

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

MOTION TO EXTEND
TIME FOR FILING

NOW COMES Defendant Richard Marshall, by and through his attorney Dana L. Hanna, and hereby moves the Court for permission to file a motion to compel discovery of Brady material. The grounds for this motion are as follows:

1. In the Courts last scheduling order, the clerk ordered the defendants to file their motions (other than motions in limine) by March 23, 2009.

2. I was unable to file the motion to compel discovery of Brady material by that date for the following reasons: On March 23, 2009 a blizzard struck Rapid City and Western South Dakota. I had planned to complete this motion and file it that day, but because I live out in the Black Hills my wife and I had to leave Rapid City at noon in order to get home before the blizzard struck. The courthouse in Rapid City was also closed later that day due to the weather. I was not able to leave my house until the afternoon of March 25, 2009. Due to other previously scheduled court matters and obligations, I was unable to finish the motion to compel discovery of

Brady materials on this day. I worked on the motion most of the day March 26, 2009, but I had to leave that afternoon to travel to Aberdeen, SD for sentencing in the trial of *United States v. Dominic Barrera* that was scheduled for March 27, 2009. On March 30, 2009 another blizzard struck the Black Hills area and I was unable to leave my house, today is the first day that I am able to complete and file this motion.

This is a motion to compel disclosure of Brady material. The Government is obligated to disclose Brady material even without a request, therefore there is no prejudice in filing this motion late.

WHEREFORE the defendant moves the Court to allow defendant to file his motion to compel disclosure of Brady material.

Dated this 31st day of March, 2009.

VINE RICHARD MARSHALL, Defendant

BY: /s/ Dana L. Hanna

Dana L. Hanna
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CERTIFICATE OF SERVICE

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

Marty Jackley, United States Attorney
kim.nelson@usdoj.gov

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

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

Dated this 31st day of March, 2009.

/s/ Dana L. Hanna _____

Dana L. Hanna