

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
WESTERN DIVISION

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

Defendant John Graham moved the court for an order compelling the government to produce certain statements of his pursuant to Fed. R. Crim. P. 16—specifically to identify which of several versions of particular statements would be offered as evidence at trial. See Docket 91. Although the government resists the motion, it does so on the basis that the statements were identified in conjunction with the government’s response to both defendants’ motions to sever. Mr. Graham has notified the court that, following receipt of several documents from the government, this motion is now moot. Accordingly, it is hereby

ORDERED that Mr. Graham’s motion to compel the government to produce statements [Docket 91] is denied as moot.

**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 January 5, 2009.

BY THE COURT:

*/s/ Veronica L. Duffy* \_\_\_\_\_

VERONICA L. DUFFY  
UNITED STATES MAGISTRATE JUDGE