

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

UNITED STATES OF AMERICA,)	CR. 08-50079-01, -02
)	
Plaintiff,)	
)	
vs.)	ORDER ON
)	DEFENDANT GRAHAM'S
)	MOTION TO SEVER
JOHN GRAHAM, aka)	
JOHN BOY PATTON, and)	
VINE RICHARD MARSHALL, aka)	
RICHARD VINE MARSHALL, aka)	
DICK MARSHALL,)	
)	
Defendants.)	

Defendant John Graham has filed a motion based on Fed. R. Crim. P. 14 and Bruton v. United States, 391 U.S. 123 (1968), seeking to sever his trial from that of co-defendant Vine Richard Marshall's trial. [Docket 75]. The district court, the Honorable Lawrence Piersol, referred Mr. Graham's motion to this court for determination pursuant to 28 U.S.C. § 636(b)(1)(A).

The government has not yet responded to Mr. Graham's motion. Rule 14(b) of the Federal Rules of Criminal Procedure allows the court to require the government to submit the pertinent statements of defendants to the court for *in camera* inspection when ruling on a motion to sever under Rule 14.

Accordingly, it is hereby

ORDERED that the government shall deliver to the court for *in camera* inspection any defendant's statement that the government intends to use as evidence. These statements shall not be filed with the clerk, but shall be delivered to the court when the government files its response to Mr. Graham's motion.

NOTICE OF RIGHT TO APPEAL

Pursuant to 28 U.S.C. § 636(b)(1)(A), any party may seek reconsideration of this order before the district court upon a showing that the order is clearly erroneous or contrary to law. The parties have ten (10) days after service of this order to file written objections pursuant to 28 U.S.C. § 636(b)(1), unless an extension of time for good cause is obtained. See Fed. R. Crim. P. 58(g)(2). Failure to file timely objections will result in the waiver of the right to appeal questions of fact. Objections must be timely and specific in order to require review by the district court.

Dated November 24, 2008.

BY THE COURT:

/s/ *Veronica L. Duffy* _____

VERONICA L. DUFFY
UNITED STATES MAGISTRATE JUDGE