

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.) RESPONSE TO ORDER ON
) MOTIONS TO DISMISS 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.)

Defendant John Graham responds to the Court's Order on Motions to Dismiss Indictment (Doc. 304) as follows:

In footnote 2 of the Court's Order, the Court contemplates the possibility that the defendants' trials be separated and that Defendant Marshall's case be tried first. Doc. 304, p. 4, n. 2.

Defendant Graham respectfully submits that he is ready and prepared for trial on May 12, 2009. His witnesses have been subpoenaed and are ready to proceed. Graham has been subject to pretrial incarceration in the United States since December of 2007, was subject to pre-extradition incarceration in Canada for five months before that, and was subject to pre-extradition home confinement for over a year before that.

If the defendants' trials are going to be separated, Graham asks that his case be tried on May 12, 2009. If the defendants' trials are not going to be separated, he asks that the trials proceed as planned on May 12, 2009.

Dated April 30, 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:

MARTY J. JACKLEY

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

ROBERT A. MANDEL

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

DANA HANNA

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

Dated April 30, 2009.

/s/ John R. Murphy
John R. Murphy