

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

UNITED STATES OF AMERICA,
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.

Case No. CR 08-50079

**DEFENDANT MARSHALL'S
MOTION FOR EARLY
PRODUCTION OF
JENCKS/RULE 26.2
MATERIAL**

NOW COMES the Defendant Richard Marshall, by and through his attorney of record, Dana L. Hanna, and hereby moves the Court to require the government to produce all materials, within the scope of 18 U.S.C. § 3500 and Fed. R. Crim. P. 26.2, at least one week prior to trial.

In support of this motion, the defendant avers that early production will avoid the inconvenience and expense of recessing the proceedings during trial, pursuant to Fed. R. Crim. P. 26.2(d), to permit counsel to examine such statements and to prepare for their use in trial. To deny the defendant access to witnesses' statements in advance of trial, so that counsel can read and digest these materials, discuss them with the defendant, and find and prepare witnesses who may refute the testimony of the governments' witnesses, will deny the defendant meaningful disclosure, deny the defendant his right to effective assistance of counsel; and impair the defendant's ability to prepare his defense, all in contravention of the United States Constitution.

WHEREFORE, the defendant respectfully requests that the Court grant the relief herein

sought, and require the government to turn over all Jencks Act/Rule 26.2 materials one week in advance of trial.

DATED: 19 JANUARY 2010

VINE RICHARD MARSHALL, Defendant

BY: /s/ Dana L. Hanna
Dana L. Hanna
Attorney for Defendant Marshall
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CERTIFICATE OF SERVICE

I hereby certify that I have served a true and correct copy of the foregoing Motion was electronically served upon the other parties in this case via the electronic mail addresses listed below:

Robert Mandel, Assistant United States Attorney
Robert.Mandel@usdoj.gov

John Murphy, Attorney for Defendant Graham
jmurphysd@hotmail.com

Dated this 19th day of January, 2010.

/s/ Dana L. Hanna
Dana L. Hanna