

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.)	MOTION TO DISMISS ALL
)	COUNTS OF INDICTMENT
JOHN GRAHAM, a/k/a)	
JOHN BOY PATTON and)	
VINE RICHARD MARSHALL, a/k/a))	
RICHARD VINE MARSHALL, a/k/a))	
DICK MARSHALL,)	
Defendants.)	

John Graham, defendant, moves to dismiss all three counts in the Superceding Indictment in this case. Mr. Graham has previously filed a motion to dismiss in regard to Count III on the grounds that it fails to state a charge. File Doc. 49. In that motion and supporting memorandum, Graham also alleged that the Court did not have jurisdiction over the matter. In this motion, Graham expands his jurisdictional challenge to include all three counts in the Superceding Indictment. This motion is based on the facts, authority and arguments set forth in his Memorandum in Support of Motion to Dismiss all Counts of Indictment, on file herein.

Dated January 12, 2009.

/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:

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Dated January 12, 2009.

/s/ John R. Murphy
John R. Murphy