

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

UNITED STATES OF AMERICA,)	CRIM. NO. 08-50079-01
Plaintiff,)	
)	
vs.)	MOTION TO ALLOW DEFENDANT
)	TO WEAR STREET CLOTHES
JOHN GRAHAM, a/k/a)	AND BE FREE FROM SHACKLES
JOHN BOY PATTON and)	DURING TRIAL
VINE RICHARD MARSHALL, a/k/a))	
RICHARD VINE MARSHALL, a/k/a))	
DICK MARSHALL,)	
Defendants.)	

Defendant John Graham, through his attorney, John R. Murphy, moves this Court for its Order allowing him to appear in his own clothes and be free from shackles during the trial in this matter. Defendant will be irreparably prejudiced if he is required to appear at trial in prison garb and shackles. This will detract from the presumption of innocence and will serve as improper character evidence against Defendant.

Dated October 21, 2008.

/s/ John R. Murphy
John R. Murphy
328 E. 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 October 21, 2008.

/s/ John R. Murphy
John R. Murphy

