mowing lawn, feeding pigs, and doing farm chores. This is one of many times Sean demonstrated resiliency and strength. Sean was a giving, brave, and an emotionally intelligent and gifted young man then, and is still to this day, more than he realizes.

Based on my professional opinion and personal knowledge of the defendant, I recommend the defendant, Sean McFarland, be released on his own recognizance; that based on factors known to you he would appear in court on the dates requested, that he is not a flight risk, and that he would not pose any danger to the community. Sean has a great desire to prove his innocence through the judicial process and will surrender voluntarily, if needed. In the event that Sean's recognizance release is not granted, I respectfully request that the Court set a low bond.

Sincerely,

//signed/stc/8Aug12//
Stacey Tasler Crosson
M.S., Marital and Family Therapist
Certified Family Life Educator, National Council Family Relations

Request for release on defendant's own recognizance
Or in the alternative, low bond

Southern District Court
South Dakota

Re: Sean McFarland

Honorable Magistrate:

I am writing to request Mr. McFarland the opportunity to be released on his own recognizance.

My name is Joseph Fokken. I am a friend and former music business partner of Sean's. He and I met through my wife, Kyrsten Fokken, around 2004.

I was born in Yankton, South Dakota. I am a graduate of USD with a bachelor's degree in Sociology and a minor Criminal Justice. Currently, I manage a team of advisors at Mutual of Omaha Financial Services in Sioux Falls, SD.

Sean and I began working together on music projects in 2005. I have had extensive experience in working with Sean on multiple album recordings, music collaboration and arrangement, tour plans, as well as budget and expense planning.

In our work together Sean has consistently demonstrated a great deal of intelligence coupled with an understanding of accountability. Sean was often responsible for scheduling shows and practice sessions. In the rare occasion he was absent from a practice Sean would ensure his band-mates were aware of the reasons for his absence and he would take the responsibility of rescheduling.

I have witnessed Sean negotiate with engineers and owners of recording studios, bar owners, t-shirt printers and merchandise suppliers, as well as friends, band-mates and family. Other than the legality of the crime he is accused, Sean operates with a high degree of sound judgment and implements thoughts before his actions. I could (and still would) count on Sean to step up and help me or my family any way he could, if I needed something from him. I do not believe Sean is a flight risk in the weeks leading up to his trial.

I can absolutely guarantee that Sean is not a threat to his community. Sean is an earth loving, non-violent person with a great deal of compassion for his fellow man. At Sean's request our band donated all of our proceeds from a local show to buy a wheelchair for a Sioux Falls man whose current chair had all but fallen apart. Sean is a generous giver and certainly aware of the impact these accusations have had on the people close to him. I expect him to comply in the highest degree.

I know Sean will stand up to his charges and follow the processes of our judicial system. Please allow him a release on his own recognizance or low bond.

Thank you for your consideration,



Joseph Fokken
605 661 7544
joey.fokken@gmail.com

Tuesday, August 14, 2012

Honorable Magistrate:

My name is Jean Larson and my husband's name is Jeff Larson. We are both career professionals in the medical field and in mental health. We are writing this letter to support the release on bond of Sean McFarland during the interim resolution of this legal matter.

We have known Sean as a family friend for over ten years. In our interactions with Sean, he has always been considerate of others and never a physical threat to others. During the time Sean attended SDSU, he was a serious student and worked hard to achieve his highest potential.

As citizens, we respect the integrity of the law and are unaware of any of the circumstances surrounding the current allegations. With this in mind, we are confident of Sean's desire to cooperate with the legal authorities in the resolution of this matter and will honor the stipulations set forth by the court. It is our opinion that he is not a flight risk; he does not pose a potential threat to others and will respect the process of the court to work diligently in proving his innocence.

Respectfully submitted,

Jean Larson
Licensed Professional Counselor
Huron, SD

Jeff Larson
Materials Manager
Mitchell, SD

Southern District Court
South Dakota

Honorable Magistrate:

Re: Sean McFarland

My name is Maureen Roche and I've lived in Petrolia, California 23 years. I retired as an RN,BSN,CCRN from Intensive Care Nursing after 27 years, and Petrolia Volunteer Fire Dept. as Chief Medical Officer for 18 years. I'm a 66 year old mother of two daughters, with a grandson and granddaughter. I'm a published reseacher that dives the Mattole River for Salmon over the last 22 years. This letter is a request to release Sean McFarland on his own recognizance as an upstanding, well-loved member of this small rural community that misses him dearly.

