

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

UNITED STATES OF AMERICA	)	CRIM. NO. 08-50079-01
Plaintiff,	)	
	)	DEFENDANT GRAHAM'S
vs.	)	DECLARATION IN
	)	SUPPORT OF MOTION TO COMPEL
JOHN GRAHAM, a/k/a	)	
JOHN BOY PATTON and	)	
VINE RICHARD MARSHALL, a/k/a)	)	
RICHARD VINE MARSHALL, a/k/a)	)	
DICK MARSHALL	)	
Defendant.	)	

Pursuant to D.S.D. Crim. LR 16.1, defense counsel for Defendant John Graham submits the following declaration in support of his Motion to Compel Disclosure of Defendant's Statements, File Doc. 91:

1. Defense counsel has twice, in writing, requested disclosure of Mr. Graham's statements. In this file, those requests were made on October 14, 2008, and November 24, 2008, in letters addressed to both government attorneys. Mr. Graham had made a previous written request in Graham's previous file, File No. 03-50020.
2. The written requests were made to both government attorneys because the government requested early on in Mr. Graham's previous case that all discovery communications go to both attorneys. The written requests were

sent by U.S. Mail because the government's attorney advised defense counsel that they would not accept any discovery requests by e-mail.

3. Defense counsel has had several phone conferences with the government about disclosure of Mr. Graham's statements. Those conversations occurred in September and October of 2008.
4. Defense counsel met personally with both government attorneys on or about October 1, 2008, at the United States Attorney's Office in Rapid City, during which time disclosure of the statements was discussed. At that time, Mr. Graham's counsel was advised that he would receive the statements before October 6, 2008. This was at the time Mr. Graham's prior file was pending and immediately before dismissal and refiling of charges.

Dated December 10, 2008.

*/s/ John R. Murphy*  
John R. Murphy  
328 East 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 December 10, 2008.

/s/ John R. Murphy  
John R. Murphy