

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 IN LIMINE REGARDING
JOHN GRAHAM, a/k/a)	USE OF “KILLS” TO DESCRIBE
JOHN BOY PATTON,)	BILL MEANS
VINE RICHARD MARSHALL, a/k/a))	
RICHARD VINE MARSHALL, a/k/a))	
DICK MARSHALL,)	
Defendants.)	

Defendant John Graham moves this Court for its Order prohibiting the government from referring to Bill Means as “Kills” during the trial in this case. Bill Means is likely to be a subject of extensive discussion during the trial in this case. It is counsel’s understanding that, as a child, Bill Means got the nickname “Kills” based on association he had with another young man whose proper name was Willis Kills.

Mr. Graham anticipates that the government will try to refer to Bill Means as “Kills” and the house where AIM members allegedly met to discuss Aquash’s fate as “Kills’ house.”

There is no legal or factual basis for the government to refer to Mr. Means or his home through the use of this nickname. The nickname has no relevance to

any fact of consequence in this case. Fed.R.Evid. 401. The admission of this evidence during a murder trial would be highly prejudicial and inflammatory and may lead the jury to prejudicially speculate that Bill Means was a known killer or otherwise had violent tendencies. Fed.R.Evid. 403.

Accordingly, the government should be ordered to refer to Mr. Means by his proper name and not this nickname.

Dated April 28, 2009.

/s/ John R. Murphy
John R. Murphy
328 East New York Street, Suite 1
Rapid City, SD 57701
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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
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- Electronic Case Filing

ROBERT A. MANDEL

- U.S. Mail, postage prepaid
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DANA HANNA

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

Dated April 28, 2009.

/s/ John R. Murphy
John R. Murphy