

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH DAKOTA  
WESTERN DIVISION

UNITED STATES OF AMERICA,	)	CRIM. NO. 08-50079-01
Plaintiff,	)	
	)	
vs.	)	DEFENDANT GRAHAM'S
	)	ADMINISTRATIVE MOTIONS
JOHN GRAHAM, a/k/a	)	
JOHN BOY PATTON and	)	
VINE RICHARD MARSHALL, a/k/a)	)	
RICHARD VINE MARSHALL, a/k/a)	)	
DICK MARSHALL,	)	
Defendants.	)	

**MOTION FOR CELLULAR TELEPHONE ACCESS**

Defendant John Graham, through his attorney, John R. Murphy, moves this Court for its Order allowing counsel to have a cellular telephone on his person at all times during the trial in the above-referenced matter. Counsel agrees to have the cellular telephone turned off at all times while in the courtroom.

This relief is requested because defense does not have the benefit of an office in the federal building as the United States Attorney does, and therefore, has no access to an outside telephone line to manage trial affairs during the trial. Also, counsel for the defense is a sole-practitioner and needs to have access to a private line in the event that an office emergency arises.

**MOTION TO EXCLUDE THE GOVERNMENT AND ANY LAW ENFORCEMENT OFFICERS FROM COMMUNICATION WITH DEFENSE WITNESSES**

Defendant John Graham, through his attorney, John R. Murphy, moves this Court for its Order excluding the government and any law enforcement officials from entering the defense witness room or communicating with defense witnesses while in the defense room, or otherwise intimidating or threatening defense witnesses during the course of the trial in this matter.

**REQUEST FOR PERMISSION FOR PARTIES OTHER THAN DEFENSE COUNSEL TO BE SEATED AT COUNSEL TABLE DURING JURY SELECTION**

Defendant John Graham, through his attorney, John R. Murphy, respectfully requests the Court's permission for his paralegal, Erin Ducheneaux and Attorney Robert Van Norman to be seated at defense counsel's table, or in the alternative, to be seated inside the bar behind counsel table, during jury selection. Mr. Murphy anticipates that Ms. Ducheneaux will be seated with him throughout the trial, and Mr. Van Norman may be present for the purpose of assisting counsel and Mr. Graham with jury selection.

Dated October 21, 2008.

/s/ John R. Murphy

John R. Murphy  
328 E. New York Street, Suite 1  
Rapid City, SD 57701  
(605) 342-2909

CERTIFICATE OF SERVICE

The undersigned hereby certifies that he served a true and correct copy of the foregoing document upon the person(s) herein next designated, on the date shown below by placing the same in the service indicated, addressed as follows:

MARTY J. JACKLEY

- U.S. Mail, postage prepaid
- Hand Delivery
- Federal Express
- Facsimile at
- Electronic Case Filing

ROBERT A. MANDEL

- U.S. Mail, postage prepaid
- Hand Delivery
- Federal Express
- Facsimile at
- Electronic Case Filing

DANA HANNA

- U.S. Mail, postage prepaid
- Hand Delivery
- Federal Express
- Facsimile at
- Electronic Case Filing

Dated October 21, 2008.

/s/ John R. Murphy

John R. Murphy