

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

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| UNITED STATES OF AMERICA, | * | CR 08-50079-01 |
| | * | |
| Plaintiff, | * | |
| | * | |
| vs. | * | ORDER REGARDING |
| | * | PRETRIAL MOTIONS |
| JOHN GRAHAM, a/k/a/ John Boy Patton, | * | |
| VINE RICHARD MARSHALL, a/k/a | * | |
| Richard Vine Marshall, a/k/a | * | |
| Dick Marshall, | * | |
| | * | |
| Defendant. | * | |
| | * | |

Pending before the Court is Defendant Graham's Motion to the Court to Take Notice of Exhibits Filed in CR 03-50020. (Doc. 112.)

Defendant Graham was indicted in 2003 with co-defendant Arlo Looking Cloud. Looking Cloud was convicted of First Degree Murder after a jury trial in 2004. After lengthy proceedings in Canada, Defendant Graham was extradited to the United States and was arrested on the 2003 Superseding Indictment on December 6, 2007. In September, 2008, Defendant Graham filed a number of pretrial motions, including a motion to dismiss the superseding indictment. The Court dismissed the superseding indictment against Graham because it failed to allege Graham's Indian status, which is an essential element of an offense under 18 U.S.C. § 1153. Defendant Graham was re-indicted in 2008, and the trial is scheduled to commence in May, 2009.

In Defendant Graham's Motion to the Court to Take Notice of Exhibits filed in the 2003 case, Graham asks the Court to incorporate into the present case a motion in limine and some exhibits filed in the 2003 case because they have already been filed once. Counsel does not refer to the

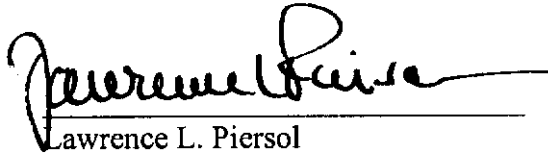
docket number of the pleadings he desires the Court to consider. The Court understands and appreciates counsel's desire to reduce the volume of the present file and to reduce copying costs. The electronic system of filing documents, however, should allow counsel to easily file the documents in the present case without an inordinate amount of time or expense. Re-filing of any motions that counsel desires the Court to consider in the present case will be more efficient than having the Court sort through the large volume of materials filed in the 2003 case in order to locate the specific information referred to by counsel, enabling the Court to spend more time on the substantive aspects of the case. Accordingly,

IT IS ORDERED:

1. That Defendant Graham's Motion to the Court to Take Notice of Exhibits Filed in CR 03-50020, doc. 112, is denied.
2. That all motions and other pleadings the parties want the Court to consider in this case shall be filed in this case.

Dated this 24th day of April, 2009.

BY THE COURT:



Lawrence L. Piersol
United States District Judge

ATTEST:
JOSEPH HAAS, CLERK

BY: 
DEPUTY