

FILED

OCT 10 2008

United States District Court

CLERK

----- DISTRICT OF SOUTH DAKOTA -----

WESTERN DIVISION

UNITED STATES OF AMERICA,

CASE NO.: CR. 08-50079

Plaintiff,

ORDER OF DETENTION

vs.

JOHN GRAHAM,
a/k/a JOHN BOY PATTON,

Defendant

This matter came before the court for an initial appearance and arraignment on a Superseding Indictment in the above matter on Friday, October 10, 2008. The defendant, John Graham, appeared in person and by his counsel, John R. Murphy. The United States appeared by Assistant United States Attorney, Robert Mandel. Previously, the defendant had made an appearance on a complaint in this same matter on October 3, 2008, and requested a detention hearing, which was scheduled for October 10, 2008, as well.

However, on the date of the scheduled detention hearing, Mr. Graham waived his right to contest his continued detention and to seek an evidentiary hearing. The court accepts Mr. Graham's waiver. This waiver is without prejudice to Mr. Graham's ability to seek release under the Bail Reform Act at any point in the future.

Based upon the facts and circumstances outlined in the court's original detention order in this matter in CR 03-50020, Docket 181, the court hereby ORDERS that Mr. Graham continue to remain detained.

Directions Regarding Detention

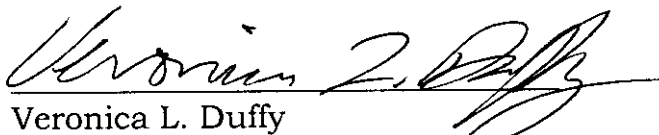
The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of any attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States marshal for the purpose of an appearance in connection with a court proceeding.

NOTICE OF RIGHT TO APPEAL

Mr. Graham has the right to appeal the court's detention order to the district court having original jurisdiction over the offense, which appeal shall be determined promptly. See 18 U.S.C. § 3145(b).

Dated: October 10, 2008

By the court:


Veronica L. Duffy
United States Magistrate Judge