

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

UNITED STATES OF AMERICA,)	CR. 08-50079-01, -02
)	
Plaintiff,)	
)	
vs.)	ORDER ON DEFENDANT'S
)	MOTION TO WEAR STREET
)	CLOTHES AND BE FREE
JOHN GRAHAM, aka)	FROM SHACKLES DURING
JOHN BOY PATTON, and)	TRIAL
VINE RICHARD MARSHALL, aka)	
RICHARD VINE MARSHALL, aka)	
DICK MARSHALL,)	
)	
Defendants.)	

Defendant John Graham moves the court to allow him to appear in his own clothing and to be unshackled during the trial scheduled in his case. See Docket 47. The government does not resist Mr. Graham's motion so long as Mr. Graham refrains from disruptive behavior during the 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 Mr. Graham's motion to wear civilian clothing and to be unshackled [Docket 47] is granted. Both Mr. Graham and Mr. Marshall shall be allowed to wear their own clothing as trial and to appear before the jury without

shackles. The government, or the court *sua sponte*, may revisit this order if it becomes necessary to maintaining order at the trial.

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