

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

UNITED STATES OF AMERICA,)	CR. 08-50079-01, -02
)	
Plaintiff,)	
)	ORDER ON DEFENDANT'S
vs.)	MOTION FOR ACCESS TO
)	JUROR QUESTIONNAIRES
JOHN GRAHAM, aka)	
JOHN BOY PATTON, and)	
VINE RICHARD MARSHALL, aka)	
RICHARD VINE MARSHALL, aka)	
DICK MARSHALL,)	
)	
Defendants.)	

Defendant John Graham has filed a motion seeking an order from the court granting him permission to receive copies of the juror questionnaires submitted by the prospective jury panels in this matter for the purpose of preparing for trial. [Docket 45]. Mr. Graham would like access to these questionnaires as soon as the Clerk of Court has compiled them.

The government has responded that it does not object to Mr. Graham's motion, but seeks equal access to the questionnaires "a reasonable time prior to trial." The district court, the Honorable Lawrence Piersol, referred Mr. Graham's motion to this court for determination pursuant to 28 U.S.C. § 636(b)(1)(A).

Good cause appearing, it is hereby

ORDERED that the office of the Clerk of Court notify the government, Mr. Graham, and Mr. Marshall as soon as the juror questionnaires for the jury panel(s) that will be called in this matter are available. All parties may review these questionnaires when they are soonest available in the Clerk's Office or in adjacent quarters in the federal building.

NOTICE OF RIGHT TO APPEAL

Pursuant to 28 U.S.C. § 636(b)(1)(A), any party may seek reconsideration of this order before the district court upon a showing that the order is clearly erroneous or contrary to law. The parties have ten (10) days after service of this order to file written objections pursuant to 28 U.S.C. § 636(b)(1), unless an extension of time for good cause is obtained. See Fed. R. Crim. P. 58(g)(2). Failure to file timely objections will result in the waiver of the right to appeal questions of fact. Objections must be timely and specific in order to require review by the district court.

Dated October 29, 2008.

BY THE COURT:

/s/ Veronica L. Duffy _____

VERONICA L. DUFFY
UNITED STATES MAGISTRATE JUDGE