

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
WESTERN DIVISION

**FILED**  
APR 29 2009  
*[Signature]*  
CLERK

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UNITED STATES OF AMERICA,	*	CR 08-50079
	*	
Plaintiff,	*	
vs.	*	ORDER
	*	
JOHN GRAHAM,	*	
a/k/a John Boy Patton; and	*	
VINE RICHARD MARSHALL,	*	
a/k/a Richard Vine Marshall,	*	
a/k/a Dick Marshall,	*	
	*	
Defendants.	*	

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Pending before the Court is Defendant Graham's Motion for Additional Peremptory Challenges, Doc. 94. After consideration of the Motion, two alternate jurors will be empaneled, thereby giving the United States seven (7) peremptory challenges and the defense jointly eleven (11) peremptory challenges. In view of the pre-trial publicity, most of which was not created by the defense, and also in view of the previous cases, the defense is jointly allowed two (2) additional challenges for a total of thirteen (13) joint peremptory challenges. Accordingly,

IT IS ORDERED:

1. That two alternate jurors will be empaneled.
2. That the United States will have seven (7) peremptory challenges.
3. That the defense is jointly allowed two additional challenges for a total of thirteen (13) joint peremptory challenges.

Dated this 29<sup>th</sup> day of April, 2009.

BY THE COURT:  
*[Signature]*  
Lawrence L. Piersol  
United States District Judge

ATTEST:  
JOSEPH HAAS, CLERK  
BY: *[Signature]*  
DEPUTY