I've known Sean since 2005, when I met him through his brother Brett. Although his band gave a fund-raising performance at our community center, I didn't get to really know Sean until he moved onto my road on a rainy January day in 2010. He stopped by my house after to apologize for so many heavy trips on our muddy road and offered to pay twice the road repair contribution each of 14 families make annually. Several families make no donation and as the the person who collects the money I was flabbergasted that one half my age cared enough to offer so much (\$800). He visits regularly as I've gotten to know him and his tolerant values toward others focusing on their positive side. His botanical education made him very interested in my discovery of the rare Spotted Coralroot Orchid, *Corallorhiza maculata*, on his property, we recently landmarked the site and bloom time window for protection. His eagerness to please all, and enthusiasm for music soon saw him performing and running sound board for many events naturally. Last January, for the first time in 36 years of using a woodstove I ran out of firewood. I happened to ask him to take down a walnut tree shading my PV solar panels, because even though I needed firewood I couldn't see using black walnut for that. It would be better for finishwork in his new home. He replied that his mother carved wood and he would mill it up, but that he would bring me millends now for firewood, free, which he did supplying over two years worth. Seeing Sean with his sibilings and dad over the last seven years really shows his strong and loving ties with them, as well as how many friends

he's met and interacted with in Petrolia.

People here in the Mattole are self-sufficient by necessity and tolerant mostly, but shun negative relations. Needless to say they enjoy his input on anything he offers, especially fundraisers in these lean times. Sean's always busy, but has time to listen and respond with help if he can. He would never take money for helping me, so I had to resort to his favorite, cheesecake, to repay him, which he also shared. As an intensivist I'm trained to think intuitively in life and death situations and respect his capacity for critical-thinking in processes that involve problem-solving that he especially enjoys.

Sean is an admirable human, a multi-talented, generous member of this community, whom all see as honest and trustworthy. He is sorely missed and we would benefit greatly when Sean is released on his own recognizance. If the court will not grant release on his own recognizance, then please allow a low bond for his return to us. Sean believes in rule of law and wishes to prove his innocence. He is not a danger to himself, nor others, nor does he wish to leave the Mattole, he enjoys kayaking so much.

Maureen Roche
(707) 629-3660
8-8-12

REQUEST FOR RELEASE ON DEFENDANT'S OWN RECOGNIZANCE
OR IN THE ALTERNATIVE, LOW BOND

Southern District Court
South Dakota

Re: Sean McFarland

Honorable Magistrate:


My name is Jay Huntington and I am writing to request that Sean McFarland be released on his own recognizance.

I have been a close friend with Sean McFarland for 8 years. We are both musicians, which initially was the basis of our friendship. Sean's exceptional character, talent, and abilities did not stop at musicianship. He demonstrated qualities that I respect and admire in a friend. My children, who are only 4 & 5 years old, love Sean. I have grown to know his family well. His mother and father, brother and sisters, and extended family are also exceptional people who I love like my own family. They have accepted me as one of them.

Sean has been a good example to me in many ways. He has advised me to take a higher road when life's challenges would easily tempt me to take a lower road. He is a good listener and understands human nature. He is forgiving of those who have trespassed against him, and uses his special gifts to proffer comfort to those he loves. He is generous, compassionate, and charitable to his fellow men. He cares about the wellbeing of the earth, and it's inhabitants. He is kind to animals. He is family oriented, and visits his grandparents and participates in his family often. Despite not being a perfect man, he is one of the most Christ-like men I have ever encountered, and I am proud to call him my dear friend.

I recommend that Sean McFarland be released on his own recognizance. He has expressed a sincere desire to me personally- not to flee. He will surrender voluntarily. He wishes that the court could read his mind and see that he intends to face these trials in his life with dignity, and answer to the court while he attempts to prove his innocence through the judicial process. He has always been a peaceful man, and seeks to do harm to no one. If the court does not see fit to grant a personal recognizance release, I respectfully request that the court set a low bond. He wishes to seek the support of his family and friends during this difficult time.

Truthfully and respectfully borne to the court,
August 16, 2012
Jay Huntington



05-728-2277