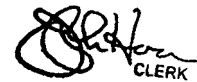


FILED

SEP 10 2009


CLERK

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

JUDGE - Lawrence L. Piersol
CASE NO. - CR08-50079

REPORTER - FTR #1
Date - 09/10/09
PAGE NO. - 1

CASE

USA,

Plaintiff,

vs.

John Graham a/k/a John Boy Patton and

Vine Richard Marshall a/k/a Richard Vine Marshall
a/k/a Dick Marshall,

Defendants.

COUNSEL

Robert A. Mandel

John Richard Murphy

Dana Hanna

COURTROOM DEPUTY: Colleen Schulte

TIME HEARING SCHEDULED TO BEGIN: 3:05 p.m.

TIME:

3:05 p.m. Enter telephonic status conference before the Hon. Lawrence L. Piersol, U.S. District Judge, Sioux Falls. Counsel state their appearances for the record.

Status conference regarding State of South Dakota's indictment of Mr. Graham as well as a Ms. Rios with regard to the Annie Mae Aquash matter and whether it moots the request previously granted on the motion to continue trial set for October 6, 2009. Court states September 25, 2009, is the date by which U.S. has time to file motion for rehearing or rehearing on bond and whether it is mooted.

Mr. Mandel states it is not mooted and USA will pursue petition for rehearing on bond and to proceed against both defendants.

Discussion between Mr. Hana and Court regarding need for additional

discovery because of state prosecution.

Court advises order issued yesterday stands and the federal case will be continued.

Mr. Murphy requests clarification on closure of discovery. Court reiterates court's discovery date has passed.

3:10 p.m. Court in recess.