

**United States District Court
for the District of South Dakota**

NOTICE OF APPEAL

FILED
APR 30 2009

[Signature]
CLERK

UNITED STATES OF AMERICA,

CR08-50079-01

District Court Docket Number

Plaintiff,

vs.

Lawrence L. Piersol

District Court Judge

JOHN GRAHAM,
a/k/a John Boy Patton,

Defendant.

Notice is hereby given that the Plaintiff, United States of America, appeals to the United States Court of Appeals for the Eighth Circuit from the District Court's Order on Motions to Dismiss Indictment, entered in this action on April 29, 2009.

Dated this 30th day of April, 2009.

[Signature]
MARTY J. JACKLEY

United States Attorney

P.O. Box 2638

Sioux Falls, SD 57101-2638

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E-Mail: mjackley@usdoj.gov

TRANSCRIPT ORDER FORM

TO BE COMPLETED BY ATTORNEY FOR APPELLANT

Please prepare a transcript of:

- Pre-trial proceedings
- Testimony or
- Portions thereof
- Sentencing
- Post-Trial Proceedings
- Other (specify)

I am not ordering a transcript because:

- Previously filed
- Other (specify) No hearing was held on motion.

**INFORMATION SHEET
TO BE COMPLETED BY ATTORNEY FOR APPELLANT**

1. Defendant's address: Unknown; represented by John R. Murphy
Attorney at Law
328 E. New York St. #1
Rapid City, SD 57701
2. Date of Verdict: n/a (appeal of the Order on Motions to Dismiss Indictment, entered in this action on April 29, 2009)
- Offenses: Ct. 1: First degree murder in violation of 18 U.S.C. §§ 1111, 1153, and 2
Ct. 2: First degree murder in violation of 18 U.S.C. §§ 1111, 1152, and 2
Ct. 3: First degree murder in violation of 18 U.S.C. §§ 1111, 1153, and 2
- Trial Testimony - Number of Days: n/a Bail Status: detained
3. Sentence and Date Imposed: n/a
4. Appeal Challenging: District Court's Order on Motions to Dismiss Indictment, entered in this action on April 29, 2009.
5. Date Trial Transcript ordered by Counsel or District Court: No hearing was held on Defendant's motion.
- Stenographer in Charge: n/a
6. Trial Counsel was: Appointed Retained
- Does Defendant's financial status warrant appointment of counsel on appeal? Unknown
7. Assistant U.S. Attorney Name and Phone Number:
Marty J. Jackley, U.S. Attorney (605)357-2310
Robert Mandel, Assistant U.S. Attorney (605)343-2101
Mark E. Salter, Assistant U.S. Attorney (605)357-2360

COURT REPORTER ACKNOWLEDGMENT

Date Order Received

Estimated Completion Date

Est. Number of Pages

Court Reporter's Signature

Date