

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

FILED
OCT 16 2008
[Signature]
CLERK

UNITED STATES OF AMERICA,

CR 08-50079

Plaintiff,

vs.

ORDER FIXING DATES

JOHN GRAHAM,
a/k/a John Boy Patton; and
VINE RICHARD MARSHALL,
a/k/a Richard Vine Marshall,
a/k/a Dick Marshall,

Defendant.

Initial appearances and arraignments on a Superseding Indictment were held on October 10, 2008, with the Plaintiff appearing by Robert A. Mandel, Assistant United States Attorney, and the Defendant John Graham, a/k/a John Boy Patton, appearing in person and with his attorney, John R. Murphy; and the Defendant Vine Richard Marshall, a/k/a Richard Vine Marshall, a/k/a Dick Marshall, appearing in person and with his attorney, Dana Hanna; and

It appearing necessary that the court fix motion and trial dates in order to comply with the Speedy Trial Act, 18 U.S.C. § 3161, and

Pending before the Court is the Government's Motion to Expedite, Doc. 30, and after consideration of the Motion, together with the file in this matter,

IT IS ORDERED:


1. That the Government's Motion to Expedite, Doc. 30, is denied.
2. That all other motions as to both Defendants be filed and served on or before December 22, 2008; that opposing counsel respond thereto on or before January 5, 2009; and that a hearing thereon will be held before The Honorable Veronica Duffy, in Rapid City, South Dakota, on Tuesday, January 13, 2009, at 9:00 A.M.; and the Court will not consider a stock motion for leave to file further motions, however, the Court will consider a

motion filed by a party after the deadline if the party can show good cause as to why the motion was late filed.

3. That January 21, 2009, is hereby set as the deadline for submission to the Court of any proposed plea agreement.
4. That all motions in limine shall be in writing and filed, together with proposed instructions, with the Court ten (10) working days before trial.
5. That the jury trial herein for Defendants shall commence in Rapid City, South Dakota, on Tuesday, February 24, 2009, with counsel to be present for motions in limine at 9:00 A.M., and with the jury to report at 9:30 A.M.
6. That the period of delay resulting from such continuance is excluded in computing the time within which the trial of the offense for the Defendants must commence, as the Court finds that the ends of justice served by taking such action outweigh the best interests of the public and the Defendants in a speedy trial. 18 U.S.C. § 3161(h)(8)(A).

Dated this 16th day of October, 2008.

BY THE COURT:



Lawrence L. Piersol
United States District Judge

ATTEST:
JOSEPH HAAS, CLERK

BY: 

DEPUTY