

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
	)	MOTION TO THE COURT
JOHN GRAHAM, a/k/a	)	TO TAKE NOTICE OF EXHIBITS
JOHN BOY PATTON,	)	FILED IN CR #03-50020-02
VINE RICHARD MARSHALL, a/k/a)		
RICHARD VINE MARSHALL, a/k/a)		
DICK MARSHALL,	)	
Defendants.	)	

Defendant John Graham moves the court to take judicial notice the documents set forth below which were previously filed in File No. CR 03-50020-02. Fed.R.Evid. 102 permits the court to apply the rules to eliminate unjustifiable expense. In order to reduce the volume of the present file and to reduce copying costs, and because these documents have already been filed once, Mr. Graham asks that the court to take notice of their existence and incorporate them into the present file as follows:

Pleading

Document

Motion in Limine Regarding Statements  
to Medicine Man

Graham00745  
Graham00951  
Graham00977  
Graham03671  
Graham03668

Several of the documents relate to grand jury testimony or other confidential matters and were filed under seal in File No. CR 03-50020-02 and should not be made public.

Dated December 23, 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	<input type="checkbox"/> U.S. Mail, postage prepaid
	<input type="checkbox"/> Hand Delivery
	<input type="checkbox"/> Federal Express
	<input type="checkbox"/> Facsimile at
	<input checked="" type="checkbox"/> Electronic Case Filing
ROBERT A. MANDEL	<input type="checkbox"/> U.S. Mail, postage prepaid
	<input type="checkbox"/> Hand Delivery
	<input type="checkbox"/> Federal Express
	<input type="checkbox"/> Facsimile at
	<input checked="" type="checkbox"/> Electronic Case Filing
DANA HANNA	<input type="checkbox"/> U.S. Mail, postage prepaid
	<input type="checkbox"/> Hand Delivery
	<input type="checkbox"/> Federal Express
	<input type="checkbox"/> Facsimile at
	<input checked="" type="checkbox"/> Electronic Case Filing

Dated December 23, 2008.

/s/ John R. Murphy  
John R. Murphy