


UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
WESTERN DIVISION

**FILED**  
DEC 31 2008  
  
CLERK

---

UNITED STATES OF AMERICA,

CR08-50079-02

Plaintiff,

v.

JOHN GRAHAM aka JOHN BOY  
PATTON, and VINE RICHARD  
MARSHALL aka RICHARD VINE  
MARSHALL aka DICK MARSHALL,

Defendants.

---

**MOTION TO SEAL EXHIBIT 1 TO  
UNITED STATES' MEMORANDUM  
IN OPPOSITION TO DEFENDANT  
MARSHALL'S MOTION TO  
DISMISS DUE TO PRE-  
ACCUSATORY DELAY**

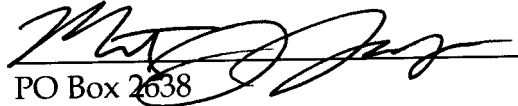
COMES NOW the United States of America, by and through United States Attorney Marty J. Jackley and Assistant US Attorney Robert A. Mandel and respectfully prays the Court to issue an Order sealing Exhibit 1 to the United States' Memorandum in Opposition to Defendant Marshall's Motion to Dismiss Due to Pre-accusatory Delay in the above-captioned matter, and as grounds therefor states as follows:

Exhibit 1 to the Memorandum in Opposition is a transcript of grand jury testimony.

WHEREFORE, the United States prays that this Court seal Exhibit 1 to the United States' Memorandum in Opposition to Defendant Marshall's Motion to Dismiss Due to Pre-accusatory Delay.

Date: December 31, 2008

MARTY J. JACKLEY  
United States Attorney




PO Box 2638  
Sioux Falls, SD 57101-2638  
605.357.2330

### CERTIFICATE OF SERVICE

The undersigned hereby certifies on December 31, 2008, a true and correct copy of the foregoing was served upon the following person(s), by placing the same in the service indicated, addressed as follows:

John R. Murphy  
Dana Hanna

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



Marty J. Jackley  
United States Attorney

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
WESTERN DIVISION

---

UNITED STATES OF AMERICA,

CR08-50079-02

Plaintiff,

vs.

JOHN GRAHAM aka JOHN BOY  
PATTON, and VINE RICHARD  
MARSHALL aka RICHARD VINE  
MARSHALL aka DICK MARSHALL,

**ORDER SEALING EXHIBIT 1  
TO UNITED STATES'  
MEMORANDUM IN OPPOSITION  
TO DEFENDANT MARSHALL'S  
MOTION TO DISMISS DUE TO PRE-  
ACCUSATORY DELAY**

Defendants.

---

Upon Motion of the United States and good cause having been shown, it  
is hereby

ORDERED, that Exhibit 1 to the United States' Memorandum in Opposition to  
Defendant Marshall's Motion to Dismiss Due to Pre-accusatory Delay in the above-  
entitled matter be sealed until it is ordered unsealed.

Dated this \_\_\_\_\_ day of \_\_\_\_\_.

BY THE COURT:

---

Veronica L. Duffy  
Magistrate Judge